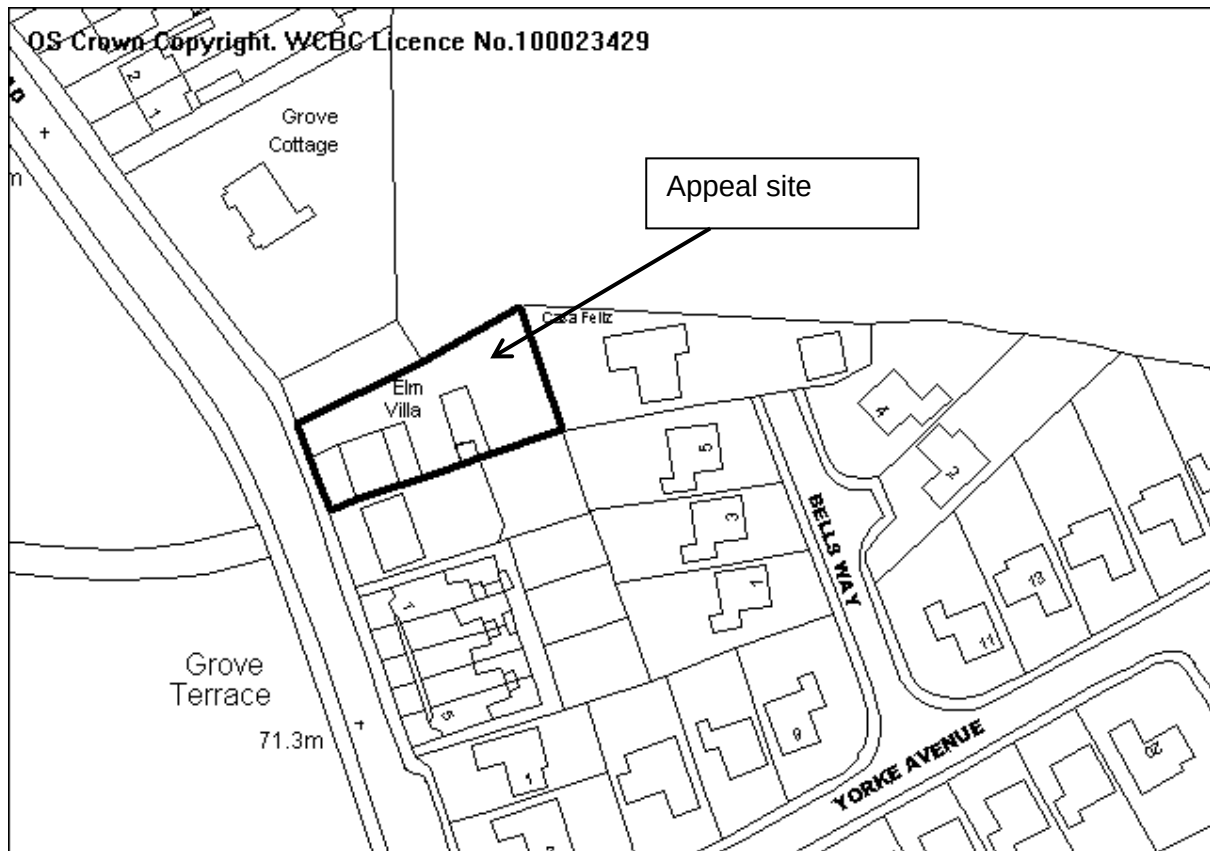


**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
ELM VILLA WREXHAM ROAD MARCHWIEL**

COUNCIL'S STATEMENT OF CASE

**PLANNING REF: P/2020/0318
PINS REF: 3266540**

1.0 THE SITE



2.0 PROPOSAL

2.1 The appellant is seeking full planning permission for a single dwelling. As

3.0 HISTORY

3.1 P/2019/0543 DEMOLITION OF OUTRIGGER AND OF DETACHED GARAGE BUILDING, NEW REAR EXTENSION TO EXISTING DWELLING AND ERECTION OF NEW DETACHED DWELLING TO REAR OF THE SITE. Withdrawn

4.0 DEVELOPMENT PLAN

4.1 Within settlement. Policies GDP1, H2 and T8 apply.

5.0 COUNCIL'S CASE

5.1 The character of this part of Wrexham Road is formed by dwellings fronting onto the road. TAN 12: Design advises that housing layouts should respect local context and generally every effort should be made to orientate dwellings so that they front existing roads and spaces.

