
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/09/17

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 21.11.2017

Appeal Decision

Site visit made on 18/09/17

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

an Inspector appointed by the Welsh Ministers

Date: 21.11.2017

Appeal Ref: APP/H6955/A/17/3178694

Site address: Llanerch Cottage, Yr Ochr, Froncysyllte, Wrexham, LL20 7RS

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 (the Act) against a refusal to grant planning permission.
- The appeal is made by Mr Paul Bignell against the decision of Wrexham County Borough Council.
- The application Ref P/2016/1012, dated 27 October 2016, was refused by notice dated 3 April 2017.
- The development proposed is for a two storey extension with basement.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension with basement, in accordance with the terms of the application, Ref. P/2016/1012, dated 27 October 2016, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Procedural Matter

2. The name of the Appellant varies slightly between that given on the submitted planning application form and that on the appeal form; I have determined the appeal with reference to the name stated on the planning application form.

Main Issue

3. I consider the main issue is the effect of the proposed development on the character and appearance of Llanerch Cottage with particular regard to the location of the site within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), a Special Landscape Area (SLA), and the setting of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS).

Reasons

4. Llanerch Cottage is a two storey dwelling located at the junction of two roads. The property's elevated rural location overlooks the surrounding countryside. The site is located within a SLA as designated in the adopted Wrexham Unitary Development (UDP), and also the AONB, and a buffer zone for the WHS; the latter two designations post-date the adoption of the UDP. In form and appearance the appeal property was
-

originally modest in nature, however in 2008 planning permission¹ was granted for an extension that allowed for the property to approximately double in size. The previous permission has been partly implemented.

5. Policy GDP1 of the UDP seeks, inter alia, to ensure that development accords with the character of the site and makes a positive contribution to the appearance of the locality. Policy EC5 of the UDP gives priority to the conservation and enhancement of the landscape within SLA's. Planning Policy Wales (Edition 9, November 2016) affords AONB's the highest status of protection from inappropriate development and states the primary objective for designating AONB's is the conservation and enhancement of their natural beauty.
6. The Council's adopted Local Planning Guidance Note No. 13 Housing in the Countryside (LPGN13) acknowledges that extensions to dwellings in the countryside will be permitted in appropriate cases and that in view of their visual impact the scale of extensions will be an especially significant consideration. LPGN13 also refers to guidelines being applied to rural house extensions including such extensions being subsidiary to the original dwelling and not resulting in an increase of more than one third in the floor area of the original building, that larger extensions may be appropriate where a higher quality design more in keeping with character of the original dwelling can be achieved, and that successive extensions to the same dwelling may not be permitted where their cumulative impact would destroy the character and appearance of the original building. The extant scheme preceded the adoption of the updated version of LPGN13.
7. In terms of policy GDP1, the character of the original dwelling and site has been fundamentally altered by the extant scheme which is now partly implemented; the full implementation of this scheme would dominate the dwelling's original form. The extant scheme has the same broad footprint as that subject to this appeal and therefore in terms of LPGN13, both schemes are clearly far in excess of the advocated guidelines.
8. I appreciate the proposed development would have a greater scale and mass to the permitted scheme, however that greater scale and mass is limited as the first floor extension and additional dormers would have a minimal impact in visual terms when considered in the context of that previously permitted, whilst any visual effects of the proposed basement would be significantly lessened due to existing ground levels, tree cover, and other vegetation. As a consequence the proposed development would not materially change the character of the original dwelling which has already been fundamentally altered, or the site, over and above the scheme that has been previously permitted.
9. The existing dwelling, due to the change in levels and a perimeter fence of approximately 2 metres in height, is well screened from the road to the rear; at the junction where this road meets the road to the north, the property is partially visible, however views are heavily filtered by the existing boundary trees/vegetation cover on the site and the boundary fence. Bearing this in mind, from close range, views of the proposed extension will be heavily restricted, with any views being transitory in nature, and sustained only for the briefest of moments. Within the wider area, the significant screening afforded by existing trees, along with other vegetation on the site would restrict distant views of the proposed development from across the valley.

