



STATEMENT OF CASE

PROPOSED SINGLE DWELLING (P/2018/0943)

LAND ADJACENT TO HAWTHORN COTTAGE, TALLARN GREEN, WREXHAM, SY14 7LL

Date: March 2020

Pegasus Reference: GS/P20-0074/R001v5

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1. INTRODUCTION

Scope and Purpose

- 1.1 This Appeal Statement of Case has been produced by Pegasus Group on behalf of Mr Parry in support of a Written Representations appeal against Wrexham Borough Council's refusal of application ref. P/2018/0943.
- 1.2 The application sought full planning permission for erection of a four-bedroom detached dwelling on land adjacent to Hawthorn Cottage, Tallarn Green, Wrexham.
- 1.3 The application was refused on 2nd December 2019, with the following reason for refusal:
 1. *The proposal would make inadequate provision for access visibility in both directions onto a classified road. To allow the development would lead to an increased danger to road users and would be contrary to policy GDP1 (d) of the Wrexham Unitary Development Plan.*
- 1.4 This Statement draws together the key technical information and tests the proposals against the relevant planning policies and material considerations.
- 1.5 The purpose of this statement is to:
 - Identity and address the most recent planning policies relevant to the development proposal within the National Planning Policy Framework and Local Development Plan;
 - Confirm that the site presents an appropriate development site that is suitable for residential development; and
 - Confirm the various benefits that will arise from developing the site.
- 1.6 As part of the appeal, the following documents are submitted (below all part of original submission):
 - Design and Access Statement (Willacy Horsewood Architects);
 - Transport Technical Note (SCP); and
 - Access Appeal Statement (SCP).
- 1.7 This Statement of Case has been prepared in accordance with Annex 01 of the Planning Inspectorate's Procedural Guide for Planning Appeals in Wales, dated 1st August 2017.

Structure of Report

1.8 The remainder of this statement is structured as below:

- Chapter 2 describes the appeal site, surrounding land uses and context;
- Chapter 3 details the planning history of the site;
- Chapter 4 provides background information on the proposal;
- Chapter 5 provides a summary of the relevant planning policies;
- Chapter 6 assesses the development proposal against the relevant local and national planning policy and provides supporting precedent cases; and
- Chapter 7 provides a summary and conclusions.

2. SITE DESCRIPTION & SURROUNDINGS

- 2.1 The appeal site is located adjacent to Hawthorn Cottage in Tallarn Green, a small village located on the English/Welsh border approximately 4.5 miles southwest of the large village and former market town of Malpas. The location of Tallarn Green is shown in Figure 1.



Figure 1 – Location of Tallarn Green (source: Google Maps)

- 2.2 Hawthorn Cottage sits in a large plot approximately 0.33 acres in size, with substantial garden to the side and rear. The appeal site comprises the area of garden land to the side of Hawthorn Cottage.
- 2.3 The site is bound to the west by Tallarn Green Road, and to the north, east and south by existing residential development. Properties in Tallarn Green predominantly comprise large detached dwellings and detached dormer bungalows, of varying periods and styles. The site context is shown in Figure 2.



Figure 2 – Site context (source: Google Maps)

- 2.4 Figure 3 shows the site viewed from Tallarn Green Road, with the driveway and garages of Hawthorne Cottage on the right. Hawthorne Cottage is shown in Figure 4.



Figure 3 - Site viewed from Tallarn Green Road (source: Google Maps)



Figure 4 – Hawthorn Cottage

- 2.5 The site is located within the Settlement Limit of Tallarn Green, as shown on Policies Map 4 (Side 2, Inset 23). An extract is shown in Figure 5. Therefore, the site is not located in the open countryside; nor is it located in the Green Belt.

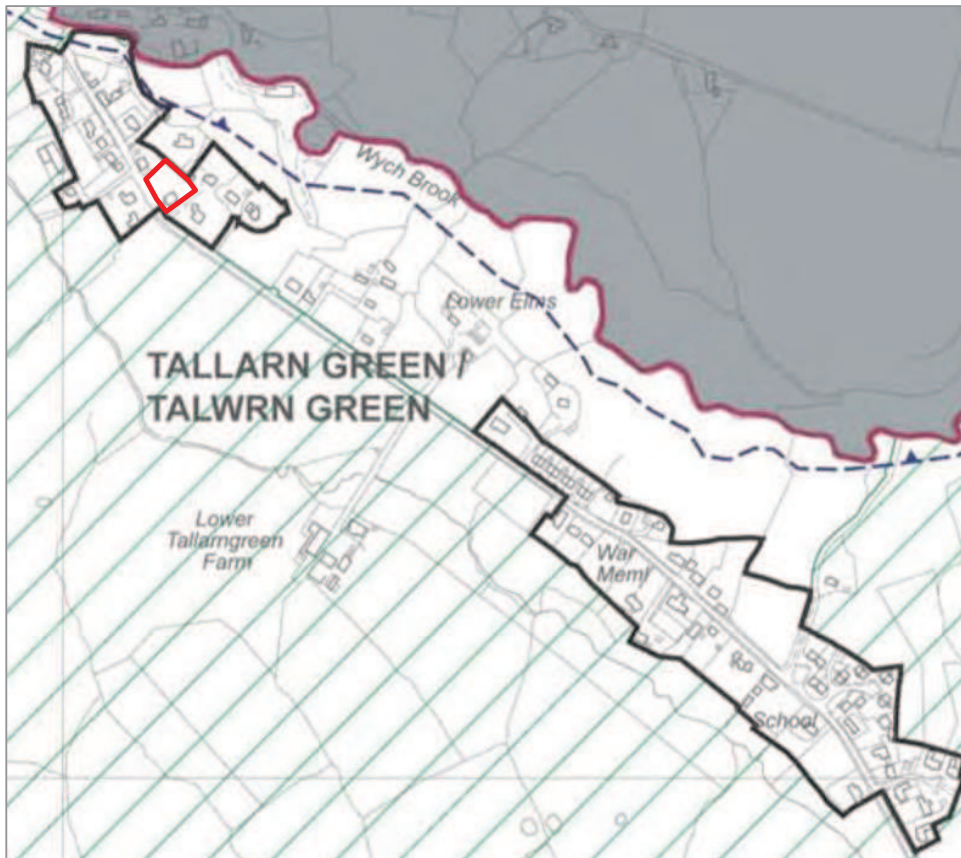


Figure 5 – Extract from Policies Map 4 showing Settlement Limit of Tallarn Green

- 2.6 The site is located within Flood Zone A, considered to be at little or no risk of fluvial or coastal/tidal flooding, as shown in Figure 6.



Figure 6 – Site is located within Flood Zone A (source: Natural Resources Wales Development Advice Map)

- 2.7 The site is not subject to any other designations.

