

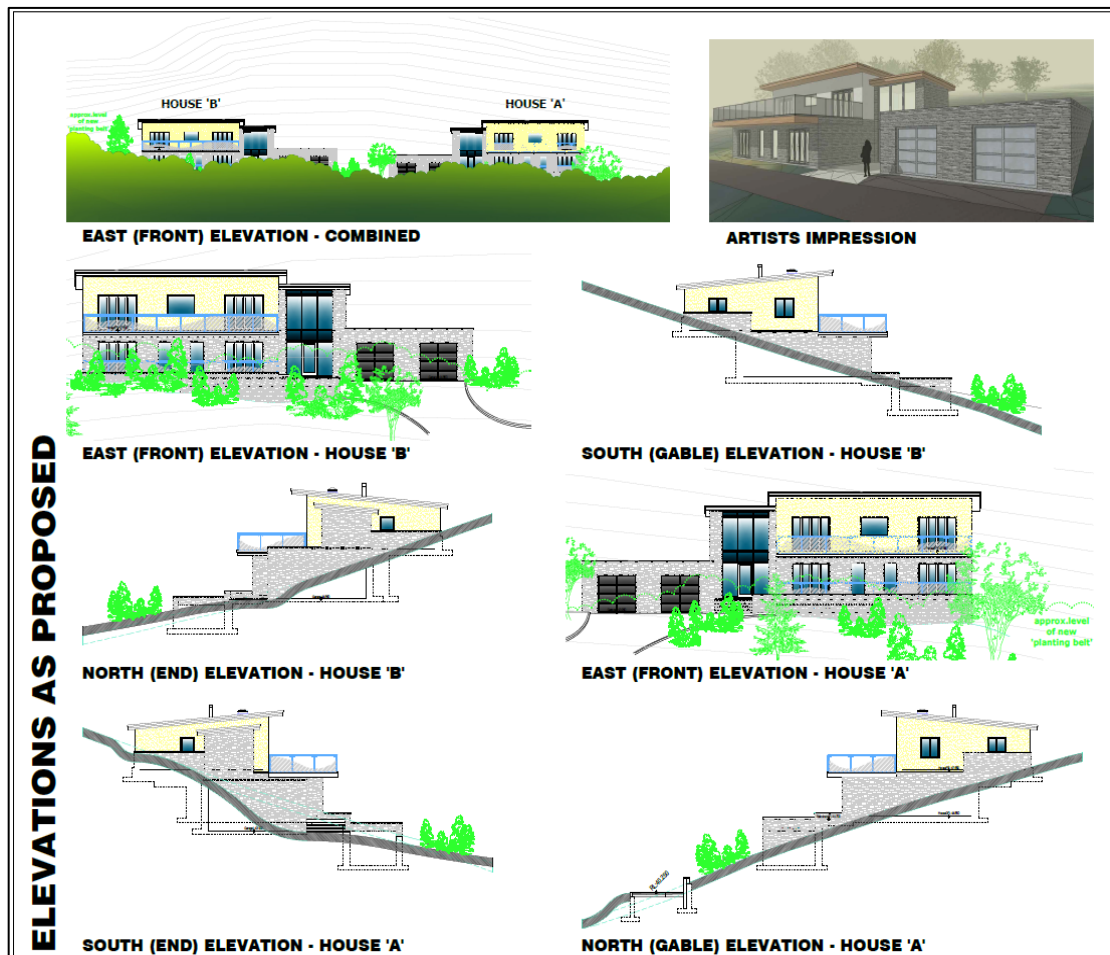
PLANNING APPEAL

Development of 2 Dwellings – Land off Tyn-y-Cestyll Road, Glyn Ceiriog

APPEAL STATEMENT

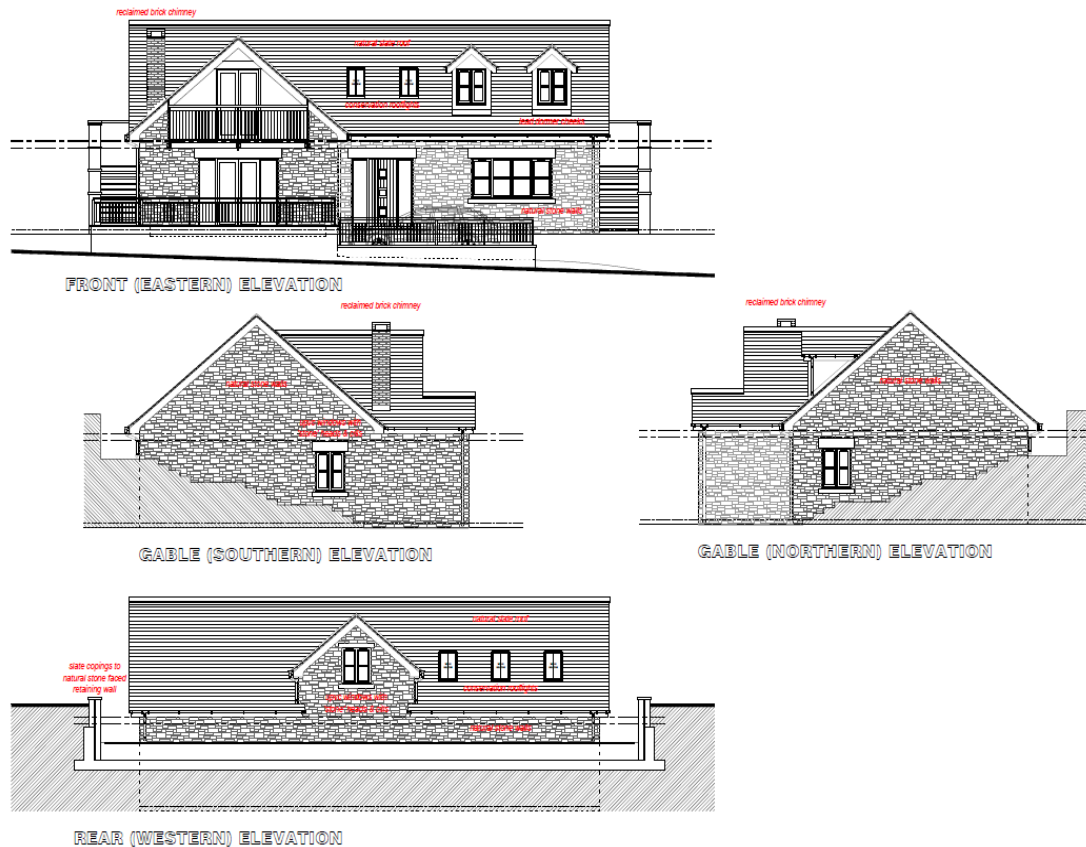
1. Brief Background to the Appeal

- 1.1 An earlier planning application (November 2015) for the development of 2 dwellings on the appeal site was refused on 20th January, 2016.
- 1.2 A subsequent Appeal against this refusal was dismissed on 11th August 2016. A copy of the Appeal decision letter is attached at Appendix 1.
- 1.3 Elevational plans and sections of the original proposed design are shown below.



- 1.4 Following the unsuccessful appeal, an amended application was submitted on 8th May 2016. This application was refused on 28th June 2017, and is the subject of this appeal.

- 1.5 The scale, height and position of the dwellings was changed significantly, as set out in the Planning and Design & Access Statement submitted with the application, included in the supporting documents to this appeal.
- 1.6 Also, a very different more traditional design to the first application was put forward, reproduced below.



2. Matters Not in Dispute

- 2.1 There are no other technical or policy disputes between the Council and the Appellant, including the ecological impact of the development, impact on trees, or issues with regard to overlooking or impact on the residential amenity of adjoining properties. There are also no outstanding issues with regard to traffic, drainage or flooding.
- 2.2 It is also undisputed that the appeal site lies outside but immediately adjoining the development boundary for Glyn Ceiriog, in the adopted UDP.
- 2.3 Nor is it disputed that the Council cannot currently demonstrate a 5-year supply of available housing land in the County Borough.
- 2.4 The policies which control the location of housing development – specifically in this case, the development boundary for Glyn Ceiriog – are out of date, as a result of the situation with the 5-year land supply. However, it is not disputed that other policies

seeking to control the more detailed attributes of new housing development remain relevant.

