
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 12/06/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/07/18

Appeal Decision

Site visit made on 12/06/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 09/07/18

Appeal Ref: APP/H6955/A/18/3198071

Site address: 5 Bank Cottage, Waterloo Place, Cefn Mawr, Wrexham LL14 3AS

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 Darren Smith against the decision of Wrexham County Borough Council.
 - The application Ref CEF P/2017/0649, dated 31/07/2017, was refused by notice dated 2/10/2017.
 - The development proposed is to construct a new 3 bed dwelling and 2 car parking spaces and to demolish existing garage.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application includes conservation area consent for demolition in a conservation area of a garage building. No objection has been raised in relation to this aspect of the development, and I have no reason to disagree with that conclusion.

Main Issues

3. These are; the effect of the proposal on the living conditions of occupants of 5 Bank Cottage in relation to privacy, and the effect of the proposal on highway safety.

Reasons

Living conditions

4. The appeal site is a yard area and garage with access onto Waterloo Place. The Council and interested party point out that the property and rising land above the site associated with No. 5 Bank Cottage indicated as land in the ownership of the appellant is not accurate. There is seemingly a neighbour legal dispute ongoing and the Council has treated the application as if it were a separate dwelling house not associated with the appeal development site. There are no counter submissions made on the point, I have therefore dealt with the appeal on the basis of this information.
 5. The site is within the development boundary of Cefn Mawr. The proposed dwelling would be 2 storeys with bedroom windows positioned in close proximity to the rear of No. 5. The relationship of buildings between the rear of No. 5 and the proposal would be unreasonably close in relation to main windows separation distances. Residents would expect some degree of privacy in an urban context and I do not consider that
-

the overlooking concern would be oblique and minimal, due to the positioning of buildings and their windows. The appellant indicates that the concern can be addressed by a modification of the plan, but there is no information how this might be addressed and it seems to me that this would be a materially different development.

6. I consider that the proposal conflicts with Policy GDP1 of the Wrexham Unitary Development Plan (UDP), in so far as it relates to amenity. The proposal would harm the living conditions of occupants of 5 Bank Cottage in relation to privacy.

Highway safety

7. The appeal site serves a garage with a vehicular cross-over onto Waterloo Place. Whilst the appeal land has seemingly no association with No. 5, it nevertheless is capable of being used by vehicles as shown on the design and access statement. The proposal for one dwelling provides 2 parking spaces and the existing arrangement provides a larger area for parking. The Council contends that the proposal would increase traffic onto a minor road. However, I am not persuaded that it would, because of the present arrangement. As the appellant points out the access road serves a museum with 28 parking spaces and several properties. No compelling evidence has been provided that one dwelling would give rise to a material increase in traffic flow as set out, or that if a material increase in traffic from the development would occur this would result in a highway safety concern.
8. The road is narrow with passing places and there is good forward visibility. Vehicles on the road would be travelling very slowly and the access arrangement onto the roundabout is deemed acceptable for the museum use and all other properties. There is no record of accidents on the roundabout from this entry point and the flow of traffic from the proposal would not be discernible compared to the existing arrangement.
9. I am not convinced there would be a highway safety concern, and in my view, the proposal complies with UDP Policy GDP1, in so far as it relates to highway safety.

Other matters

10. The appeal site is within the Cefn Mawr Conservation Area. No adverse comment has been made in relation to the proposed development in the conservation area and the reasons for refusal reflect the main determining issues in this appeal.
11. Bank Cottages and other buildings on Well Street are built next to the footway. These buildings vary in scale but are predominantly built in red brick with window apertures mainly providing a vertical emphasis. From Waterloo Place the rear elevations of these buildings comprise of stone and brick with sloping roofs and some gable roofs are also evident.
12. Facing Waterloo Place there is a variety of building styles, materials and designs including bungalows and two-storey dwellings. I therefore consider that the proposal would not harm and have a neutral effect on the appearance of the conservation area. I would concur with the Council that the proposal would preserve the appearance of the conservation area.

Conclusions

13. The UDP is outside of its plan period and the Council is unable to demonstrate a 5-year housing land supply as set out in paragraphs 8.1, 8.2 and 6.2 of TAN1¹. Where the UDP is outside its plan period the local planning authority has been unable to undertake a current study of its housing supply. As a result, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national planning policies.

¹ Technical Advice Note 1 – Joint Housing Land Availability Studies

14. Notwithstanding my favourable conclusion for the appellant on highway safety, and the neutral effect on the conservation area, this is outweighed by the harm caused to living conditions. The proposal fails to accord with the development plan in relation to the harm caused to the living conditions of nearby residents. The considerable weight to the lack of housing land supply does not outweigh because the proposal does not accord with the development plan, and the presumption in favour of sustainable development does not therefore apply.
15. 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 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I 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 set out as required by section 8 of the WBFG Act.
16. I therefore conclude that the planning balance is against allowing the appeal.

Iwan Lloyd

INSPECTOR