3. PLANNING HISTORY

- 3.1 This appeal is submitted in response to refusal of application ref. P/2018/0943.
- 3.2 The application was refused on 2nd December 2019, with the following reason for refusal:
1. *The proposal would make inadequate provision for access visibility in both directions onto a classified road. To allow the development would lead to an increased danger to road users and would be contrary to policy GDP1 (d) of the Wrexham Unitary Development Plan.*
- 3.3 The decision notice is attached in Appendix A.
- 3.4 There has been significant correspondence between the Transportation Planners (SCP) and the Highways department at Wrexham Council in an attempt to resolve the visibility issues. This is summarised below.
- 3.5 The first highways consultation response dated 22nd November 2018 suggested revisions to the position of the access including a 4.8m width for 5m back and pedestrian visibility splays of 2.4m x 3.3m. The response suggested obtaining the written agreement (via s106) of 3 neighbouring property owners to obtain visibility over their land.
- 3.6 For the reasons set out above, the measurement of the y-distance along the carriageway edge has been taken to a point 0.5m from the edge of carriageway in line with advice contained within Manual for Streets 2 (MfS2).
- 3.7 The access location was subsequently revised to create a 4.8m wide access and to maximise visibility from the access for both Hawthorn Cottage and the proposed property. The layout demonstrated visibility splays of 2.4m x 34m to the north and 2.4m x 35m to the south. This is just 6m and 7m short of the required visibility splays based on speed surveys and figures provided in Table 7.1 of MfS.
- 3.8 Despite the revisions, the consultation comments dated 31st January 2019 stated that '*they would be considered inadequate to serve the proposed development and fall significantly short of the requirements in Manual for Streets*'.
- 3.9 Following further liaison with the planning officer, it was deemed appropriate to carry out a further speed survey, given that the original was undertaken pre-2011. The new speed survey was carried out via ATC in mid-February and revealed 85th percentile wet weather speeds northbound of 30.6mph and southbound of 29.9mph. This was entirely consistent with the speed survey some 8 years earlier. Despite there being no accident problem and achievable visibility splays only being 6m and 7m short of the splays required for the recorded speeds, the client was willing to fund traffic calming measures to ensure speeds were less than 30mph.

- 3.10 In a consultation response dated 5th March, this option was rejected due to installation and ongoing maintenance costs, despite the client offering to fund through a s106 contribution. This memorandum also stated '*neither a speeding issue or accident concentration has been identified in the vicinity of the application site*'.
- 3.11 This position was maintained in a concluding letter from the planning officer on 10th May 2019 which relied on the conclusions set out at the previous appeal and felt that '*the main issue for consideration continues to be whether the difference between the available and required splays would be significant and my conclusion based on the context of the situation is that it is...so much so that I am unable to justify a recommendation for approval in this instance*'.
- 3.12 The final correspondence failed to recognise the difference in visibility between the original application and the current application due to the relocation of the access position. There was also no recognition that the visibility from the existing dwelling would be considerably improved by relocating the access.
- 3.13 According to the Council's online records, there has been one additional planning application on the site that is of relevance to this application. This is detailed below.

P/2008/1098 – Erection of dwelling with integral garage and new vehicular and pedestrian access

- 3.14 This application sought full planning permission for a four-bedroom detached dwelling on the same site and was refused on 4th April 2011. The subsequent appeal (ref. APP/H6955/A/11/2153374) was also dismissed on 30th August 2011. The refusal and dismissal were due to the inadequacy of the visibility splays that would be achievable from the proposed access, contrary to UDP policy GDP1 (d).
- 3.15 The appeal decision stated that:

Along this stretch the road is subject to a 30mph speed limit, and a traffic survey commissioned by the Appellant found 85th percentile speeds to be 29mph north-to-south and 30mph south-to-north. For a speed of 30mph Manual for Streets recommends a stopping sight distance of 43 metres (including allowance for a car bonnet length). The proposed new access would not meet this standard.

It is reported that visibility distances from a 2.4 metres setback position would be some 35 metres towards the south-east and 24 metres towards the north-west measured along the nearside edge of the carriageway. If these assessments were related to the likely positions of vehicles on the road, the visibility distances would be somewhat higher but there would still be a significant deficiency in visibility towards the north-west. Manual for Streets 2 advises that a reduction in visibility below the recommended levels will not

necessarily lead to a significant problem. However, in this case the reduction would be substantial, and I consider the increased risks to highway safety would be problematic.

- 3.16 The decision notice and appeal decision are attached in Appendices B and C, respectively.
- 3.17 Taking into account the reason for refusal and the Inspector's comments, the site access will be moved approximately 10 metres to the north. This enables visibility splays of 2.4m x 35m to be achieved to the south, and visibility to be improved significantly from 2.4m x 24m to 2.4m x 34m to the north.

4. THE PROPOSAL

- 4.1 This appeal seeks planning permission for a single four-bedroom detached dwelling on land adjacent to Hawthorn Cottage, Tallarn Green, Wrexham.
- 4.2 The new dwelling will be served via a shared access with Hawthorn Cottage, taken from Tallarn Green Road. The driveway will allow two cars to park and turn within the site and exit onto the main road forward-facing. The existing double garage belonging to Hawthorn Cottage will be demolished and replaced by a single garage. The new dwelling will also have a single garage. Both properties will have 2 parking spaces.
- 4.3 The proposed site plan is shown in Figure 7.

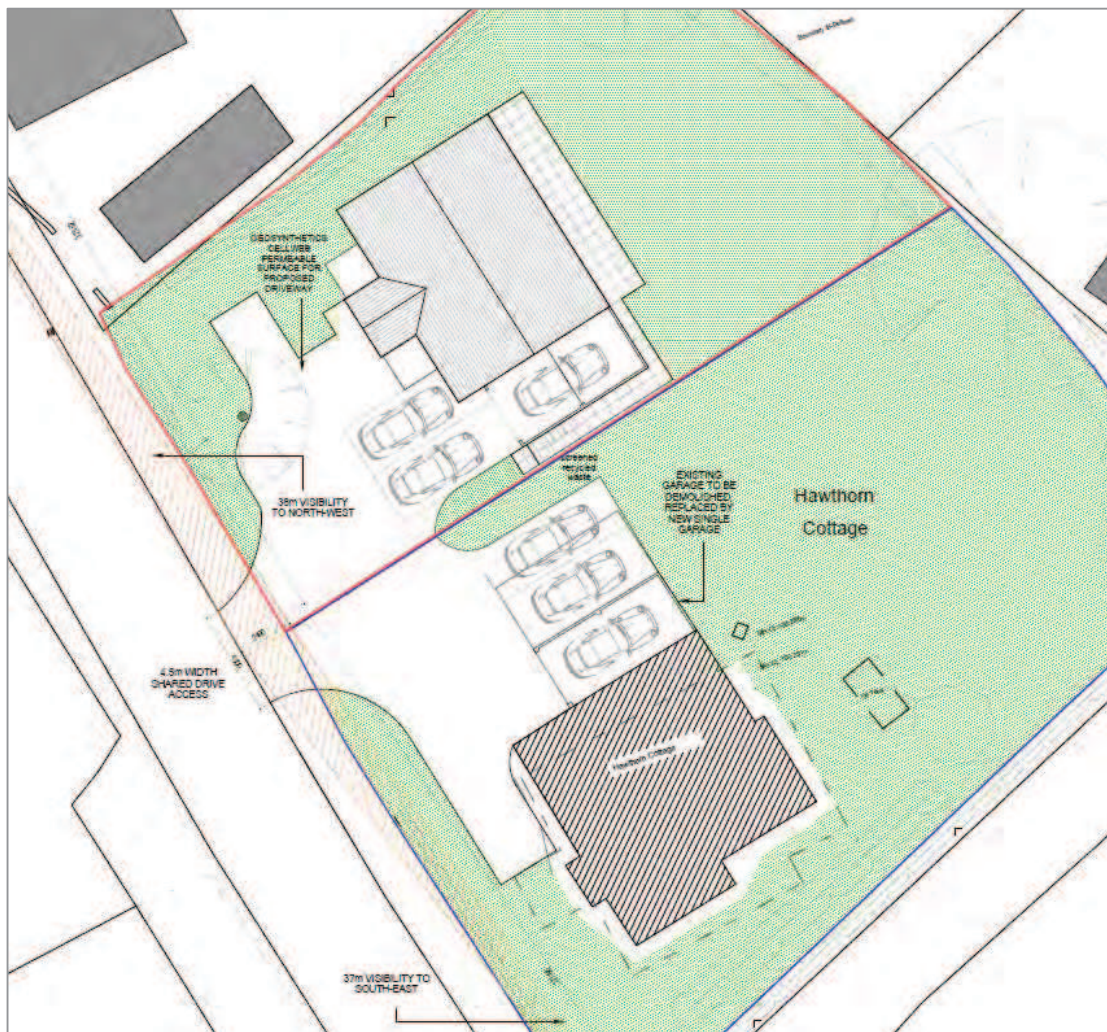
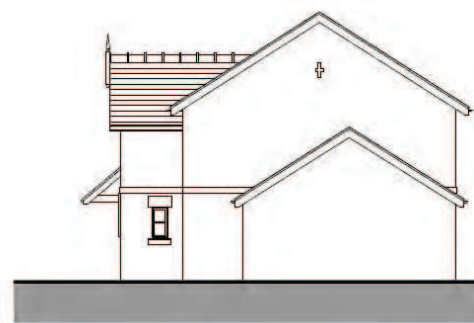