3. Reason For Refusal & Key Points from the Previous Appeal Decision

3.1 The Council's reason for refusal in the decision notice was as follows :-

“The site is Greenfield and is located outside of any settlement limits and within a Special Landscape Area as defined in the Wrexham Unitary Development Plan. The development would be materially detrimental to the appearance of the locality and would represent an undesirable visual intrusion into the rural landscape. The impact of the development cannot be minimised from nearby and distant viewpoints and the development therefore conflicts with Policies PS1, PS2, PS3, PS4, GDP1, EC5 and H5 of the Wrexham Unitary Development Plan.”

3.2 The reason for refusal is exactly the same as for the previous application, which was the subject of the unsuccessful appeal.

3.2 The following key points, which led to the dismissal of the previous appeal, have been extracted from the Inspector's decision letter, and are therefore highly relevant to this appeal.

- The site is within a SLA and is part of a steeply sloping field with mature trees or hedging to three sides.
- The site lies close to the defined settlement limit for Glyn Ceiriog, which is well-defined in this location, being formed by the topography and the line of buildings below the appeal site.
- There is some screening from mature trees around the site, but most of the eastern boundary where the proposed dwellings are to be sited is open.
- The proposal would be visually prominent above the settlement limit in some close and distant views from the east and north.
- There is a nearby public footpath from where the proposal would also be clearly visible.
- The proposed development would extend the built form above the existing buildings and would not constitute rounding-off of the settlement.
- The design of the proposed dwellings would be modern with flat roofs, large balconies/patios and extensive glazing, with attached large double garages. This design would contrast sharply with the existing built environment and vernacular design in this attractive location at the foothills of the Berwyn Mountains.

- The works to create the access and cut the dwellings into the sloping site would exacerbate the visual impact on the countryside and the SLA.
- The proposed dwellings would not appear low rise but would be higher than the existing bungalows to the east. However, the design would increase the visual impact identified above, which would not be screened as claimed by the appellants.
- It would take some time for any new planting to provide any such screening or softening of the development.
- The site's location is not so sustainable as claimed because the village is proposed to be a third-tier settlement in the new Local Development Plan, meaning it has limited facilities and employment opportunities.