- 5.2 The proposed development would be situated behind Elm Villa thus constituting tandem development. Whilst views of the new dwelling from the south or west would be largely screened from view by Elm Villa, views of the site are afforded from the north due to a substantial gap formed by a field access that separates the gardens of Elm Villa from Grove Cottage. The dwelling would appear out of character with the prevailing pattern of development in the area and would therefore be detrimental to the character and appearance of the area. As a consequence the development is at odds with guidance in TAN 12 as well as policy GDP1(a).
- 5.3 The submitted plans confirm that the floor level of the proposed dwelling will be 2m higher than Casa Felix to the east and 1m lower than Elm Villa. In respect of the former, the LPGN21 would advise a separation distance to Casa Feliz of 17 metres. Whilst the plans show this being achieved from the rear elevation of Casa Feliz, the plans don't taking to account a conservatory at the rear of that property. The distance from this to the nearest part of the dwelling would be around, measured to the nearest part of the proposed dwelling. Whilst this is slightly less than LPGN21 advises, given the relative orientation and position of the two dwellings this minor shortfall it unlikely to prove harmful to amenity in this instance.
- 5.4 The plans show 15 metres between Elm Villa and the proposed dwellings. As the proposed dwelling is on lower rather than higher ground it is not necessary to require the additional distances for sloping sites that LPG21 recommends – this would only be necessary the proposed dwelling was to be on higher ground than Elm Villa. The plans do not take into account a rear extension to Elm Villa which is shown as projecting approximately 3m, therefore the distance to that is 12m. However having regard to the relative position of the dwelling and the extension and the fact that the proposed dwelling will be on slightly lower ground, this will not prove overbearing or result in significant loss of light.
- 5.5 The position of the dwelling relative to the boundary with Grove Terrace to the south together with the proposed floor plan, which ensures no first floor windows serving habitable rooms overlooking the garden of that property, means the development will not unduly impact upon the standard of amenity afforded to the occupiers of that property.
- 5.6 The access has adequate visibility, however it is not wide enough to permit vehicles to enter and leave the site at the same time. Wrexham Road is busy at times and it would be beneficial for vehicles to be able to enter and leave the site simultaneously to avoid the need for vehicles to wait on the highway or to have to reverse back out onto the road. The plans include proposals to widen the existing access to 4.8m to allow a vehicle to pull into the site if another vehicles is waiting to leave.
- 5.7 The LPG16 maximum parking requirement is 3 spaces for the existing dwelling and 2 for the proposed. The submitted plans accord with the LPGN16 maximum for the proposed dwelling but Elm Villa would have only have 2 spaces serving a 3 bedroom property – 1 less than the LPGN16

maximum. There are other properties of a similar size to the existing dwelling on Wrexham Road that have only 2 spaces but there is no evidence that this routinely gives rise to parking or highway safety proposals. The provision of 1 space less than the LPGN16 maximum is therefore not a valid reason to refuse permission in this instance.

6.0 CONCLUSION

- 6.1 The erection of a dwelling to the rear of Elm Villa development does not accord with the general pattern of development in the area. It is therefore contrary to policy GDP1(a) of the Wrexham Unitary Development Plan. The Inspector is respectfully requested to dismiss the appeal.

SCHEDULE OF SUGGESTED CONDITIONS

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 drawing(s) numbered 100: GA Proposed Floor Plans, 200 Proposed Elevations, 702: Proposed Site Layout, 706 Proposed Separation Distances and 707: Rear Gardens & Highways Requirements 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. The vehicular access, parking and turning arrangements shall be layout out, surfaced and drained in strict accordance with drawing no. 707 Rear Gardens & Highways Requirements and shall thereafter be permanently retained. The parking and turning areas shall be kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
5. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.

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 provide for safe means of vehicular access to the site, 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
5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.