Figure 7 – Proposed site plan

- 4.4 By relocating the existing access approximately 10 metres further north and widening it to 4.8m, visibility splays of 2.4m x 34m can be achieved to the north and 2.4m x 35m to the south, when offset 0.5m into the carriageway. Further details on visibility can be found in the Technical Note and Appeal Statement produced by SCP, submitted as part of this appeal.
- 4.5 The new dwelling has been designed in a style complementary to the surrounding vernacular, with features of nearby properties used to inform the design. The dwelling has been designed with low eaves to fit in with the adjacent properties; the main roof has a shallow pitch to achieve a low ridge height.
- 4.6 Reclaimed brick will be used for the walls, with a natural slate roof. Exposed rafter ends and casement windows ensure the dwelling sits harmoniously alongside the existing properties.
- 4.7 No primary windows are located on the side elevations to respect the privacy and amenity of neighbouring properties.
- 4.8 The proposed elevations are provided in Figure 8.



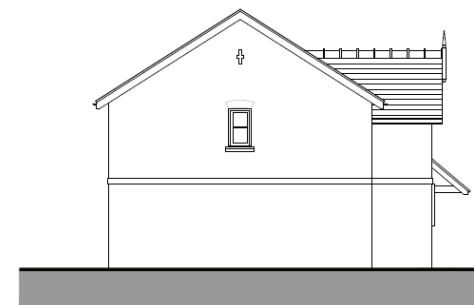
FRONT ELEVATION AS PROPOSED
SCALE 1:100 @ A1



SIDE ELEVATION AS PROPOSED
SCALE 1:100 @ A1



REAR ELEVATION AS PROPOSED
SCALE 1:100 @ A1



SIDE ELEVATION AS PROPOSED
SCALE 1:100 @ A1

Figure 8 – Proposed elevations of new dwelling

4.9 The proposed floor plans are shown in Figure 9.

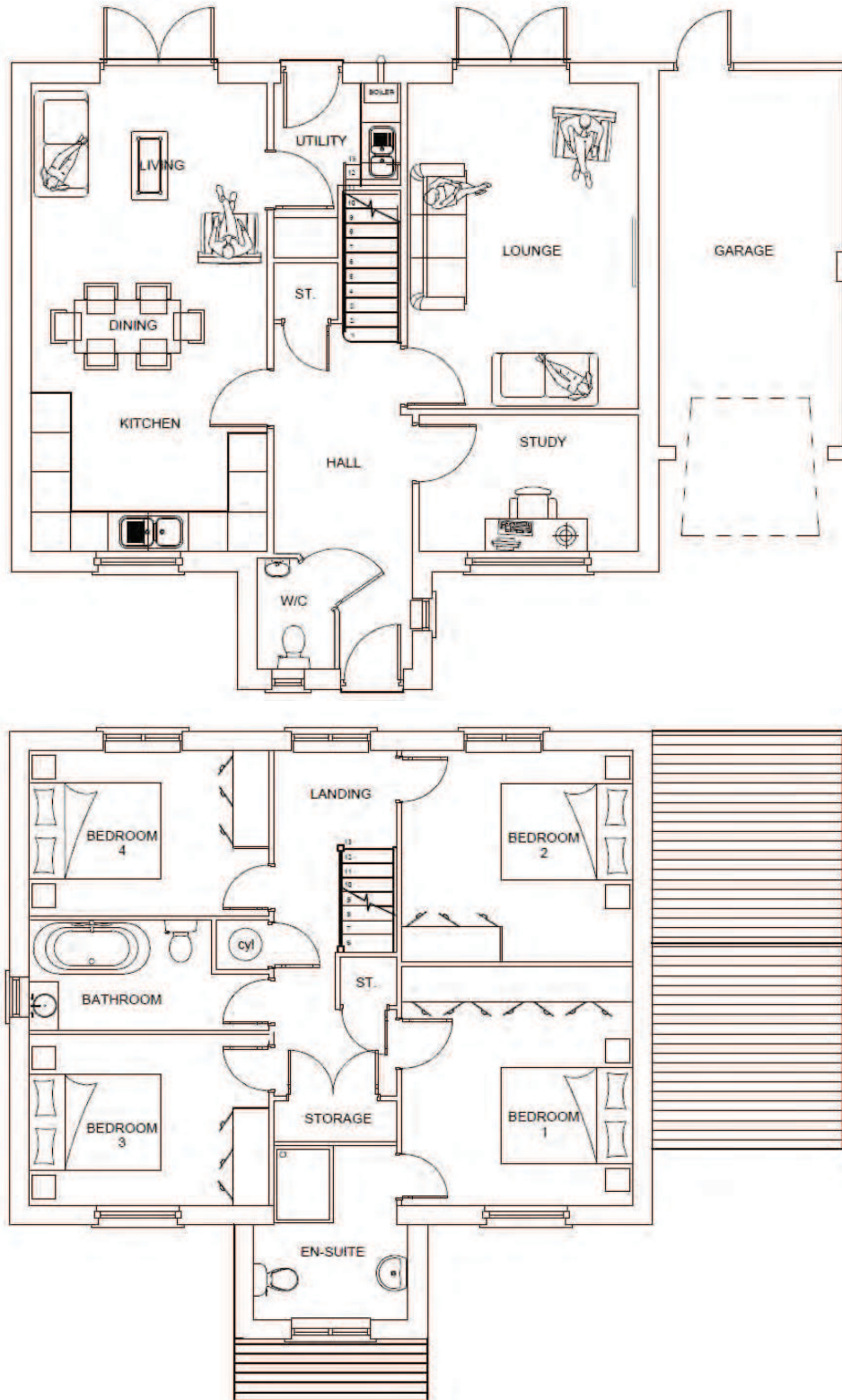


Figure 9 – Proposed ground floor and first floor plans

- 4.10 The proposed development will retain the existing mature landscaping on the site. A GeoSynthetics cellweb permeable surface will be used for the proposed driveway, having no impact on the existing mature trees. Figure 10 below is an example of the cellweb which can be filled with gravel allowing for tree root protection. The remainder of the site will feature grass and paved areas, in keeping with the landscaping at surrounding properties.

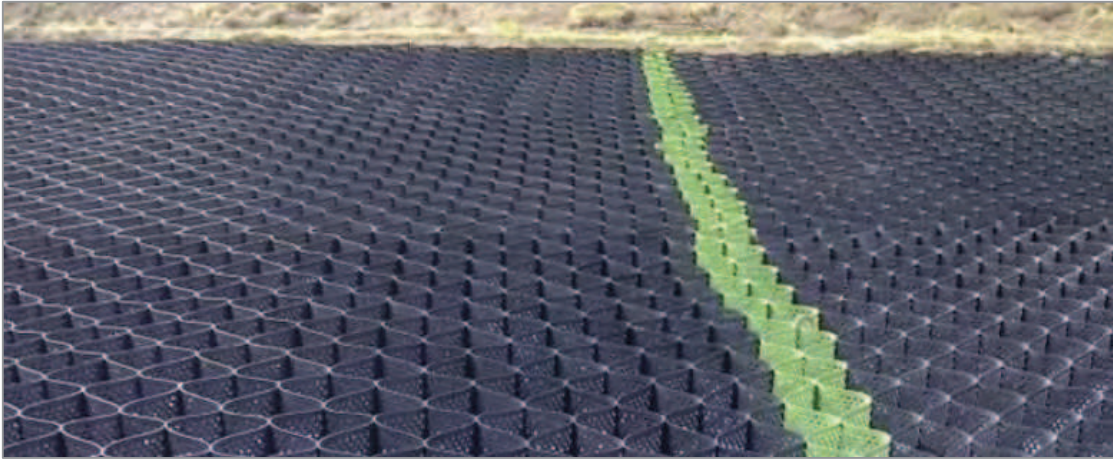


Figure 10 – Example of cellweb permeable driveway material

5. RELEVANT PLANNING POLICY

- 5.1 This section sets out the relevant planning policy considerations for the proposed development from Planning Policy Wales (PPW), the adopted local Development Plan, supplementary guidance and emerging local planning policy.
- 5.2 The determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise, under Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.3 Planning Policy Wales (PPW) sets out the national land use policies of the Welsh Government. This is supplemented by a series of Technical Advice Notes (TANs). Both are material considerations of significant weight in the determination of planning applications.
- 5.4 The adopted Development Plan for the area is the Wrexham Unitary Development Plan (1996-2011), which was adopted in February 2005. In the future this will be replaced by the Wrexham Local Development Plan 2 (LDP2) 2013 to 2028; at the time of writing, Wrexham Council were due to hold Hearing sessions to discuss the Inspector's post-hearing letter in February and March 2020.
- 5.5 Wrexham's most recent Housing Land Monitoring Statement (2017) has confirmed that they cannot provide a five-year housing land supply:

In the absence of an up-to-date Unitary Development Plan (UDP) and adopted Local Development Plan (LDP), in accordance with latest Welsh Government Guidance on Joint Housing Land Availability Studies (JHLAS), TAN1, January 2015, there is no requirement for a Local Authority to produce a JHLAS and the authority is considered to have a zero land supply.

- 5.6 In the absence of an up-to-date development plan, greater weight should be given to other material considerations, such as Welsh National Planning Policy.

Planning Policy Wales (Edition 10)

- 5.7 Planning Policy Wales Edition 10 was adopted in December 2018.
- 5.8 The most relevant planning policy to consider for this proposal is outlined in Planning Policy Wales (PPW). PPW outlines the current land use for Wales and provides policy framework for local authorities' to effectively prepare a development plan. It translates commitment to sustainable development in the planning systems so that it can play an appropriate role in moving towards sustainability, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.
- 5.9 Paragraph 1.17 of the PPW states that a plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted

- and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.
- 5.10 Paragraph 1.30 states that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications. It is led by the planning authority, working collaboratively with those proposing developments and other stakeholders including the local community. It must be undertaken in the spirit of partnership and inclusiveness and supports the delivery of key priorities and outcomes (contributing to improving social, economic, environmental and cultural well-being).
- 5.11 PPW 10 sets out five key planning principles: sustainable economic growth; making best use of resources; facilitating accessible and healthy environments; creating and sustaining communities; and maximising environmental protection and limiting environmental impact.
- 5.12 Paragraph 3.34 explains that to achieve sustainable development and planning/placemaking principles, rural areas must be conserved and, where possible, enhanced for its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value, landscape and natural resources. However, it adds that the need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Importantly, *'fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goal'*.
- 5.13 Paragraph 3.56 asserts that new development in the countryside should be located in the most sustainable settlements according to infrastructure, access, habitat and landscape conservation. *'Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity'*. Furthermore, all new development should be of a scale and design that respects the character of the surrounding area.
- 5.14 Section 4.2 explains that local authorities must produce evidence-based housing policies to ensure that housing demand in their area is met for all sections of the market.
- 5.15 Paragraph 4.2.1 confirms that new housing development should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.
- 5.16 Paragraph 4.2.23 goes on to acknowledge that infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

Technical Advice Notes (TANs)

5.17 TAN 1 – Joint Housing Land Availability Studies (January 2015)

There is currently no up-to-date adopted Local Development Plan in Wrexham. TAN 1 states *'therefore local planning authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5 year supply. Those LPAs without an adopted development plan will be unable to produce a JHLAS until an adopted LDP is in place'*.

5.18 TAN 6 – Planning for Sustainable Rural Communities (July 2010)

This document states that *'the overall goal for the planning system is to support living and working rural communities in order that they are economically, socially and environmentally sustainable'*. It acknowledges that many rural communities can accommodate development, particularly to meet local needs, and that new development can help to generate wealth to support local services, ensuring that communities are sustainable in the long term. It confirms that the Assembly Government's vision for housing is for everyone in Wales to have the opportunity to live in good quality, affordable housing, to be able to choose where they live... [and] this vision is applicable to both urban and rural areas.

5.19 TAN 18 – Transport (March 2007)

This document confirms that all new junctions must have adequate visibility and provides technical guidance on this, including recommended stopping sight distances for various vehicle speeds in accordance with MfS. TAN 18 also confirms that where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporates a substantial access improvement, even though the improved access would still be below standard.

Wrexham Unitary Development Plan (1996-2011)

5.20 The Wrexham Unitary Development Plan (UDP) was adopted in February 2005 and sets out an overall development strategy and specific development policies for the Borough for the period 1996-2011.

5.21 The relevant strategic policies of the Plan are as follows:

Policy PS1 - New development for housing, employment, and community services will be directed to within defined settlement limits/employment areas.

Policy PS2 - Development must not materially detrimentally affect countryside, landscape/ townscape character, open space, or the quality of the natural environment.

Policy PS3 - Development should use previously developed brownfield land comprising vacant, derelict or underused land in preference to the use of greenfield land, wherever possible, particularly so where greenfield land is of ecological, landscape or amenity value, or comprises agricultural land of grades 1, 2 or 3a quality.

Policy PS4 - Development should maintain the existing settlement pattern and character and be integrated with the existing transport network to help reduce the overall need to travel and encourage the use of alternatives to the car.

Policy PS5 - Provision will be made for the development of 5775 dwellings between 1996 and 2011.

5.22 Policy GDP1 sets out the general development principles for the Borough, as follows:

All new development should:

- a) Ensure that built development in its scale, design and layout, and in its use of materials and landscaping, accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.
- b) Take account of personal and community safety and security in the design and layout of development and public / private spaces.
- c) Make the best use of design techniques, siting and orientation in order to conserve energy and water resources.
- d) Ensure safe and convenient pedestrian and vehicular access to and from development sites, both on site and in the nearby locality.
- e) Ensure that built development is located where it has convenient access to public transport facilities and is well related to pedestrian and cycle routes wherever possible.
- f) Ensure the safety and amenity of the public and safeguard the environment from the adverse effects of pollution of water, land or air, hazards from industry and quarrying, and associated noise, odour or vibration arising from development.
- g) Secure public services (e.g. gas, water, electricity) to development at minimum public cost.
- h) Safeguard sites and areas of nature conservation and wildlife interest, and to provide new habitats where there is an unavoidable loss of existing habitats and areas of wildlife interest.

- i) Ensure that development does not result in, or is subject to, flooding, soil erosion, landslides or contamination, either on or off the site.
 - j) Have regard to the need to safeguard those areas that possess a strong Welsh cultural and/or linguistic identity from development that could harm this identity.
 - k) Secure the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area.
- 5.23 Policy H2 - Housing - Residential development on unannotated land within settlement limits will be permitted subject to compliance with Policy GDP1. The justification for this policy goes on to say that such development will be permitted if it is compatible with the character and form of the built-up area, however development should not prejudice the amenity of existing residents. It is acknowledged that such development contributes to the economic use of land and avoids pressure on the countryside.
- 5.24 Policy EC4 - Hedgerows, Trees and Woodland - Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.
- 5.25 Policy T8 – Parking - Development granted planning permission will be required to provide vehicle parking spaces either on site or nearby, in accordance with the Council's current parking standards. Special regard will be paid to the following factors, as appropriate:
- a) the availability of public transport nearby,
 - b) proximity to public car parking,
 - c) proximity to local services and facilities,
 - d) road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.
- 5.26 Where implementation difficulties arise in making parking provision on-site or nearby, the Council will require a developer to make financial contributions for measures to assist public transport or walking and cycling as appropriate.

Manual for Streets 2 (2010)

- 5.27 Paragraph 10.5.9 states 'the Y distance should be based on the recommended SSD values. However... unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem'.

6. PLANNING POLICY ASSESSMENT

6.1 The reason for refusal is as follows:

1. *The proposal would make inadequate provision for access visibility in both directions onto a classified road. To allow the development would lead to an increased danger to road users and would be contrary to policy GDP1 (d) of the Wrexham Unitary Development Plan.*

6.2 This section assesses the potential benefits and impacts of the proposal and the key considerations relating to the reasons for refusal. There is only one reason for refusal, however this section discusses the following key topics:

- Principle of development;
- Access and visibility;
- Sustainability; and
- Precedent cases.

Principle of development

6.3 The appeal site is located within the Settlement Limit of Tallarn Green, as defined by Inset 23 of the Wrexham UDP policy map 4 side 2. This is shown in Figure 11. Therefore, the principle of development is acceptable under policy PS1.

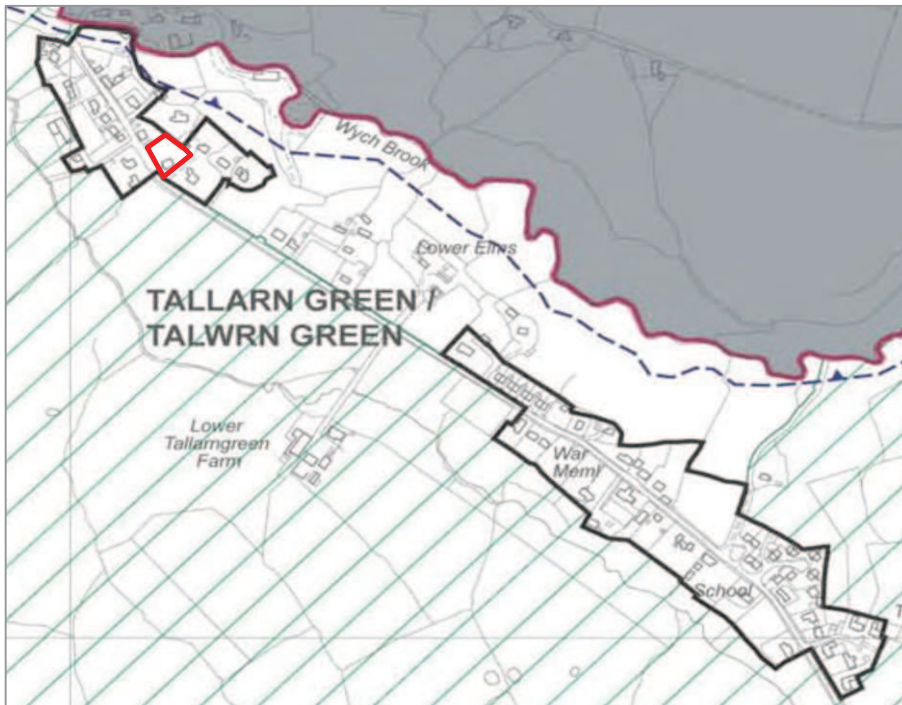


Figure 11 – Site within Settlement Limit of Tallarn Green

- 6.4 Policy H2 states that residential development on unannotated land within settlement limits will be permitted subject to compliance with policy GDP1, which sets out general development principles.
- 6.5 The proposed development is in accordance with policies GDP1 (a) and PS2 as the proposed dwelling will be a detached two-storey, four-bedroom family home whose design has been inspired by surrounding residential architecture. Its size, scale and materials will complement surrounding properties, with reclaimed brick walls, a slate roof, exposed rafter ends, casement windows, low eaves and a shallow roof pitch.
- 6.6 The surrounding properties are a mixture of styles and ages, with examples shown in Figures 12 to 14.



Figure 12 - Property opposite the appeal site (source: Google Maps)



Figure 13 – Properties to the north west of the appeal site (source: Google Maps)

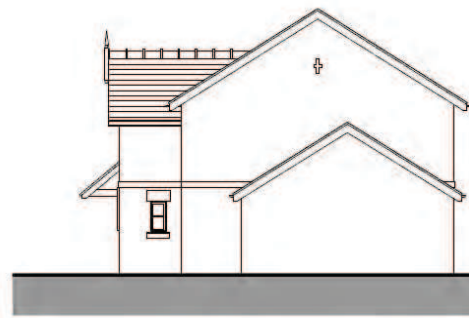


Figure 14 – Property adjacent (north) to the appeal site (source: Google Maps)

6.7 The elevations of the proposed dwelling are provided in Figure 15.



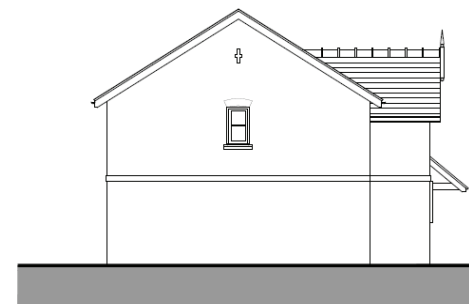
FRONT ELEVATION AS PROPOSED
SCALE 1:100 @ A1



SIDE ELEVATION AS PROPOSED
SCALE 1:100 @ A1



REAR ELEVATION AS PROPOSED
SCALE 1:100 @ A1



SIDE ELEVATION AS PROPOSED
SCALE 1:100 @ A1

Figure 15 – Elevations of proposed dwelling

- 6.8 In addition to the design being compatible with the character and form of the area, the new dwelling will not impact negatively upon the amenity of neighbours as no primary windows will be located on side elevations to avoid overlooking, ensuring compliance with policy H2.
- 6.9 The new dwelling will be bound on all sides by existing residential development, and therefore the site is an infill plot which forms a logical continuation of residential development along Tallarn Green Road. Constructing a single detached dwelling here will maintain the existing settlement pattern and character of the village, in accordance with policy PS4, and will ensure continuity of the existing street scene along Tallarn Green Road. The development of infill plots is supported in paragraphs 3.56 and 4.2.23 of PPW 10 where schemes will increase economic activity and support sustainable placemaking objectives. The proposed development will achieve both of these objectives, as discussed later in this section.
- 6.10 The proposed site layout is similar to surrounding properties, comprising a single detached property located in a good-sized plot, with the principal elevation facing the road and parking to the front of the property, with access taken from the adjacent main highway. The orientation of the property,

and the low height of the hedge running along the western boundary of the site, will allow for natural surveillance of the main entrance and the parking area by passing pedestrians and traffic. The presence of existing residential properties on all sides provides further security and natural surveillance. Therefore, the proposal accords with policy GDP1 (b).

- 6.11 The scheme will also provide ample parking on-site for both the new dwelling and Hawthorn Cottage, which will each have a single garage plus two parking spaces, therefore the development is in accordance with UDP policy T8.
- 6.12 As Wrexham's most recent Housing Land Monitoring Statement (2017) confirms that the Borough does not have a five-year housing land supply, the proposed development will contribute a much-needed family home in a desirable location to help to overcome the current housing shortfall. Providing housing of mixed types, tenures and sizes to meet the needs of all sections of the market is support by PPW 10 paragraphs 4.2 and 4.2.1.

Access and Visibility

- 6.13 The main issue in relation to this application, and the reason for refusal, relates to the visibility splays that can be achieved from the site access.
- 6.14 The proposal involves relocating the existing access that serves Hawthorn Cottage 10 metres to the north and widening this to 4.8 metres so that both dwellings can be served.
- 6.15 This will allow visibility splays of 2.4m x 34m to the north and 2.4m x 35m to the south, which is just 6m short (north) and 7m short (south) of the required 'y' distance based on the recorded wet weather speeds.
- 6.16 These visibility splays achievable through the proposed development will improve the visibility to the north significantly (by 10 metres) compared to the current situation. The existing visibility splays are only 2.4m x 24m to the north, and 2.4 x 35m to the south.
- 6.17 Such improvements in visibility are supported in TAN 18, which explains that limited redevelopment of existing sites with substandard access is acceptable where substantial access improvements will be secured, even if the improved access will still be sub-standard. Furthermore, Manual for Streets 2 confirms that 'unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem'.
- 6.18 Accident data obtained from DfT for the period January 2014 to December 2018 shows that no accidents were recorded on this stretch of highway. Therefore, despite all the properties in vicinity having hedges up to the back of the footpath and/or substandard visibility, this has not been detrimental to road safety.

- 6.19 Despite the achievable visibility splays being slightly below the suggested figures, the existing access situation will be improved through the development and the addition of one dwelling will not have a severe impact upon highway safety, therefore the development is compliant with TAN 18, Manual for Streets 2 and policy GDP1 (d).
- 6.20 MfS2 also presents research that shows there to be no relationship between substandard visibility splays and an increased incidence of accidents. It states that edging out into the carriageway is acceptable for low traffic and low speed areas.
- 6.21 Further information regarding the access matters can be found in the Appeal Statement (February 2020) produced by SCP, which is submitted as part of this appeal.
- 6.22 The SCP Appeal Statement concludes that the site is located on a quiet semi-rural lane serving residential dwellings and a small village school. There are a number of dwellings in a similar situation to that proposed which have driveways or shared access points where visibility over neighbouring properties is required. Notwithstanding this, the achievable visibility splays within the land controlled by the applicant or within the adopted visibility splay are short by just 6m to the north and 7m to the south. The accident record has demonstrated that there is no existing highway safety issue in the vicinity of the site.
- 6.23 On this basis, the relocation of the existing access to serve one additional dwelling not have a negative effect on highway safety and will actually improve highway safety in comparison to the existing situation.

Sustainability

Economic

- 6.24 The development will bring economic benefits to the area through the creation of jobs and the purchase of materials during the construction phase, and once occupied through increased spending in the local area and through increased Council Tax receipts.

Social

- 6.25 The proposed development will provide a much-needed family home in a desirable location close to several amenities.
- 6.26 Table 1 shows the proximity of the appeal site to amenities and services via various modes of transport.

Table 1- Distance from site to services and amenities

Service	Distance (miles)	Walk (mins)	Cycle (mins)	Drive (mins)
Borderbrook Primary School	0.5	11	3	1
Village Hall	0.4	9	3	1
Church	0.4	8	3	1
Pub (Queen's Head)	0.1	3	1	1
Food store (Co-op, Malpas)	4.3	-	28	9
Doctors (Laurel Bank Surgery, Malpas)	4.5	-	26	10
Bishop Heber High School (Malpas)	5	-	33	11

6.27 There are several valuable amenities within walking and cycling distance of the site, with other amenities such as supermarkets and secondary schools only a short drive away. All the amenities found within the village of Tallarn Green can be safely accessed via foot as there is a footpath running alongside the main road through the village.

6.28 The creation of a new dwelling in this location will bring new residents into the area who will help to support local amenities and services, which is important for maintaining the vitality and sustainability of rural communities. This is a key objective of planning policy, as confirmed by TAN 6, paragraph 3.34 of PPW 10, and policy GDP1 (k) of the Wrexham UDP.

Environmental

6.29 The scheme will ensure environmental conservation in line with policy GDP1 (h) and (k), PS2, EC4 and sustainable development principles set out in national policy, as the existing trees, hedges and landscaping are to be retained, and the driveway will be constructed from a permeable material to minimise the amount of impermeable surface on the site. These measures will ensure that habitats and wildlife are safeguarded, and that surface water runoff and associated flood issues are minimised.