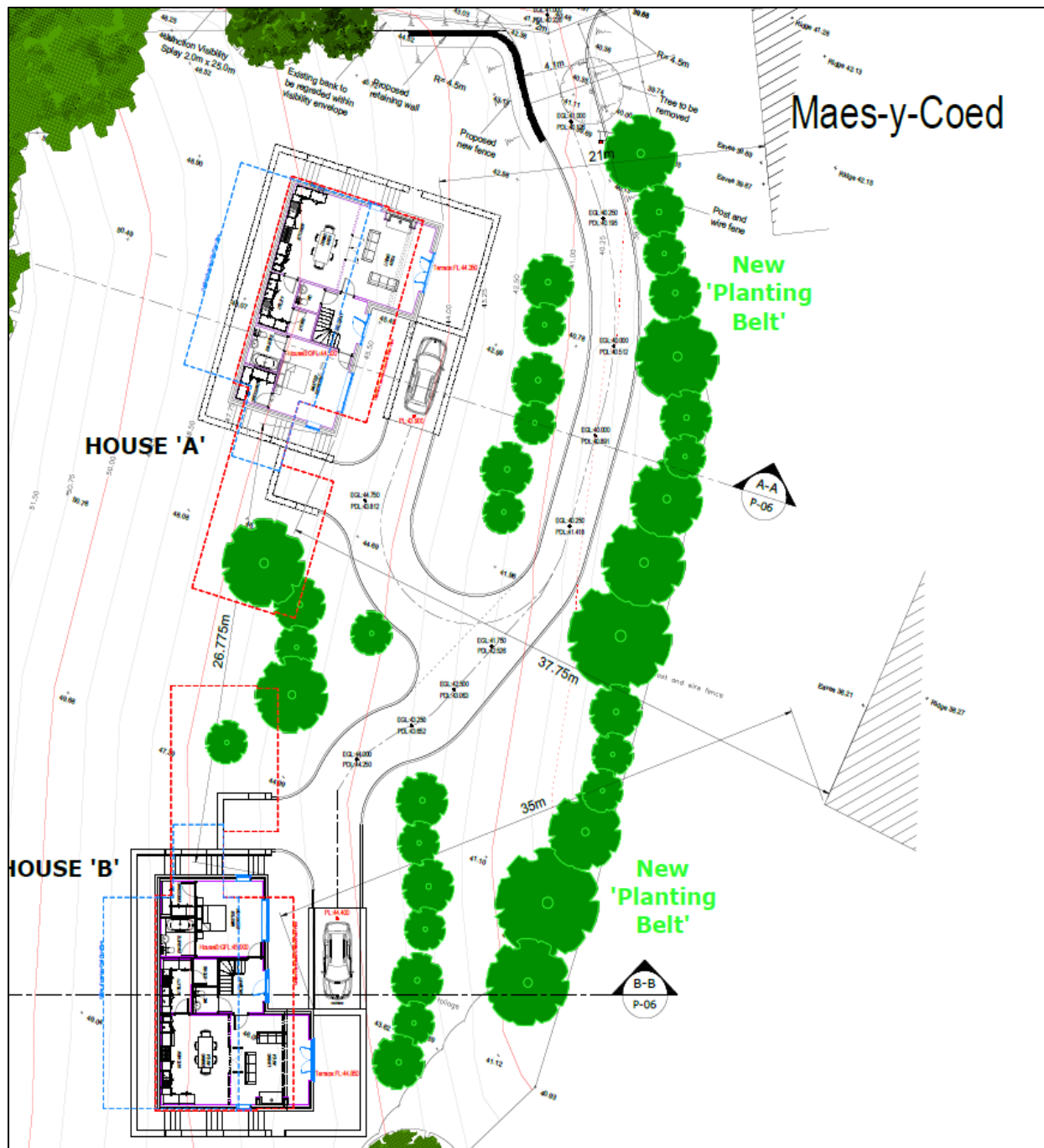
4. The Appeal - Main Issues

- 4.1 Based on the reason for refusal, and the Inspector's decision on the previous appeal, the main issue appears to be the effect of the proposal on the character and appearance of this area of countryside, and on a Special Landscape Area (SLA).
- 4.2 A further issue to be addressed in the appeal is the sustainability of the location.
- 4.3 These issues are discussed further in Sections 5 and 6 below.

