
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/21

gan Iwan Lloyd, BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/4/21

Appeal Decision

Site visit made on 13/04/21

by Iwan Lloyd, BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 29th April 2021

Appeal Ref: APP/H6955/D/21/3271013

Site address: 3 Capel Seion, Bank Street, Ponciau, Wrexham, LL14 1EW

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Kim Screeton against the decision of Wrexham County Borough Council.
 - The application Ref: RHO P/2020/0766 dated 28 October 2020, was refused by notice dated 13 January 2021.
 - The development proposed is fencing erected in the garden.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the development in part is taken from the planning application. However, the remainder of the description on the application refers to the reasons why the development is needed, but the act of development is that of a fence.
3. The appellant refers to alternative schemes to the development applied for, namely, to change the fence next to the highway by reducing its height and installing a privacy trellis with planting, reducing the fence height adjacent to the wrought iron gate and retaining the fence along the common boundary with No. 4. However, changes that would be made to the proposal after the scheme was considered by the local planning authority and when the appeal is lodged cannot be accepted¹. The decision made on an appeal must always be made in respect of the proposal and plans considered by the local planning authority. Should the appellant intend to revise the proposal, this should be achieved by making a new planning application to the local planning authority.

Main Issue

4. This is the effect of the development on the character and appearance of the building and the surrounding area.

¹ Sections 78(4BA) - (4BB) of the Town and Country Planning Act 1990 and Article 26C of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Reasons

5. The fence has already been erected and the appeal relates to development already carried out. The fence surrounds the front curtilage of No. 3 which forms part of a converted Chapel changed into residential units on the corner of Bank Street and Johnson Street.
6. The fence height is above the brick curved wall of the former Chapel and is also set behind the side wrought iron gates, which are not in use. The fence is the equivalent height of the brick pillars either side of the wrought iron gate. The fence also dissects the front entrances of the former Chapel which now serves separate residential units. The Council in granting planning permission for the conversion has taken-away permitted development rights to exclude the right to erect fencing without planning permission.
7. Due to its height and position the fence significantly mars the architectural detail and finesse of the double-gabled front entrance of the building, the wrought iron feature gate, the front elevation, and the curved brick wall. The development is seen against the backdrop of the Chapel and significantly diminishes its architectural quality as a building of some prominence and stature on the corner of two roads in the village. Whilst there are views above the fence, the fence nevertheless detracts from the façade of the building when viewed from the street.
8. Furthermore, the fence development is highly visible on the corner of the village roads in an area where there is a collection of traditional Chapels and terrace houses that have feature front walls adjacent to the highway. There are no examples of high fencing set above walls like the appeal development in the immediate vicinity of the site, and the development therefore significantly jars with the prevailing character of the surrounding area.
9. While I note the concerns about privacy and security and issues of increased levels of crime in the area, these matters individually or cumulatively do not outweigh the harm caused by the development. The appeal address is not the only front garden within the conversion scheme that faces the street and a planning condition was imposed to prevent the erection of fences that do not require planning permission so as to retain the visual appearance of the conversion and the street scene. The erection of the fence would not necessarily prevent or reduce crime in the area and as this is a front garden, privacy and any meaningful sound attenuation is unlikely to be achieved due to the configuration of the conversion scheme adjacent to the village roads.
10. The development harms the character and appearance of the building and the surrounding area. The development conflicts with Policies GDP1(a) and PS2 of the Wrexham Unitary Development Plan, which seeks to ensure that development does not detrimentally affect townscape character and makes a positive contribution to the appearance of the nearby locality. There are no other material considerations sufficient to outweigh this conflict with the development plan.
11. No planning condition could be imposed to overcome the objection to the development. In any event, the suggested modifications to the development by way of conditions would make it a different development proposal from that comprised in the application denying those that have an interest in the application the ability to comment on that modification.
12. I have considered the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG

Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

13. I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR