
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/07/19

gan K Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.08.2019

Appeal Decision

Site visit made on 02/07/19

by K Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.08.2019

Appeal Ref: APP/H6955/A/19/3227169

Site address: Tintern, Pistyll Hill, Marford, Wrexham, LL12 8LE

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 outline planning permission.
 - The appeal is made by Mr P Hughes against the decision of Wrexham County Borough Council.
 - The application Ref P/2019/0061, dated 22/01/2019, was refused by notice dated 11/03/2019.
 - The development proposed is the demolition of existing dwelling and erection of 2no. new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on highway safety and the character and appearance of the area.

Reasons

3. Although the application sought outline planning permission with all matters reserved for subsequent approval the submission included details of the access and typical elevations. The Council had regard to these details in its determination of the outline application and I have taken them into account in my consideration of the appeal.
 4. The appeal site lies within but on the edge of the settlement of Marford as defined in the Wrexham Unitary Development Plan (UDP). Access to the site is from Pistyll Hill, a narrow lane with a relatively steep gradient, high hedges to either side punctuated at intervals by the entrances to residential properties and no dedicated passing places, the entrances to existing properties offer this facility unofficially. Pistyll Hill joins Wynnstay Lane to the west and Hoseley Lane to the east and provides a route to the local primary school to the west. The topography of the area generally falls from west to east with the existing dwellings along Pistyll Hill stepping down the hillside. The appeal site is elevated above the carriageway, the boundary being defined by an earth bank topped by a hedge and a stone wall framing the existing access.
 5. The proposed access would be shared by both dwellings. It would be located several metres east of and downhill from the existing access and would provide visibility splays of 2.4 metres by 15.5 metres to the east and 16.9 metres to the west. These dimensions would fall significantly short of the current standards which indicate the
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need for visibility splays of 2.4 metres by 25 metres in both directions measured to the centreline of the adjoining highway in which there should be no obstruction in excess of 1 metre in height.

6. Whilst it is accepted that the proposed access would be an improvement on the existing situation, it would nevertheless result in a sub-standard access being used by an increased number of vehicles. It is acknowledged that to strictly comply with guidance can lead to an over cautious approach. However, I do not consider that the improved visibility over the existing situation would be sufficient to offset the significant deficiency in visibility identified.
7. The Appellant has indicated that in order to provide the visibility splays to the dimensions proposed, a 4 metre section of hedge to the east of the access would be removed and a further 2.4 metre section would be reduced in height by 1 metre. Since the hedge is only a little more than a metre high, little would remain and it is likely that in excess of 6 metres of hedge would be lost. Furthermore, the bank on which the hedge is planted is in excess of a metre in height and therefore a reduction in its height would be required in order to form the proposed visibility splays. Such works would not only necessitate the removal of the hedge but would alter the ground levels within the site and have the potential to harm the future longevity of the beech tree sited close to the access and elevated slightly above surrounding ground levels.
8. The removal of and the reduction in the height of a large section of the hedge would open up the site frontage. This would significantly alter the visual appearance of Pistyll Hill and the rural character of the lane would be eroded. The visual change to Pistyll Hill would be substantially greater should visibility splays which complied with the current standards be provided.
9. On balance I therefore conclude that the access as proposed would provide inadequate visibility and the works required to create it would significantly alter the character of Pistyll Hill to the detriment of the visual amenity of the area, contrary to Policy GDP1 of the UDP.
10. There is substandard forward visibility at the junctions of Pistyll Hill with both Wynnstay Lane and Hoseley Lane and at the latter there is also inadequate lateral visibility. I acknowledge that one additional property may not significantly increase the volume of traffic using Pistyll Hill and there would be turning facilities within the site. However, it would introduce additional traffic onto a narrow lane with no dedicated passing places which has the potential to be busy at certain times with school traffic.
11. Whilst I have no evidence regarding actual traffic flows, I am aware of the passing bay recommended by the Council's highway advisors and the concerns over the impact this would have on the character of the lane. Notwithstanding this I am concerned that the increase in traffic using the lane as a result of the development would cause increased risk to the safety of all road users, contrary to Policy GDP1 of the UDP.
12. I have noted the concerns expressed by interested parties regarding the effect of the development on their living conditions. I acknowledge that due to the topography of the area there is the potential for overlooking and loss of privacy. However, I am satisfied that the site could be developed to ensure that adequate separation distances between dwellings would be achieved. I also find no evidence to give me reason to conclude that the development would be detrimental by reason of noise and disturbance.

13. The Appellant referred to another case where the alterations to the access were allowed as being an improvement to the existing situation as opposed to compliant with the standards. However, neither party has submitted the specific details of the case and I am therefore unable to draw a direct comparison between it and the appeal before me which I have treated on its merits.
14. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.
15. In reaching my decision I have considered the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. 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.

K Sheffield

INSPECTOR