¹ Ref. 2008/0430 – a subsequent first floor addition to this approval was accepted as an amendment to the scheme

10. The Council state that existing trees may help with the partial screening of the site, but that any effects would not be as effective in the winter months, however due to the relatively dense nature of that screening, some of which is evergreen in nature, I do not consider its effectiveness would be unduly compromised. In addition it is reported that trees on the site are subject to a Tree Preservation Order (TPO); any works to such trees would require the consent of the Council, however even if these trees are not subject to TPO controls, their removal or any other trees are not considered to materially alter the visual impact of the proposal over and above that previously permitted. Bearing these factors in mind, the proposed development would not be detrimental to the character and appearance of the natural beauty of the wider area which is a designated AONB and SLA.
11. The proposed development is also within a buffer zone for the WHS and forms part of its wider landscape setting. I note Cadw's concerns that the proposed basement would be a significant alteration that would have an impact on the Outstanding Universal Value (OUV) of the WHS **if** (my emphasis) visible from across the valley. Cadw also state that if the proposal is allowed then the basement should be heavily screened from views.
12. Bearing in mind the large extension to the dwelling that has been previously permitted and which is partially built, and the existing substantial landscape screening, I do not consider that distant views of the site from across the valley or in/and around the WHS would materially alter due to the appeal proposal. In addition to the screening effects provided by the existing trees, the basement element of the development would benefit from screening by the existing high timber fence that surrounds much of the site further restricting any potential or meaningful views of the lower part of the development from further afield. Therefore in terms of the WHS I do not consider the proposed development would have any significant impact on its OUV, its buffer zone, or its wider setting.
13. Drawing the threads of the above together, in this particular case the material considerations discussed are particularly relevant. The proposed development would not result in any significant detriment to the character and appearance of the existing dwelling bearing in mind the existence of the previous scheme, nor the natural beauty of the local area which is a designated AONB and SLA, or the WHS. On balance, and in light of what has been previously permitted, I do not consider the proposed development would be odds with policy GDP1, nor undermine advice as contained within LPGN13.

Other Matters

14. I note the Appellant's concerns regarding the Council's handling of the proposed development from pre-application discussions upto when the planning application was determined, however this is not a matter that can be considered within this appeal process.
15. Third parties have raised concerns in regards to the road network's ability to accommodate construction traffic and the impact the works would have on the stability of the adjacent road; however, there is no substantive evidence that any of these matters are likely to be detrimentally effected by the proposal. In terms of vehicular access to the site and the provision of parking, I note the Council have raised no objections; there is no substantive evidence for me to take a contrary view.

Conditions

16. 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 Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management*.
17. I agree that condition 1 is necessary in regards to the imposition of the five year time limit. Condition 2 which lists the approved plans which the scheme shall be carried out in accordance with is necessary in the interests of clarity as to what has been approved and to facilitate any minor material amendments to the plans.
18. Condition 3 removes permitted development rights for the site. The reason given for the condition is 'due to the restricted application site it is important to ensure that no additional development as described' takes place without further consent. Based on my site observations and the extent of the site as indicated on the submitted plans, I do not consider that the site appears particularly restricted. In addition the development which the condition seeks to control is already generally subject to restrictions via the Town and Country Planning (General Permitted Development) Order 1995 (as amended) bearing in mind the history of development on the site and its location within the AONB. Circular 016/2014 states that "save in exceptional circumstances, conditions should not be imposed which restrict permitted development rights granted by development orders"²; in this instance the Council have not put forward any "exceptional circumstances" to justify the imposition of the condition.
19. Condition 4 relates to the submission of a scheme for boundary treatments with the reason given being in the interests of visual amenity. I do not consider this condition is necessary as the existing boundaries to the site are well delineated by existing landscaping and fencing which adequately protect the visual amenity of the area.

Conclusions

20. After taking account of all the evidence before me, and for the reasons given above, I conclude that the appeal should be allowed.
21. 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

² Paragraph 5.105 Circular 016/2014: *The Use of Planning Conditions for Development Management*

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 only be carried out in strict accordance with the details shown on the approved drawings numbered, PROPOSED FRONT ELEVATION 2, PROPOSED BASEMENT FLOOR PLAN 2, PROPOSED GROUND FLOOR PLAN 2, PROPOSED FIRST FLOOR PLAN 3, PROPOSED LEFT ELEVATION 2, PROPOSED RIGHT ELEVATION 2, PROPOSED REAR ELEVATION 2, PROPOSED SECTIONS AA, BB AND CC 2 and PROPOSED SECTION II and contained within the application documentation.