- 6.30 The Preliminary Ecological Appraisal has identified that the site currently features amenity grassland, scattered trees and species-poor hedgerows.
- 6.31 The flora on site only comprises species which are common and widespread. No trees in the surrounding gardens are considered suitable for bat roosting or hibernation; no evidence of bat occupation or activity was found in the garage to be demolished either. Furthermore, there were no signs of badger activity and no evidence of otter or water vole presence. The presence of reptiles, Great Crested Newts and invertebrate assemblages was also reasonably discounted. Only two species of bird were observed on site, with no old or in use nests found. The trees and hedgerows were considered potentially suitable for nesting birds; however, these are to be retained therefore any wildlife using these will remain unaffected by the development. As no harm will be caused to the environment as a result of the development, the proposal accords with policy GDP1 (h) of the UDP.
- 6.32 Overall, the Appraisal concludes that the site contains only poor habitat, with none of significant value to wildlife. The Appraisal however confirms that any tree or shrub removal or works which may affect a nest should be undertaken outside the period 1st March to 31st August inclusive. Work should not be carried out within a minimum of 5m of any in-use nest, although this distance could be more depending on the sensitivity of the species. At all times care will be taken when carrying out earthwork, as small mammals could be present. Any small mammals disturbed or uncovered will either be caught by hand and relocated to a safe area or left to vacate the work site in their own time. If excavations are to be undertaken, it should be noted that open trenches could potentially trap wildlife, especially if these fill up with water. Escape routes should therefore be provided if trenches cannot be infilled immediately.

Precedent Cases

- 6.33 This section provides examples of applications where substandard visibility or access has been considered acceptable or has not been given as a reason for refusal.

P/2015/0374 – Outline application for one dwelling (with all matters reserved) on land adjoining Wayside

- 6.34 Further south from Hawthorn Drive, but within Tallarn Green, consent was granted for a new dwelling on land adjacent to Wayside which could only achieve the required 33m visibility splay to the north should an existing hedge fronting the road be set back.

15/05517/OUT – outline application for the erection of 2 no. dwellings with detached garages and associated landscaping to include means of access following demolition of existing dwelling

- 6.35 This application sought permission for the demolition of an existing dwelling and the erection of 2 no. dwellings on a site off Mill Lane, Higher Heath, Whitchurch. Both the initial outline application and the reserved matters applications have been approved. The access road is a private driveway

which served 3 dwellings prior to the application and would serve 4 dwellings as a result of the development. The access road adjoins Mill Lane at a priority junction, where visibility is restricted to the north by a large tree trunk and post and rail fence, and to the south by an overgrown hedge. 85th percentile wet weather speeds were found to be 35.4mph northbound and 31.1mph southbound; therefore, in MfS the required visibility splays are 43m to the north and 56m to the south. If the overgrown hedge were to be cut right back, the achievable visibility splays were 47m to the north and 52m to the south. Therefore, the visibility splay would be adequate to the north but 4m short of the MfS value to the south.

6.36 Visibility was already substandard before the development, however, given that there was no record of accidents at the location, that vehicle speeds along Mill Lane were low, and that only one extra vehicular movement would be generated by the development at peak times, it was considered that the development would not have severe impacts upon the local highway network. Furthermore, the Transport Assessment submitted as part of the application found that 'the safe use of the junction stems from the users taking extra care and adjusting their driving habits to reflect conditions. There is no reason why that would change as a result of the proposed development'. It was also added that should the hedge be cut back as a result of the development, this would improve visibility for the new and existing users.

6.37 This case can be likened to this appeal at Hawthorn Cottage for several reasons. In both cases the development would only result in one net additional dwelling, which would generate minimal additional vehicular movements even at peak times. Both site accesses adjoin roads with low traffic levels and low vehicle speeds. Existing visibility splays were substandard at both sites, however they could both be improved as a result of the development to be close to the values recommended in MfS.

APP/Q6810/A/10/2136347 – Proposed dwelling on land at Bod Hyfryd Farm, Waunfawr, Caernarfon

6.38 This application sought permission to replace existing agricultural buildings with a single dormer bungalow on land at Bod Hyfryd Farm, Waunfawr, Caernarfon. The initial application was refused in March 2010, with one of the reasons for refusal being:

'The proposal is contrary to the requirements of policy CH33 of the Gwynedd Unitary Development Plan where proposals will be refused unless provision is made for a safe vehicular access to the site'.

6.39 Access to the bungalow was proposed via an existing lane that provided the only means of access to 3 existing dwellings, but also provided access to parking areas for 2 other dwellings and access to farmland. Therefore, 5 dwellings used the proposed access in total, and 6 would use it if the development went ahead. The appeal site access is a single-track lane which joins the A4085 between two residential properties.

- 6.40 At its junction with the A4085, visibility along the A4085 is restricted by a high boundary wall adjacent to the access and also by parked vehicles in the main carriageway. However, the parked vehicles force traffic that would otherwise have been in the nearside traffic lane to travel some 3.0m away from the nearside kerb. This allows a vehicle emerging from the lane to safely encroach into the main carriageway to be able to see any approaching vehicles. The police accident records confirm that there had been no recorded injury accidents at the junction.
- 6.41 It was found that the addition of one dwelling would only generate 5 additional vehicle movements per day along the access lane. Therefore, impacts on the use of the lane and its junction with the A4085 would be negligible. Furthermore, the removal of the agricultural buildings would remove any potential farm-related vehicle movements along the access lane, helping to offset the very small increase in vehicle movements generated by the proposed development.
- 6.42 The issue at this appeal, in relation to highway and traffic matters, is that the Council contended that the proposal was not provided with a safe means of access. This reason for refusal arose solely from the fact that the junction visibility does not comply with guidance on visibility splays due to the presence of parked cars and adjoining garden walls. However, with no existing accident record, a negligible increase in traffic as a result of the development, and the fact that drivers exit the access point cautiously due to the parked cars and on the A4085 drivers slow down due to the narrowed carriageway width, the Inspector deemed that the development would not result in an increased risk to highway safety. It was concluded that the existing access would be unlikely to prejudice road safety and that the proposal would not exacerbate the situation; therefore, it would not undermine the objectives of UDP Policy CH33.
- 6.43 This case is similar to the appeal at Hawthorn Cottage as in both cases it is acknowledged that despite the access points being slightly substandard, there would be no increased risk for highway safety as drivers would take more care when using/approaching these junctions and the proposals would lead to a minimal increase in the use of the junctions due to the small-scale nature of the developments.
- 6.44 Therefore, to ensure consistency in decision-making, precedent cases such as these should be taken into consideration in the determination of this appeal. It has been demonstrated that substandard visibility at access points does not mean that there will be an increased highways risk; therefore, this appeal should be allowed as the development will not have a detrimental impact on the local highway network or highway safety.

