



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/01/21

**gan Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19/2/21

Appeal Decision

Site visit made on 25/01/21

**by Declan K Beggan, BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 19th February 2021

Appeal Ref: APP/H6955/D/20/3262216

Site address: 60 Alexandra Road, Wrexham, LL13 7SH

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 Mr James Humphreys against the decision of Wrexham County Borough Council.
 - The application Ref: P/2020/0144 dated 28 February 2020, was refused by notice dated 15 October 2020.
 - The development proposed is the demolition of rear outrigger and erection of one and two-storey rear extensions to dwelling (in part retrospect).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development differs on the planning application form to that stated on the Council's refusal notice. I consider the description as given on the latter and copied into the banner heading above is more precise and it is on this basis that I have determined the appeal.
3. The submitted drawings refer to 'existing' single and two storey extensions to the rear of the appeal property, however, these have now been demolished. I noted what appeared to be footings have been dug to the rear elevation of the property that broadly correspond to the outline of the proposed development.
4. I sought clarity from the Council in regard to which specific criteria/aspects of policy GDP1 of the adopted Wrexham Unitary Development (UDP) and LPGN21¹ as referred to in their refusal reason, that the proposed development was contrary to. The Council responded with additional information confirming policy GDP1 is a long-established planning policy applicable to protection of residential amenity, with particular reference to criterion (a); in addition, the relevant section of LPGN21 was highlighted. The appellant was given the opportunity to respond.

¹ Local Planning Guidance Note 21: Space Around Dwellings

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the living conditions of nearby residents, with particular reference to outlook and daylight.

Reasons

6. The appeal property is one half of a pair of semi-detached two storey properties located within a residential area of Wrexham; the appeal property reflects those properties nearby, although there is a variation of property types along the street. To the rear the bulk of the properties adjacent to the appeal site have some form of outrigger that is either single or double storey and which overlooks a yard/garden area.
7. Policy GDP1 (a) of the UDP seeks to ensure that new development in its scale, design and layout accords with the character of the site. The explanatory text to the policy highlights that quality development can only be achieved through the application of flexible but sensitive standards relating to, inter alia, its impact on people and surroundings. The explanatory text also states that supplementary planning guidance will be issued with the aim of encouraging high standards of development and design.
8. Wrexham's adopted LPGN20² highlights that whilst the UDP stresses that generally house extensions will be permitted, providing that they reflect and enhance the appearance of the existing property, adjoining properties, and their setting in terms of scale, design and materials, however, there are a substantial number of detailed issues that need to be taken into account in designing domestic extensions; these detailed issues are referred to below.
9. LPGN20 includes a 45-degree guideline or, 'test' as it is more commonly known, for assessing the effect of an extension on daylight from neighbouring habitable rooms. LPGN20 states that proposals should satisfy the guideline indicated and in that way safeguard natural light entering properties; the guideline applies in the vertical and horizontal planes. In terms of the habitable rooms to the neighbouring property, the Council highlight that the two-storey element of the proposal would fail both tests set out in LPGN20, whilst the single storey element would fail the horizontal test, however passes the vertical test. I appreciate that the 45 degree test as espoused in the Council's adopted LPGN20 is planning guidance and not policy, nonetheless it is a widely accepted method for assessing the impact of development, and therefore is a material consideration in the context of this appeal.
10. Contrary to the views of the appellant, due to the close proximity, overall depth and scale of the extension at both ground and first floor levels, it would create a dominating tunnelling effect, and result in significant detriment to the outlook of the adjoining occupiers from ground floor windows, and create a substantial overbearing sense of enclosure; this also extends to the immediate yard area. Also due to the orientation of the rear elevation of the appeal property and immediate neighbours, the proposed extension is highly likely to result in a significant diminution of daylight into ground rooms of the adjacent dwelling, over and above that which currently exists.
11. In reaching the above stance, I am conscious that the appeal site appeared to have until relatively recently, single and two storey extensions to its rear, however, irrespective of the reasons for their removal, the fact of the matter is they no longer exist. Nevertheless, based on the submitted drawings of the previous extensions, I

² Local Planning Guidance Note 20: House Extensions

consider it is highly likely due to their distance away from the adjoining property and their scale, that any effect they had in terms of outlook, daylight and dominance would have been significantly less than the proposed development, irrespective of their height. I acknowledge that there is an existing boundary wall between the appeal property and the adjacent dwelling, however, the proposal with its substantial scale would project a significant height above the wall, to the detriment of adjacent amenity.

12. For comparative purposes to that proposed, the appellant raises the issue of the potential for an extension under 'permitted development rights' (pd) subject to the application of certain criteria, however, even he admits that not all of the pd criteria are met. However, irrespective of what may be permitted under pd, to my mind the proposed development which does require formal planning permission, would have a significantly greater impact on adjacent residential amenity than any development courtesy of pd rights.
13. The appellant has questioned the applicability of policy GDP1, however, the broad thrust of the policy as supplemented by LPGN20 is to safeguard residential amenity. Whilst LPGN21 is cited in the Council's refusal reason, however bearing in mind it applies to new dwellings I am satisfied it is not particularly applicable to the scheme before me.
14. Drawing the threads of the above together, for the reasons given above, the development subject to this appeal, would have an unacceptable adverse effect on the living conditions of nearby occupants, and as a result would be contrary to policy GDP1 of the UDP and guidance as contained within LPGN20, which collectively seek to safeguard residential amenity.

Other Matters

15. I appreciate the appellant wishes to extend the property to meet his needs however this cannot be at the expense of the amenity of neighbours, and as such this matter does not carry sufficient weight to overcome the concerns I have identified.

Conclusions

16. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.
17. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of the Act.

Declan K Beggan

INSPECTOR