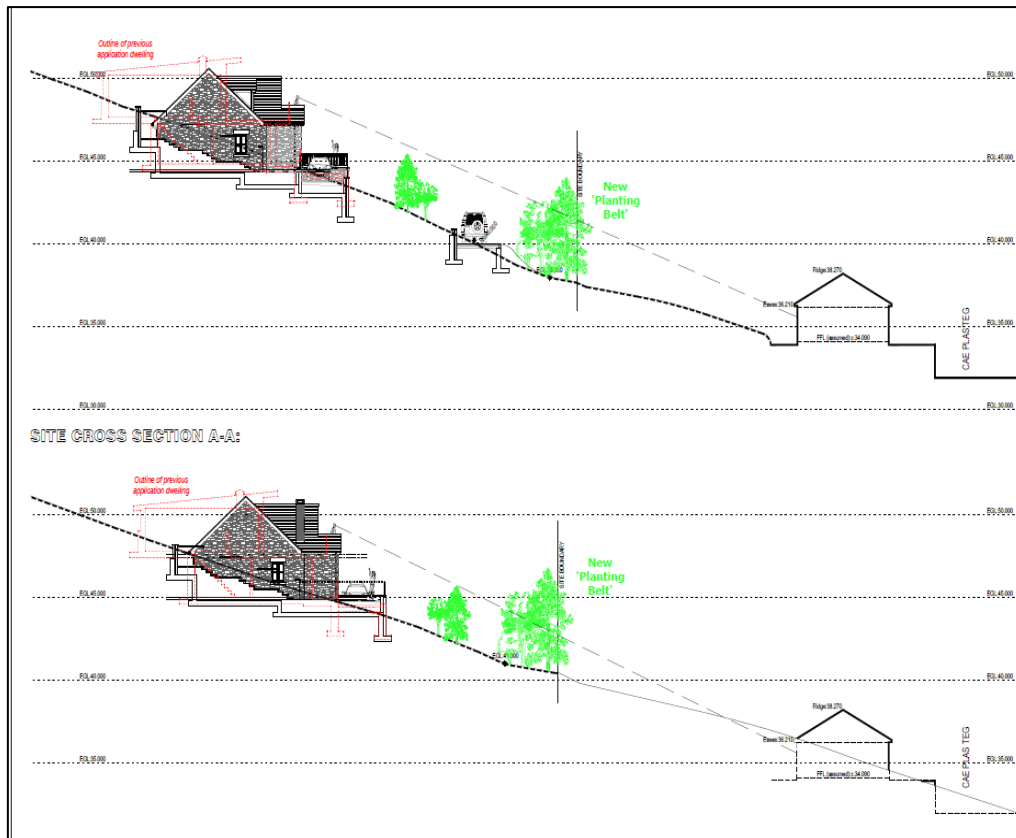
5. Grounds of Appeal

- 5.1 The comments below respond to the reason for refusal and the key points made in the previous appeal decision letter.
- 5.2 A series of photographs of the site from various locations in the settlement are submitted within Appendix 2. The position of the proposed dwellings on the site was marked by poles and tape, showing the position, width and height to the **eaves level** of each property, measured accurately on site.
- 5.3 As demonstrated in Appendix 2, the two properties will be partly visible from longer and medium-distance views from New Road, Maybury Avenue, High Street and Quarry Road.
- 5.4 However, they will move in and out of view, as the observer moves. They eventually become completely screened by existing buildings and trees, as the observer moves closer to the site along these routes, reaching the village centre.
- 5.5 In particular, House A is not fully visible from any long-distance views, as it is partly screened by the large Cedar tree within the adjoining property to the east.
- 5.6 At no point on the medium or long-distance views of the site will both properties be fully in view together.
- 5.7 The series of photographs in Appendix 2 also demonstrate that, in the shorter-distance views from the immediate approaches to the site – from Tyn-y-Cestyll Road and Cae Plas Teg – the topography and the elevated nature of the existing dwellings combine to completely screen the proposed dwellings from most viewpoints.
- 5.8 Appendix 2 also shows that it is only at the end of Cae Plas Teg, and close to the site entrance, that the properties become visible. Even then, approaching the site entrance, the observer will be well below the level of the two dwellings, and the existing and proposed screening on the eastern site boundary will mean that only the upper floor/roof of the houses will be visible. In the gap between existing dwellings towards the end of Cae Plas Teg, it will not be possible to see both properties together.
- 5.9 Furthermore, changes have been made to the design and scale of the proposed dwellings, to produce a more traditional design of very high quality, rather than the more modern and bulky approach in the previous application and appeal. As a result of these design changes, and combined with the elevated position, rather than being visually obtrusive from short-distance views, the proposed dwellings will look architecturally spectacular.

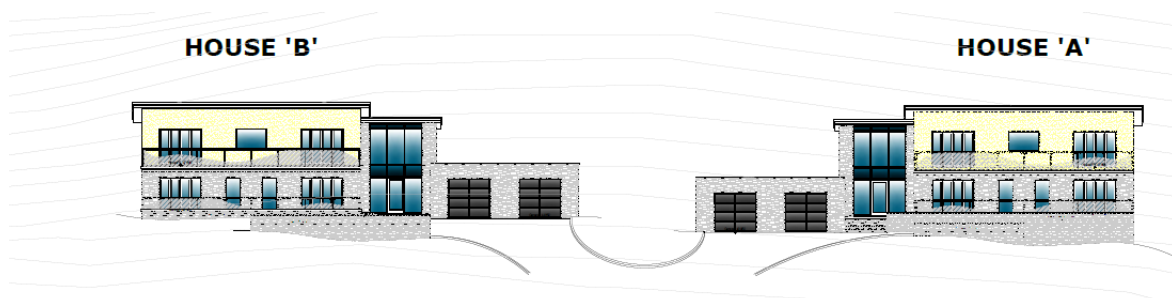
- 5.10 The scale, height, and footprint of the two properties, and their elevation up the hillside, have also been reduced significantly, with a corresponding reduction in their landscape impact – from short, medium and long-distance viewpoints.
- 5.11 This is demonstrated on the site plan and sections at Appendices 3 and 4, reproduced below. Although the extent of parking areas to the front remain the same, the footprint of the proposed dwellings has been reduced, when compared with the previous footprint (shown by red/blue dotted lines).



