
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/10/20

gan **C MacFarlane, BSc (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11th December 2020

Appeal Decision

Site visit made on 19/10/20

by **C MacFarlane, BSc (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 11th December 2020

Appeal Ref: APP/H6955/A/20/3249473

Site address: Hawthorn Cottage, Sarn, Malpas, SY14 7LN

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 M Parry against the decision of Wrexham County Borough Council.
 - The application Ref: P/2018/0943 dated 27 September 2018, was refused by notice dated 2 December 2019.
 - The development proposed is four-bedroom detached dwelling on land adjacent to Hawthorn Cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal site forms part of the garden area located to the side of the detached dwelling 'Hawthorn Cottage' and located within the settlement limit of Tallarn Green. The surrounding area is largely residential, with dwellings being mostly detached properties served by dedicated access points from the highway and located within a 30mph speed limit zone. At the time of my visit I observed a regular movement of vehicles travelling close to the speed limit in both directions.
 4. The proposal would create a new shared access close to the bend in the road to the south of the site, which would serve the proposed dwelling and Hawthorn Cottage. The appellant states that visibility from the access point can be achieved for 34m towards the north and 35m towards the south, although this is disputed by the Highway Authority, which consider the northwards visibility to be significantly less. When based on the findings of the appellant's traffic speed survey and Manual for Streets, the appellant considers the required splays to be 40m northwards and 42m southward. This is in contrast to the figures provided by the Highway Authority of 42.2m and 44.2m respectively. In any event, it is clear that the visibility splays achievable fall some way short of the recommended distances.
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5. In order to achieve the recommended splays, visibility would be required across land outside the control of the appellant, which is bounded by hedgerows and walls. The appellant contends that the actual visibility achievable would be greater than stated due to neighbouring occupiers maintaining their hedges to low levels. Although other occupiers may currently maintain their boundaries to low levels in the interests of their own ease of access, there is no mechanism provided to ensure this would continue in perpetuity and therefore cannot be relied upon as a means of providing adequate visibility.
6. Manual for Streets 2 advises that a reduction in visibility below recommended levels will not necessarily lead to a significant problem, and I have had regard to the information provided by the appellant in relation to traffic speeds and accidents. However, in this case the proposal would represent a considerable reduction in the recommended level and, given the surrounding highway character, I do not consider such a reduction to be appropriate. I acknowledge the proposal would result in an improvement to the existing access for Hawthorn Cottage, and that Welsh Government's Technical Advice Note 18 'Transport' (TAN 18) allows for limited redevelopment that incorporates substantial access improvements, even though this may remain below standard. However, it remains the case that the introduction of an additional dwelling, although a relatively small scale of development, would lead to the increased use of a substandard access, with the restricted visibility between road users resulting in an increased risk of collision.
7. With regard to other developments approved by the Council, I have not been provided with full details of each case and the circumstances which led to these being considered acceptable. In any event, there are differences in location and highway characteristics, meaning these examples are not directly comparable with the proposal. Similarly, the appeal decision referred to by the appellant differs from the proposal in terms of location, the existing use of the site and highway characteristics. I therefore afford these examples little weight. The presence of other sub-standard accesses in the surrounding area does not justify the additional risk that would arise as a result of the proposal.
8. Although the Wrexham Unitary Development Plan (UDP) is time-expired, it remains the adopted development plan for the County Borough and is broadly consistent with Planning Policy Wales and TAN 18, insofar as it relates to the need to ensure the safe and efficient operation of the highway network. I conclude that the proposal would cause significant harm to highway safety and would conflict with Policy GDP1 (d) of the UDP which seeks to ensure safe and convenient pedestrian and vehicle access to and from development sites.

Other Matters

9. The site is located within an identified settlement limit, where housing development is generally acceptable in recognition of the capacity of local services and infrastructure, and public transport and sustainable travel links, amongst other things. In accordance with the Council's assessment, I therefore consider the proposal would be acceptable in principle. I also note the Council considers the proposal would be acceptable with regard to design, parking provision, living conditions of neighbouring occupiers, drainage and ecology, and I do not disagree. However, the absence of harm in these respects is a neutral factor which weighs neither for nor against the proposal. I acknowledge the development of an additional family home would contribute to the supply of housing in the County Borough and would also bring some economic benefits from construction and occupancy. However, a single dwelling would make only a

modest contribution towards these matters, which would not outweigh the harm identified above.

10. In reaching my decision, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR