

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
LAND ADJ TO 1 WHITEOAKS, BRYMBO ROAD, BWLCHWYN,
WREXHAM**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2020/0597
PINS REF: H6955/A/21/3271904**

1.0 THE SITE

- 1.1 The appeal site is located on land adjacent to 1 Whiteoaks, Brymbo Road, Bwlchgwyn, Wrexham, LL11 5UJ.

2.0 PROPOSAL

- 2.1 P/2020/0597 - Erection of Detached Dwelling.
- 2.2 Planning permission was refused on 24.11.2020 for the following reason:

Due to its size, shape and relationship with the surrounding street scene, the erection of a dwelling on this land would be an overdevelopment of the site. The dwelling would appear cramped and would have a detrimental impact upon the appearance of the locality contrary to Policies H2 and GDP1(a) of the Wrexham Unitary Development Plan.

3.0 PLANNING HISTORY

- 3.1 6/17532 Proposed erection of residential dwelling and detached garage and construction of new vehicular and pedestrian access. Permission Refused 404/12/1989. Appeal dismissed.
- 3.2 P/2008/0226 OUTLINE APPLICATION FOR ERECTION OF DETACHED DWELLING – Permission Refused on 02/06/2008.
- 3.3 P/2008/0753 OUTLINE APPLICATION FOR ERECTION OF DETACHED DWELLING – Permission Refused on 12/09/2008.
- 3.4 App/H6955/A/08/2087087/WF Appeal in connection with P/2008/0753 – Appeal Dismissed on 30/01/2009.

4.0 LOCAL AND NATIONAL PLANNING CONTEXT

- 4.1 Planning Policy Wales (PPW) Edition 10.
- 4.2 The site lies inside the Brymbo settlement limit as defined in the current development plan for the area, which is the Wrexham Unitary Development Plan (UDP) 2005. H2 and GDP1 of the Wrexham UDP are applicable. Copies of the relevant UDP policies are contained within the submitted questionnaire bundle.

5.0 COUNCIL'S CASE

- 5.1 Planning permission for the residential development of this site has been refused on 3 previous occasions, with subsequent Appeals having been dismissed (see History at section 3 and the background information with the appendices). The Inspector has previously noted

that because of the site's shape and its relationship with the adjoining estate road, the development would look cramped and incongruous at the entrance to this well laid out estate, thereby harming the character and appearance of the area.

- 5.2 Except for the planting of a boundary hedge, nothing has substantially changed on the ground since the previous refusals of permission, and the Council remains concerned that developing this narrow plot would adversely affect the visual amenities of the locality. The highway authority has previously advised (see appendix 4) that it considers that a 2 metre wide footway should be provided along the entire site frontage. This would further reduce the developable area within the Appeal site and affect the boundary screening vegetation, as shown on the proposed site plan.
- 5.3 The general pattern of development within the rest of the estate is characterised by reasonably large dwellings sited within regular shaped plots. The existing properties face onto the highway and are provided with generous front garden areas (between 6 and 14 metres), in addition to having relatively large, enclosed garden areas to the rear. The width of the existing plots together with the depth of front garden areas gives the estate a fairly open appearance. The Appeal site contributes towards this sense of openness.
- 5.4 In contrast to the rest of the estate, the depth of the Appeal site is limited relative to its width. Due to these characteristics the Council is of the view that the proposed dwelling would appear cramped and would not accord with the relative openness of the remainder of the estate. The loss of this relatively open area, though not necessarily at ground level, at the entrance to the estate would also be harmful to the visual amenities of the area.

6.0 CONCLUSION

- 6.1 The Appeal site is located within a defined settlement where there is no objection to the residential development of the site in principle, subject to compliance with UDP Policy GDP1. However, due to its size, shape and relationship with the surrounding street scene, the erection of a dwelling on this land would be an overdevelopment of the site. The dwelling would appear cramped and would have a detrimental impact upon the appearance of the locality contrary to Policies H2 and GDP1 (a) of the Wrexham Unitary Development Plan.
- 6.2 For the reasons set out above, the Council is of the view that the proposed development cannot be justified for this location and the Inspector is therefore respectfully requested to dismiss the Appeal. Should the Appeal be allowed, imposition of the following planning conditions is suggested:

6.2.1 - Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawings numbered 71 195:1001, 71 195:1002 and 71 195:1003 and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
5. No part of the development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.
6. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.
7. Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

8. No part of the development shall commence until full details of both hard and soft landscape works, to include some native planting shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a timescale for the implementation of works.
9. The landscaping scheme submitted and approved in connection with condition no. @@ shall be fully implemented in all respects within the agreed timescale and in strict accordance with the approved scheme.
10. The planting scheme implemented in connection with condition @@ shall be permanently retained. Any planting which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority shall be replaced within the next available planting season by trees or shrubs of similar size and species to those originally required to be planted.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting that Order with or without modification), no further development shall take place under Classes A, B, C, D, E, F and G of Schedule 2 Part 1, other than the development hereby granted permission.
12. No part of the development shall commence until full details of a 2 metres wide footway to be constructed along the entire site frontage, in strict accordance with Highway Authority adoptable standards, has been submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in strict accordance with such details as may be approved, prior to first use / occupation of the development.
13. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 25 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility
14. The vehicular parking areas as shown on approved drawing no. 71 195:1003 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

15. No part of the development shall commence until a scheme of boundary treatments has been submitted to and approved in writing by, the Local Planning Authority. The boundary treatments as may be approved shall be erected on site prior to first use / occupation of the development and no other fences, walls or other means of enclosure shall be erected on any part of the site.

6.2.2 Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
4. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
5. To protect the integrity of the public sewerage system and prevent hydraulic overloading of the public sewerage system. To protect the health and safety of existing residents and to ensure no detriment to the environment in accordance with Policies GDP1 and EC13 of the Wrexham Unitary Development Plan.
6. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
7. In the interests of the amenities of the future occupants of the buildings in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
- 9.. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.

10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
11. Due to its restricted size and the relationship with adjoining properties it is considered important to ensure that no additional development as described in the condition is carried out without the permission of the Local Planning Authority in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
12. In the interests of pedestrian safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
13. To ensure that adequate visibility is provided at the proposed point of access to the highway in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
14. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety in accordance with Policies GDP1 and T8 of the Wrexham Unitary Development Plan.
15. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan. To protect the amenities of the occupiers of nearby properties in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

APPENDICES

- Appendix 1 P/2008/0226 – Decision Notice
- Appendix 2 P/2008/0753 – Decision Notice
- Appendix 3 App/H6955/A/08/2087087/WF – Appeal Decision
- Appendix 4 P/2008/0753 Highway Authority Consultation Response (Dated 04/08/2008)