

**Town and Country Planning Act 1990
Section 78 Appeal**

Appeal at 32 Sandringham Road, Wrexham, LL11 2RE.

COUNCIL'S STATEMENT OF CASE

PINS Ref: 3244185

LPA Ref: P/2019/0735

1 STATEMENT OF CASE

- 1.1 The Council will rely on the Case Officer report appended to this document for the appeal at Appendix 1, as well as the issues set out in Section 2 of this Appeal Statement. The Council request that the appeal be dismissed for the reasons set out on the planning decision notice.

2 RESPONSE TO THE APELLANTS APPEAL STATEMENT

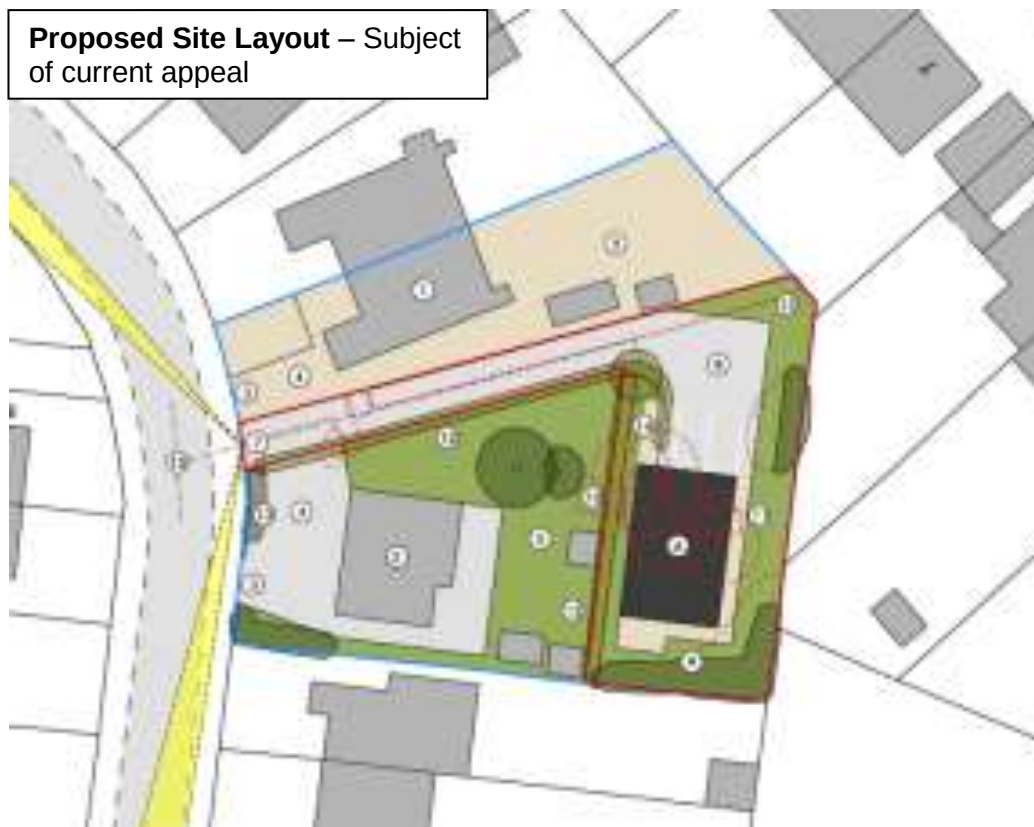
- 2.1 In response to some of the statements made in the appellants appeal statement, the Council comments below.

Reason for Refusal 1

- 2.2 Ownership of the neighbouring property by the appellant (No 34 Sandringham Road) is not a material planning consideration.
- 2.3 The scheme is not considered to sit well within the confines of the site. Planning Policy Wales states at paragraph 3.16 that where developments are not well designed, do not take account of their context and place or do not meet the objectives of good design (and negotiation cannot be achieved), proposals should be rejected.
- 2.4 Properties along Sandringham Road, as well as Edinburgh Road all front onto the highway and are all largely served by single driveways with parking provision at the front of the properties. Below is an excerpt of the agents submitted Site Location Plan showing the general pattern of development in close proximity of the application site.