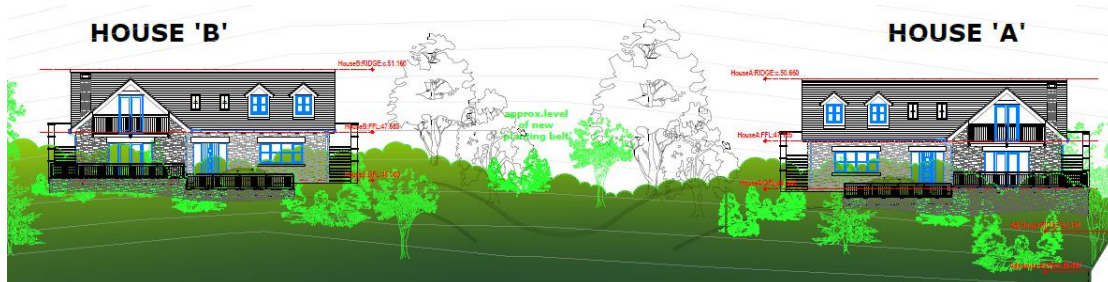
- 5.12 The proposed dwellings also sit slightly lower on the site, as demonstrated by the sectional drawing at Appendix 4, which is reproduced below.



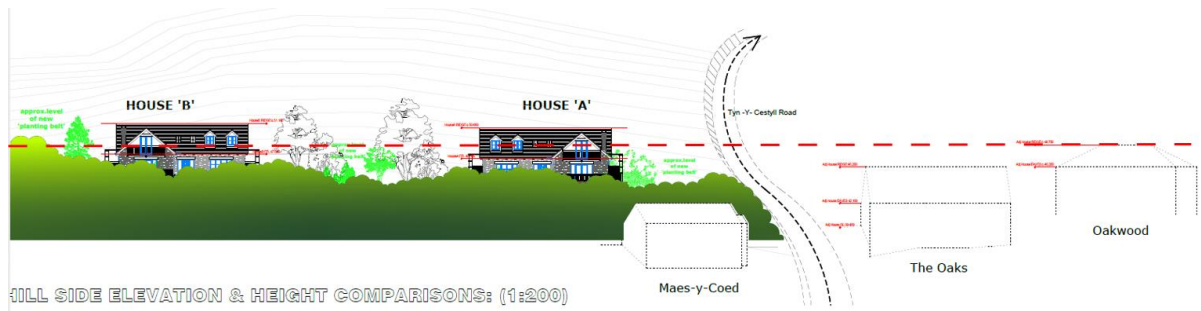
- 5.12 The removal of both sets of double garages previously proposed will dramatically increase the visual separation between the dwellings, and the central part of the site will thus remain open and undeveloped. This is demonstrated on the extracts from the combined elevations of the previous and current schemes, reproduced below.



EAST (FRONT) ELEVATION - COMBINED



- 5.13 The wider sectional plan at Appendix 5 shows that the ridge lines of the proposed dwellings are slightly more elevated up the hillside than the higher of the two adjoining properties to the north (Oakwood).
- 5.14 However, they are not excessively so. An extract from the wider sectional plan is reproduced below to demonstrate this point.



- 5.15 Although the proposed dwellings will be well above Maes-y-Coed to the east, this property itself is quite significantly higher than those below it. So too are The Oaks and Oakwood.
- 5.16 The previous Inspector concluded that the defined settlement limit for Glyn Ceiriog is well-defined in this location, being formed by the topography and the line of buildings below the appeal site. However, there is no sudden break or change in the topography as one travels up Tyn-y-Cestyll Road and reaches the appeal site.
- 5.17 The three images from Google Streetview below demonstrate that, as you proceed up the road, all of the existing properties are stacked up the road and are elevated above those below them. The proposed development on the Appeal site will therefore continue this established pattern of development.