7. CONCLUSION

- 7.1 This Appeal Statement of Case has been produced by Pegasus Group on behalf of Mr Parry in support of a Written Representations appeal against Wrexham Borough Council's refusal of application ref. P/2018/0943.
- 7.2 The appeal seeks full planning permission for erection of a four-bedroom detached dwelling on land adjacent to Hawthorn Cottage, Tallarn Green, Wrexham.
- 7.3 This Statement has demonstrated that the proposed development will provide a much-needed family home in a desirable location that will contribute towards overcoming the housing shortfall in Wrexham.
- 7.4 The development will bring economic, social and environmental benefits in line with sustainable development objectives set out in national and local planning policy.
- 7.5 The only reason for refusal relates to the visibility splays achievable at the site access. The access is now proposed to be 10m further north, resulting in splays of 2.4m x 34m to the north and 2.4m x 35m to the south, which is just 6m short (north) and 7m short (south) of the required 'y' distance based on the recorded wet weather speeds.
- 7.6 As stated in TAN 18 and Manual for Streets, limited redevelopment of sites with substandard access that will lead to improvements in visibility, even if visibility is still below standard once development is complete, can be acceptable. Unless there is local evidence to the contrary, which in this case there is not, then a reduction in visibility below recommended levels will not necessarily lead to a significant problem. In this case, the development will improve visibility at the site access and therefore lead to improvements in highway safety.
- 7.7 Overall, the current visibility situation will be improved, and highway safety will not be compromised as a result of the development. The proposed development provides an opportunity for a sustainable development that accords with national and local level policy; therefore, this appeal should be allowed in accordance with the presumption in favour of sustainable development.

8. APPENDIX A – DECISION NOTICE FOR P/2018/0943

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

Applicant	MR PARRY	Code No	WOR P/2018/0943
Agent	MR ROBERT EVANS 28 ARNHEM WAY SAIGHTON CHESTER CH3 6GF	Date Received	08/11/2018 02/12/2019
		Decision Date	

Town and Country Planning Act, 1990

Location of application

HAWTHORN COTTAGE, SARN, MALPAS, SY14 7LN

Description of application

ERECTION OF 4 BEDROOM DETACHED DWELLING ON LAND
ADJACENT TO HAWTHORN COTTAGE

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

EC4	Hedgerows, Trees and Woodland
GDP1	Development objectives
H2	Residential development within settlements
PS1	Settlement limits
PS2	Development and the environment
PS3	Brownfield Land
PS4	Settlement Pattern
T8	Parking

Particulars of decision that permission be REFUSED

Reason(s)

1. The proposal would make inadequate provision for access visibility in both directions onto a classified road. To allow the development would lead to an increased danger to road users and would be contrary to policy GDP1 (d) of the Wrexham Unitary Development Plan.



**Officer Appointed for this purpose
Chief Officer Planning & Regulatory**

Refer to Statement of Applicant's Rights and General Information on our planning
web site at:-

http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm

9. APPENDIX B – DECISION NOTICE FOR P/2008/1098

In pursuance of its powers under the Acts and Orders referred to below, the County Borough Council as Local Planning Authority, hereby determines your application in accordance with the particulars and plans comprising the application

7
Expiry Date: 08/12/2008
Decision Notice Sent:
06/04/2011
Grid Reference:
E 344105
N 344572



Applicant MR D PARRY

Code No WOR P/2008/1098

Agent S MURRAY & ASSOCIATES
CROSS COTTAGE
CASTLE STREET
HOLT
WREXHAM
LL13 9YL

Date Received 14/10/2008

Decision Date 04/04/2011

Town and Country Planning Act, 1990

Location of application

HAWTHORN COTTAGE, TALLARN GREEN, MALPAS, CHESHIRE, SY14 7LL

Description of application

ERECTION OF DWELLING WITH INTEGRAL GARAGE AND NEW VEHICULAR AND PEDESTRIAN ACCESS

In reaching this decision the Council has had regard to the relevant policies in the Wrexham Unitary Development Plan which are as follows:-

GDP1	Development objectives
H2	Residential development within settlements
PS2	Development and the environment

Particulars of decision that permission be REFUSED

Reason(s)

1. The proposal would make inadequate provision for access visibility in both directions onto a classified road. To allow the development would lead to an increased danger to road users and would be contrary to policy GDP1(d) of the Wrexham Unitary Development Plan (2005).

Applicant MR D PARRY

Code No WOR P /2008 /1098

Agent S MURRAY & ASSOCIATES
CROSS COTTAGE
CASTLE STREET
HOLT
WREXHAM
LL13 9YL

Date 14/10/2008

Received

Decision 04/04/2011

Date



Officer Appointed for this purpose

Refer to the Statement of Applicant's Rights and General Information Enclosed

**Head of Community Wellbeing and Development, Lambpit Street, Wrexham,
LL11 1AR**

10. APPENDIX C – APPEAL DECISION NOTICE FOR APP/H6955/A/11/2153374



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/08/11

**gan Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 31/08/11

Appeal Decision

Site visit made on 08/08/11

**by Clive Nield BSc (Hons) CEng MICE
MCIWEM C.WEM**

an Inspector appointed by the Welsh Ministers

Date: 31/08/11

Appeal Ref: APP/H6955/A/11/2153374

Site address: Hawthorn Cottage, Tallarn Green, nr Malpas, Cheshire, SY14 7LL

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 D Parry against the decision of Wrexham County Borough Council.
 - The application Ref WOR P/2008/1098, dated 30 September 2008, was refused by notice dated 4 April 2011.
 - The development proposed is the erection of a new build dwelling with integral garage on the existing side garden.
-

Decision

1. The appeal is dismissed.

Main Issue

2. There is no dispute on the principle of the proposed development. The main issue in this case is whether or not a safe access could be provided on to the classified road.

Reasons

3. The proposed scheme would provide a new shared access off the road serving both the proposed new house and Hawthorn Cottage, which currently has an access closer to the bend a few metres to the south east. Along this stretch the road is subject to a 30 mph speed limit, and a traffic survey commissioned by the Appellant found 85th percentile speeds to be 29 mph north-to-south and 30 mph south-to-north. For a speed of 30 mph Manual for Streets recommends a stopping sight distance of 43 metres (including allowance for a car bonnet length). The proposed new access would not meet this standard.
4. It is reported that visibility distances from a 2.4 metres setback position would be some 35 metres towards the south-east and 24 metres towards the north-west measured along the nearside edge of the carriageway. If these assessments were related to the likely positions of vehicles on the road, the visibility distances would be somewhat higher but there would still be a significant deficiency in visibility towards the north-west. Manual for Streets 2 advises that a reduction in visibility below the recommended levels will not necessarily lead to a significant problem. However, in this case the reduction would be substantial, and I consider the increased risks to highway safety would be problematic.

5. An acceptable visibility distance towards the south-east could be secured by ensuring the roadside hedge along the front of Hawthorn Cottage and the proposed new house was of limited height. This could be controlled by a suitable planning condition. However, part of any acceptable visibility distance to the north-west would be over the front boundary wall and hedge of the neighbouring property, Riverside, over which the Appellants have no control. Whilst an increase in height of the wall could be controlled by the Council, the growth of a higher hedge could not.
6. It has been suggested that the hedge may be on land owned by the highway authority and that the neighbouring owners would be unlikely to introduce a higher hedge. However, these comments are unconfirmed or speculative. The safety of road users is of paramount importance and, even allowing for reduced risks associated with the existing access for Hawthorn Cottage, the use of the proposed access for 2 properties would involve reliance on substandard visibility distances with significant risks to highway safety.
7. I have taken into account all matters raised but nothing outweighs the considerations that have led me to my main conclusion that the proposed development would involve unacceptable risks to highway safety due to an access with a substandard level of visibility. For this reason I conclude that the appeal should be dismissed.

Clive Nield

Inspector