- 2.5 The proposal, by virtue of a new driveway would extend almost the entire length of the northern boundary of the curtilage serving No 32 Sandringham Road, past the dwelling at No 32 and into the rear of the site.
- 2.6 This is considered would appear as an obtrusive addition, at odds with the character and pattern of the street scene, on the basis that there would be two separate driveways off the highway into the site, the increase in hard standing which would be required to facilitate the driveway and removal of the front boundary hedge and wall.
- 2.7 An appeal for a replacement dwelling and construction of a second dwelling to the rear of the replacement was recently dismissed by the Inspectorate on 11/09/2019. The appeal decision is attached at Appendix 2 and the Proposed Site Plan for the dismissed appeal is attached at Appendix 3.
- 2.8 The appeal site currently under determination is not considered to be dissimilar to the dismissed appeal site, with the exception that both dwellings at Sandringham Road (No 32 and the proposed dwelling to the rear) would each be served by separate driveways. Please see below a copy of the Proposed Site Plan, subject of this appeal and a copy of the Proposed Site Plan for the dismissed appeal.



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- The map shows a residential area with several plots and buildings. A black line highlights a specific plot. The labels on the map are: Dunholme, Edge Croft, Oakdale, Langside, Helm Rigg, Westmead, and Y Fynydd. A yellow area is labeled 'THE CONIFERS'.



- 2.11 He further states that whilst views of the dwelling to the rear would be limited from Pant Road, the creation of a new widened driveway and parking area would open up views into the site from the frontage. He also acknowledges that both proposed dwellings would also be visible from surrounding properties.
- 2.12 The same is true for this current appeal site. The character of this area comprises dwellings fronting onto the highway with parking at the front and gardens to the rear. Please see below a Google Maps image showing this with the appeal site edged in red.



- 2.13 The proposed driveway would open up views into the site from the frontage and the proposed dwelling would be visible from surrounding neighbouring dwellings.
- 2.14 TAN 12 states at paragraph 5.11.4 that '*...every effort should be made to orientate dwellings so that they front existing roads and spaces..*'. This development would not achieve this aim set out in TAN 12.
- 2.15 The appellant refers to a previous appeal decision allowed in 2011 for the construction of 2 no. dwellings on the rear garden of 10 Acton Gate. However, the Inspector acknowledged in the appeal decision that the existing character of the wider area '*formed a variety of houses, garden sizes and boundary treatments rather than any recognisable pattern of development or garden size*', which is different to the pending appeal in that there is considered to be a defined and established pattern of development in the appeal site vicinity.
- 2.16 The Inspector also acknowledged that the rear and side garden of No 10 Acton Gate was '*very large and considerably larger than the surrounding gardens*' with the proposed houses sitting '*well within it*'.
- 2.17 Whilst No 32 Sandringham Road is acknowledged has a relatively large rear garden area, the resulting plot size and application site is not considered to be large enough or indeed adequate, to accommodate a proposed dwelling, private amenity space, driveway and parking area, without detriment to visual or residential amenities of the locality.
- 2.18 The Council maintains the view that the proposal does not take into account the surrounding context and would not respect the general character and pattern of development of the area, thus conflicting with UDP Policy GDP1(a).

Reason for Refusal 2

- 2.19 The proposed driveway would be sited between No's 32 and 34 Sandringham Road, extending along the northern boundary of No 32 into the rear of its garden area.
- 2.20 The drive and parking area serving No 32 is contained at the front of the property. The proposed driveway would introduce a new form of nuisance and noise down the side and to the rear of No's 32 and No 34, as well as to the rear of the neighbouring properties to the east, by virtue of vehicular movements into and out of the application site.
- 2.21 Vehicles accessing the proposed dwelling would have to drive in close proximity past the private garden area serving No 32, resulting in undue disturbance to the occupants of this property.
- 2.22 Whilst the applicant owns the property at No 32, there is nothing to prevent the applicants from selling the property in future and impacts to residential amenities of neighbouring occupiers, regardless of land ownership, is a

material consideration that must be taken into account in the planning balance.

- 2.23 Furthermore, the Site Plan proposes that the boundary treatment running along the driveway would be replanting and screening. No information has been submitted as to which planting or which particular boundary treatment is proposed. Therefore, it is also ambiguous as to whether the proposed boundary treatment would be acceptable from a visual perspective as well as simultaneously providing adequate screening between the driveway and the rear garden area of No 32.
- 2.24 The location of the parking area and driveway would also increase noise and disturbance to neighbouring properties at No 34 Sandringham Road, as well as to the properties to the east, given the introduction of vehicular movements to and from the current garden area of No 32.
- 2.25 The proposal, by its very nature and siting in the rear garden area of No 32 would be over intensification of a residential use in this location, which is indicative of the restricted size and limitations of the plot and resultant application site.
- 2.26 The second reason for refusal still stands and on the basis of both reasons for refusal as set out on the decision notice, the Council respectfully requests that the appeal be dismissed.

3 SUGGESTED CONDITIONS

- 3.1 Should the appeal be allowed, a list of suggested conditions is attached at Appendix 4.