- 5.18 The visual settlement limit could alternatively be defined as the very prominent row of mature trees which line the public footpath to the west of the site. In that sense, development on the Appeal site below them would round-off the settlement.
- 5.19 Although the previous appeal Inspector concluded that the proposed dwellings would be “clearly visible” from the public footpath to the west, the relevant photographs in Appendix 2 demonstrate that the views of the site from the public footpath are in fact interrupted the large trees, raised ground levels and other low-level screening on the boundary of the footpath. Views of the proposed dwellings from the footpath will therefore be filtered through the trees and other screening, softening its visual impact.
- 5.20 Furthermore, this footpath is very difficult to access and negotiate, being on a steep hillside, with poorly-maintained and treacherous stiles at each end. The footpath appears to be either not used, or very rarely used, other than perhaps by the most professional of walkers. It is also clear that, when approaching the appeal site from the footpath, the user is approaching a built-up area.

- 5.21 The successful development of the two most recent adjoining properties to the north also demonstrates that the steepness of the site is not a barrier to development. Despite the previous Inspector's concerns regarding the impact of cutting-in the new access to serve the two properties, this was clearly not seen as an issue in the provision of the accesses to the two immediately adjoining (and most recent) properties to the north, as demonstrated by the photographs in Appendix 2.
- 5.22 The previous Inspector's comments on the 'limited' sustainability of the location are considered to be unfair. Glyn Ceiriog does in fact have a very good range of facilities and services, for a settlement of its size – including those traditional services one would expect (a school, local shop/post office, public houses) – but also has a pharmacy, medical provision and the Glyn Ceiriog Centre with its sports hall, all-weather outdoor sports courts, café, and meeting rooms.
- 5.23 The application proposes a small development of two dwellings, rather than a very large new estate development. In this context, the facilities available in the settlement are more than adequate to serve the development.
- 5.24 Appendix 6 provides a list of Employers in the Glyn Ceiriog area, which demonstrates that there is local employment available, adding to the sustainability of the location.
- 5.25 It is also noted that the Council has an adopted UDP Policy (policy H5 – reproduced at Appendix 7) which encourages small scale infill development in locations with no services at all.
- 5.26 The appeal site is therefore considered to be in a sustainable location, for development on the scale proposed.
- 5.27 In sustainability terms, the proposed dwellings have been designed to meet as far as possible the Passivhaus principles. It will therefore be a highly sustainable development in terms of design and construction, water use, sustainable drainage, and energy efficiency.

6. Key Points from Previous Appeal Statement

- 6.1 The Appellant wishes to re-iterate the following key points taken from the previous Appeal Statement, a copy of which is provided in full at Appendix 8.
- 6.2 The appeal site is located immediately adjacent to the current development boundary for Glyn Ceiriog and also directly abuts residential development at Cae Plas Teg and Ffordd Tyn Y Cestyll. There is no degree of separation or detachment from the settlement whatsoever. The development boundary is considered to be at the stage where it requires urgent revision to allow some proportional small-scale development; this is discussed in greater depth in sections 5 and 6 of this statement.

- 6.3 The settlement pattern of Glyn Ceiriog follows the topography of the Ceiriog Valley. Whilst the highest concentration of houses follows the valley floor, the lower slopes of the Berwyn Mountains are also developed. In addition, there are a significant number of dwellings, occupying the upper more steeply sloping hillsides, which gradually become more dispersed. The character and form of the village is defined by what is an organic settlement form due to the topography. The settlement pattern in the location of the appeal site is characterised by dwellings that are all orientated to face towards the east across the Ceiriog valley. The site layout reflects and observes the same pattern of orientation.
- 6.4 The site is bounded by existing residential development directly to the east (Cae Plas Teg), northeast (Maes-y-Coed) and Ffordd Tyn y Cestyll to the north with further residential properties beyond. Hedgerows and hedgerow trees mark the western boundary. To the south of the field in which the site sits is an area of woodland, which extends as far south as Pandy (the next village) and then beyond. The consequence of the adjoining land uses is one of enclosure. The enclosed nature of the site ensures that the proposed development would not represent a new direction of growth. The proposed dwellings would in actuality result in a 'rounding off' of the settlement in this location.
- 6.5 The Decision Notice states that 'the impact of the development cannot be minimised from nearby and distant viewpoints...'. Views of the appeal site are in fact really quite limited and include the valley floor, from within the village (nearby) and beyond the Nant y Weniar watercourse area to the northeast (distant), where a small lane starting near Ty'n-y-groes rises up towards Pant Du and beyond.
- 6.6 From the valley floor within the village the view is of existing dwellings rising up above Llanarmon Road with an enclosed field behind. Beyond the field in the hedgerow are some oak trees. These oak trees break the skyline with coniferous woodland rising further up the slopes to the southwest and south. One other notable feature is a pair of large coniferous (spruce) trees located on the northeast boundary of the site. The proposed dwellings would be easily assimilated into the built form of the village.
- 6.7 The more distant view of the site is over a kilometre to the northeast on rising land. From this location the same features are visible as from the valley floor within the village, but other properties higher up the hillside are far more prominent. The visual effect of the proposed dwellings from this, and other distant viewpoints, is minimal and due to the location of the appeal site next to existing properties the assimilation would be seamless and the view unspoilt.
- 6.8 The eastern slope of the Ceiriog Valley to the east and immediately opposite the appeal site across the recreation ground is wooded. Although a lane rises up the

