
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 17/07/17

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.08.2017

Appeal Decision

Site visit made on 17/07/17

**by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 18.08.2017

Appeal Ref: APP/H6955/A/17/3176000

Site address: Black Horse Inn, Top Road, Summerhill, Wrexham, LL11 4TA

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 LH Taverns against the decision of Wrexham County Borough Council.
 - The application Ref GWE P/2016/1153, dated 27 September 2016, was refused by notice dated 9 February 2017.
 - The development is for the erection of 2 No. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No. detached dwellings at the Black Horse Inn, Top Road, Summerhill, Wrexham, LL11 4TA, in accordance with the terms of the application, Ref. GWE P/2016/1153, dated 27 September 2016, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The description of the development differs slightly on the planning application form to that stated on the Council's refusal notice. The description as given on the Council's refusal notice is more accurate and it is on this basis that I have determined the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a vacant plot of land off Top Road within the settlement of Summerhill. The site was historically occupied by the Black Horse Inn. The area is characterised by a mix of property types sited in plots of varying size. In common with properties in the locality levels across the site rise towards the rear/western boundary.
 5. The Council argue the proposed dwellings in terms of their size, appearance and form would not be in keeping with development in the vicinity and constitute a cramped form of development that would detract from the appearance of the area. However
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the area has a mix of house types, plot sizes, associated amenity space and spatial relationship between properties. The Council confirm the proposal is acceptable in terms of the Council's adopted Local Planning Guidance Note 21: Space around Dwellings.

6. The proposed dwellings are contemporary in design, however their proposed use of render on the walls and tiled roofs, in part reflects the appearance of dwellings locally where a wide palette of materials is evident. The Council argue the asymmetrical design of the dwellings adds further to the development not according with the general character of the area, however, there are various properties in the area that are not symmetrical in design with the locality exhibiting a wide variety of house types and designs.
7. Bearing in mind the variety of property types locally and their associated spatial arrangements, I consider that the proposed dwellings would not appear unduly cramped, nor be at odds with the general character and appearance of the area. In addition the proposed dwellings would result in a vacant site that adds nothing to the visual amenities of the area being brought back to a beneficial use. The proposed development is therefore in accordance with Policy GDP1 (a) of the Wrexham Unitary Development Plan (UDP) which seeks to ensure that development accords with the character of the site and makes a positive contribution to the appearance of the area.

Other Matters

8. I note the third party concerns in terms of detriment to adjacent residential amenity particularly by way of loss of light. In this regard the Council maintain it would be difficult to argue the development would severely impact upon the standard of amenity afforded to the occupiers of nearby property bearing in mind the nature of windows affected and the fact that those windows would have previously been significantly affected by the public house, both in its original form and if it had been altered and extended as per the previously approved conversion scheme; I see no reason to take a contrary view.

Conditions

9. I have considered the conditions suggested by the Council, given my decision to allow the appeal. In doing so I have had regard to the tests for conditions set out in Circular 16/14: *The Use of Planning Conditions for Development Management*.
10. I agree that condition 1 is necessary in regards to the imposition of the five year time limit. Condition 2 is necessary to facilitate any minor material amendments and to define the plans with which the scheme should accord for the avoidance of doubt. Conditions 3, 4, 6 & 7 all relate to highway matters and are necessary in the interests of highway safety subject to minor amendments for reasons of precision. Condition 5 relates to drainage of the site and is necessary in the interests of pollution control.

Conclusions

11. Taking all these matters into account, I conclude that the proposed development would not be detrimental to the character and appearance of the area and consequently would not be in conflict with the relevant policy of the UDP. I conclude that the appeal should be allowed.
12. 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 WBFG Act. In reaching my 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.

Declan Beggan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall be carried out in strict accordance with drawing no. 273/1 Scheme 3 02.2016.
3. The vehicular parking and turning areas as shown on approved drawing No. 273/1 Scheme 3 02.2016 shall be fully laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking and turning of motor vehicles at all times.
4. No dwelling shall be occupied until a replacement street light has been installed on Top Road in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
5. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
6. Nothing shall be planted, allowed to grow or be erected to a height greater than 1 metre above the level of the nearside edge of the adjoining highway for a distance of 2.4 metres measured back from the adjoining highway along the entire site frontage. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any obstruction.
7. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar to be approved by the local planning authority beforehand shall be provided across the approved access to intercept any such run off prior to first occupation of the development.