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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/01/19

**gan Iwan Lloyd BA BTP MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 19.03.2019**

## Appeal Decision

Site visit made on 29/01/19

**by Iwan Lloyd BA BTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 19.03.2019**

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**Appeal Ref: APP/H6955/A/18/3217151**

**Site address: 82 Beechley Road, Wrexham LL13 7BA**

**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 Jennis Konadan against the decision of Wrexham County Borough Council.
  - The application Ref WRO P/2018/0772, dated 10/09/2018, was refused by notice dated 19/11/2018.
  - The development proposed is change of use to a HMO – 6 bedroom 7 persons.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use to a HMO – 6 bedroom 7 persons at 82 Beechley Road, Wrexham LL13 7BA in accordance with the terms of the application, Ref WRO P/2018/0772, dated 10/09/2018, and the plans submitted with it, subject to the conditions in the schedule below.

### Procedural matter

2. Revised plans were submitted during the course of the planning application and the appeal is considered on this basis.

### Main Issue

3. This is the effect of the proposal on highway safety.

### Reasons

4. No. 82 Beechley Road is a large detached corner property adjoining the junction of Beechley Road and Bennion Road situated to the south of the town centre. The location of the appeal site can be regarded as sustainable situated close to shops, services, areas of employment, community and recreational facilities for walking, cycling and located near to bus stops serving the town centre.
  5. The proposal would be for a change of use to house in multiple occupation providing 6 no. bedrooms for an occupancy of 7 persons in total. The proposal provides 4 off-street parking spaces with turning area and retention of 2 parking spaces to the side of the property. The proposed access would be widened and the hedge above the front boundary wall would be removed. The plan drawing no. 001 shows a proposed
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4m width access, although the appellant has agreed to widen the entrance to 5m. The Council has suggested a planning condition to ensure a minimum entrance width of 5m.

6. Having assessed the proposed entrance I am satisfied that with the removal of the hedge 25m visibility in either direction could be achieved which is in line with the Council's Highway Engineer's recommendation in response to the application on 24/10/2018. In my view the proposed access would be satisfactory in relation to visibility and sight stopping distances. On-street parking may impede visibility but there are numerous vehicle entrances serving properties in the vicinity of the site and there is no evidence to indicate that these are not operating safely. Drivers exiting the proposed access would do so in forward gear given the provision of the turning area within the site and this situation improves on other examples of driveways nearby whereby vehicles are required to reverse onto this residential street.
7. Turning to the second reason for refusal, the Council's Highway Engineer confirms that the proposal complies with Local Planning Guidance Note 16 which seeks a maximum of 4 car spaces. This is exceeded in this case and the proposal would provide for secure cycle storage. The site is situated in a sustainable location and on-site car parking provision could accommodate visitor parking in this instance which should overcome the Council's and residents' concerns. Local Planning Guidance Note 16 on parking is applied as a maximum in line with paragraphs 4.6 and 4.7 of Planning Policy Wales Technical Advice Note 18: Transport. Given that the proposal complies and exceeds the Council's own standards on off-street parking there is no technical evidence to indicate that the development would have a detrimental impact on highway safety.
8. In all, the proposal does not conflict with Wrexham Unitary Development Plan Policies GDP1 (d and f) and T8 in so far as these relate to the issue of highway safety, visibility and parking. I conclude that the proposal would not harm highway safety.

### **Other matters**

9. I have considered carefully the representations made on the application/appeal in relation to the over-concentration of houses in multiple occupation, issues concerning the potential behaviour of future occupants of the development, concern that work has been undertaken in the property, concern about the retention of trees within the site and issues with bin storage and the desire to retain properties on Beechley Road as family occupied properties. However, these matters do not form part of the Council's reasons for refusing the application and I am satisfied that the Council's own assessment on these matters have been examined thoroughly such that they do not outweigh my conclusions on the main determining issues.

### **Conclusions**

10. The proposal complies with the development plan and the appeal should be allowed.
11. 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 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 in section 8 of the WBFG Act.

12. I have considered the Council's suggested conditions. I have amalgamated condition 15 and incorporated it with condition 4 to ensure there would be no discrepancy between the plan and the appellant's agreed position on the proposed access width. All other suggested conditions and reasons are imposed and are set out below.

**Schedule of conditions APP/H6955/A/18/3217151**

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered 001, 002 and 003 and as contained within the application documentation.
- 3) No facing or roofing materials shall be used other than those detailed on the application form and within the approved application documentation.
- 4) Notwithstanding layout plan No. 001 and prior to the first occupation of the development hereby approved, the vehicular access shall be laid out with a minimum width of 5 metres.
- 5) The vehicular parking and turning areas as shown on approved drawing(s) No(s). 001 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.
- 6) Prior to first use of the development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
- 7) Nothing shall be planted, allowed to grow or erected to a height greater than 1 metre in height 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 with Beechley Road. The splays shall be provided prior to first use of the development and shall thereafter be permanently retained clear of any such obstruction.
- 8) Prior to first use of the vehicular access hereby approved, the access shall be surfaced with hard bound materials (e.g. bituminous macadam) for a minimum distance of 5 metres behind the adjoining highway.
- 9) There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
- 10) Notwithstanding the details shown on the approved plans, the existing garage shall be used for household refuse and recycling bin storage, together with secure cycle parking facilities, in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented prior to first use of the development, and the bins/refuse shall not otherwise be stored on any other part of the site.
- 11) The existing copper beech tree to the south west corner of the site shall be permanently retained, and shall not be cut down, grubbed out, lopped or uprooted. Should this tree become severely damaged or diseased, it shall be replaced with a tree of the equivalent size and species.

- 12) No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the local planning authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.
- 13) The tree protection fencing and ground protection measures approved in connection with condition no. 12 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the local planning authority.
- 14) Prior to first use of development a pavement crossing to the site shall be constructed in strict accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
- 15) No part of the development shall commence until a scheme detailing the construction of the following has been submitted to and approved in writing by the local planning authority: 1) Detailed layout, design, drainage and construction of the proposed new access, and 2) Relocation of existing street lighting column. The scheme as approved shall be fully implemented prior to first use of the development.

**Reasons for conditions APP/H6955/A/18/3217151**

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area.
4. In the interests of highway safety.
5. To provide for the parking and turning of vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
6. To ensure that adequate visibility is provided at the proposed point of access to the highway.
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8. To ensure that no deleterious material is carried onto the highway, in the interests of highway safety.
9. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
10. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties.
11. To ensure the amenity afforded by the trees is continued into the future.
12. To ensure that the retained trees are adequately protected during development in the interests of amenity.

13.To ensure that the retained trees are adequately protected during development in the interests of amenity.

14.In the interests of pedestrian safety.

15.To secure the creation of a safe and satisfactory access in the interests of protecting highway safety.

*Iwan Lloyd*

INSPECTOR