hillside, it is difficult to obtain a clear view of the appeal site due to the density of the trees. Views of the appeal site would have been the most prominent from this location if it were not wooded.

- 6.9 Due to the topography of the area, any views of the appeal site from both the south and the west are substantially restricted.
- 6.10 The Council's 2014 Joint Housing Land Availability Study (JHLAS) published 31st January 2015 calculates the supply of housing using past building rates. This document states that small sites of less than 10 dwellings make a contribution of 405 units out of an overall total of 1304 units. This represents 31% of the current 5-year supply for Wrexham County Borough.
- 6.11 The combined contribution made by small sites, just like the appeal site is almost a third of the overall supply of housing. It is therefore argued that small sites are of enormous significance to the 5-year supply of housing land. Furthermore, '*the small contribution*' should be reconsidered to be part of a source that is of great collective importance to the County Borough.
- 6.12 There are no barriers to the delivery of the appeal site. The Applicant is a respected and experienced local developer, who will deliver the proposed development quickly. Therefore, if approved, the dwellings will contribute directly to the 5-year housing land supply.
- 6.13 It can only be concluded that there is an urgent need for the Council to grant planning permission for appropriate housing development, including small sites outside (but adjacent to) UDP development boundaries, in order to address the current ongoing shortfall in deliverable housing land supply.
- 6.14 The appeal proposal has been judged against the policies as set out below:
- **PS1 – New development for housing, employment and community services will be directed to within defined settlement limits/employment areas** – the UDP development boundary and other linked policies are more than 5 years out of date. This is exacerbated by the lack of a 5-year supply of deliverable housing land and should therefore be a significant material consideration of utmost importance. This current situation means that there is a very strong argument to allow for some small-scale new housing development on the edge of settlements in the interest of social sustainability, in the same way that affordable housing is permitted.
 - **PS2 - Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment** – The proposed development is of a small scale and situated on the

edge of the settlement and adjoining the settlement boundary. The proposal would have minimal impact on the locality, the rural landscape and the Special Landscape Area.

- **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** – The proposed development site occupies low grade agricultural land comprising unimproved rough pasture. The availability of brownfield sites within rural settlements is strictly limited. It would be unreasonable to assume that all of the housing needs of the rural areas can be met on brownfield sites alone.
- **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 alternative to the car** – The settlement pattern in the location of the appeal site is characterised by dwellings that are all orientated to face towards the east across the Ceiriog valley. The site layout reflects and observes the same pattern of orientation. Glyn Ceiriog has a reasonable provision of bus services linking it with Llangollen, Wrexham and Chirk where regular train services operate between Chester, Shrewsbury and beyond. The Council is absolutely right to seek to reduce car dependency but needs to balance this against wider sustainability issues including the viability of rural communities.

7. Conclusion

- 7.1 The presumption in favour of sustainable development as set out in Planning Policy Wales (paragraph 4.2.2) should be the primary consideration in the absence of an up-to-date Development Plan.
- 7.1 For the reasons set out above, the Appellant considers the proposed development to be appropriate and sustainable development. The Inspector is therefore respectfully requested to allow the Appeal.

David Parker Planning Associates, on behalf of Mr. & Mrs. D. Howell

October 2017