
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/11/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17th December 2020

Appeal Decision

Site visit made on 30/11/20

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

an Inspector appointed by the Welsh Ministers

Date: 17th December 2020

Appeal Ref: APP/H6955/A/20/3254854

**Site address: Garage, land adjacent to Spectrum Garden Centre, Mold Road, Cefn
Y Bedd, Wrexham, LL12 9UR**

**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 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Jones against the decision of Wrexham County Borough Council.
 - The application Ref: GWE P/2019/0885 dated 4 December 2019, was refused by notice dated 17 January 2020.
 - The development proposed is reconstruction of existing garage to form garage and WC facilities and first floor office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether sufficient information has been submitted to determine the effects of the development on the living conditions of occupiers of nearby dwellings.

Reasons

3. A dilapidated building currently occupies the irregular shaped appeal site. The rear of the site was heavily overgrown with vegetation which also covered the bulk of the rear elevation of the building. The building had no roof and was occupied by the shell of a vehicle that was surrounded by assorted materials such as timber and slate. A number of dwellings are located directly adjacent to the site. The site is set back slightly from Mold Road, a main arterial route for the area.
 4. The appellant states the dilapidated structure was historically used as a shop, and more recently as a garage, and that it is arguable the site could now be classed as a storage facility. There appears to be significant doubt as to the current lawful use of the site, notwithstanding the appellant's assertions.
 5. The Council's refusal reason states insufficient information has been submitted with the application to demonstrate that no harm would result to the residential amenities of neighbouring properties by virtue of the use proposed. The refusal reason is
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expanded upon in the Council's other appeal submissions with attention drawn to the appellant's lack of reference to the number of staff to be employed at the site, opening hours, and the purpose of the garage use, and a general lack of clarity in terms of the nature of the proposed uses; I share these concerns.

6. The overall area dedicated to the office use is modest, however the appellant's submissions shed little light on the nature of that future use. The absence of clarity on this matter raises concerns such as the number of staff visiting the site on a regular basis, with all the associated activity such as comings and goings. In addition, as highlighted by the Council, no clarity has been given in terms of the hours of use. In terms of the proposed garage the appellant has not provided any substantive information as to the nature of the use it would be put to i.e. is that use in connection with the office, its use as a storage facility, or some other use.
7. I consider the above issues go to the heart of the proposal. In the absence of any definitive use for the garage, combined with the lack of information regarding the office use, I do not have sufficient information to allow me to determine the impact the proposed development would have on the living conditions of nearby residential properties in terms of noise, nuisance or general disturbance; I cannot conclude that the proposal would be unharmed. In the absence of clarity on these matters the appellant has failed to demonstrate that the proposal would not be detrimental to the living conditions of adjacent dwellings; as such, the proposal is contrary to policies E4 and GDP1 of the adopted Wrexham Unitary Development Plan which seek, inter alia, to safeguard residential amenities.
8. In arriving at this conclusion, I am not satisfied the matters above can be resolved by way of planning conditions without knowing the precise nature of the proposed development. In addition, I appreciate the site benefits from good accessibility via public transport and the wider highway network, that the proposed scheme in visual terms is likely to improve the visual amenities of the area, and the scheme is unlikely to affect adjacent residential amenities by way of overlooking, however these benefits, or any others, would not outweigh the significant concerns as previously identified.
9. A third party raises concerns about highway safety in regards to the access arrangements onto the main road, however I note the Council's highways section raised no highway safety objections; based on the submitted evidence, and my observations on the site visit, I have no reason to take a contrary view.

Conclusions

10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the WCFG Act. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Declan K Beggan

INSPECTOR