

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: 12.10.2017

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: 12.10.2017

Appeal Ref: APP/H6955/A/17/3176350

Site address: The Elms, Rhosddu Road, Wrexham, LL11 1EB

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 Steven Webster of the Betsi Cadwaladr University Health Board against the decision of Wrexham County Borough Council.
- The application Ref WRR P/2016/1111, dated 25 November 2016, was refused by notice dated 6 February 2017.
- The development proposed is a "Ground floor extension and internal and external alterations".

Decision

1. The appeal is allowed and planning permission is granted for a ground floor extension and internal and external alterations, in accordance with the terms of the application, Ref. WRR P/2016/1111, dated 25 November 2016, and the plans submitted with it and as amended as part of this appeal process, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The description of the proposed development differs on the planning application form to that stated on the Council's refusal notice. The description as given on the Council's refusal notice and copied into the banner heading above is more concise and it is on this basis that I have determined the appeal.
3. As part of the submitted appeal documents the appellant submitted a number of revised plans¹; the changes are minor in nature and my consideration of them would not be prejudicial to any of the parties involved in the appeal. Consequently I have determined the appeal with reference to the revised plans.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the host building, and in particular whether it would preserve or enhance the character or appearance of the Grosvenor Road Conservation Area (CA).

¹ Referred to in Condition No. 2 in the schedule at the end of this decision

Reasons

5. The appeal site is located within the CA on a prominent corner site adjacent to a busy roundabout that serves a number of roads. The existing building on the site known as 'The Elms', is a substantial three storey Victorian structure constructed of red brick, slate roofs, with decorative blue brick and sandstone features. The appeal property due to its design and appearance is an attractive older building which is pleasing to the eye and reflects the character and appearance of a number of other buildings in the immediate vicinity; the property makes a positive contribution to the CA. The property is served by a car park that can accommodate approximately 13-15 vehicles, with vehicular access being gained off Rhosddu Road. A number of trees of varying size are located across the site.
6. The Act² requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Planning Policy Wales Edition 9 (PPW) states, there will be a strong presumption against the granting of planning permission for developments which damage the character or appearance of a conservation area or its setting to an unacceptable level; it also states preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.
7. The proposed ground floor extension partially extends either side of the rear elevation of The Elms and in design terms would be contemporary in nature with its flat roof, part zinc external cladding and its aluminium framed windows.
8. Contrary to the Council's view, whilst the extension is contemporary in nature, it reflects in part a connection with the appearance of the existing building by its use of blue brick and similar sized window openings and avoids being pastiche; this modern design interpretation is valid. I appreciate that zinc cladding does not appear to be reflected in any element of the existing building, however a similar type of cladding has been used on the adjacent Coleg Cambria building which is also within the CA and the use of such a material in sensitive locations is not unusual. In addition a more contemporary approach to design is already a feature of the character and appearance of the CA as was evident on the two storey glazed structure linking two Victorian style buildings opposite the appeal site.
9. Whilst the extension does project wider than the existing rear elevation of The Elms, nonetheless due to its single storey nature and the type of materials proposed to be used it will appear visually muted when compared with the existing building and as a result, contrary to the Council's views, would not appear as a discordant feature that would detract from the character or appearance of the property or the wider CA. Due to the extension's positioning to the rear of the site, wider views from within the CA would be restricted due to the screening effects of not only the existing building but also existing trees that are shown to be retained. Additional screening in the form of new landscaping is likely to further restrict any potential views of the proposed extension; this can be achieved via the Council's suggested conditions Nos. 7 & 8.
10. Consequently for the reasons given above, the proposed extension, or any of the other proposed external works to The Elms would not be harmful to the character and appearance of the host building or the historic character of the area. The proposed development would preserve the character and appearance of the CA, and therefore

² The Planning (Listed Buildings and Conservation Areas) Act 1990

would not run contrary to Policy EC7 of the adopted Wrexham Unitary Development Plan and national planning policy contained within PPW, which collectively seek to protect heritage assets.

Other Matters

11. Objections have been raised to the proposal on grounds of over-development, however the proposed extension is relatively modest in scale when compared to the overall extent of the site.
12. As regards objections relating to inadequate parking and access issues, the site currently provides in the region of 13-15 parking spaces depending on how those cars are positioned. Existing on-site parking provision is already well below that required by the Council's adopted maximum standards as referred to in LPGN16³. Based on the application of the maximum standard as referred to in LPGN16, the proposed development would result in 4 additional parking spaces being required.
13. I appreciate the proposed development falls short of that required by LPGN16, however these are maximum standards for development, not minimum standards, and LPGN16 states that where developments are close to local services and facilities and/or are in areas where people are able to walk or cycle to them or travel to them easily by public transport, it may be appropriate for less on-site parking to be provided than for developments in remoter areas; this approach reflects national advice as detailed in TAN 18⁴. In addition, national planning policy in PPW and advice in TAN 18, both seek to reduce dependence on the private motor car.
14. The appellant argues that another nearby site within their control on Grove Road would accommodate the additional parking needs. Irrespective of the appellant's ability to meet the needs of any additional parking provision on Grove Road, the appeal site is within a town centre location and is in close proximity to public car parks, which at the time of my site visit had numerous spare capacity, and public transport links such as the town's main bus station. Given that no additional parking spaces are being provided on the appeal site, the use of double yellow line parking restrictions on the road serving the access to the site being highly likely to restrict on-street parking, the level of public car parking spaces nearby, and the proximity of public transport that should encourage a more sustainable approach to travelling, I consider that the parking requirements generated by the proposed development could be adequately met; in doing so I do not consider such an approach would run contrary to nor undermine LPGN16.
15. Bearing in mind there are no additional parking spaces being provided on the site and the car park is already used to capacity, I consider it unlikely that the proposed development would give rise to a significant increase in vehicle movements to/from the site. When this is coupled with the lack of documentary evidence that the access currently gives rise to significant safety issues, notwithstanding any deficiency in visibility, I consider it unlikely the proposed development would result in detriment to highway safety over and beyond that which currently exists.
16. Objectors to the proposed development refer to detriment to the amenity of adjacent occupiers such as Coleg Cambria and the potential for anti-social behaviour in the area due to the nature of the use of the proposed extension i.e. for the provision of a

³ Local Planning Guidance Note 16 'Parking Standards'

⁴ Technical Advice Note 18: Transport

service catering to substance misusers. However, the appeal site has been used for this purpose for many years; it is not introducing a new use. Whilst these concerns are noted there is no substantive evidence to suggest that the proposed development would result in an increase in anti-social behaviour in the locality.

17. Concerns have been raised about the impact of the proposed development on existing trees on the site. The appellant's submitted arboricultural assessment (AA) and an additional revised plan confirms a number of trees would be removed as part of the scheme as they are deemed to be not particularly significant in terms of their public amenity value due to their low quality, age or size; I have no reason to disagree. A number of other trees are to be retained including an attractive beech to the south of The Elms which is a subject to its own Tree Preservation Order. The Council have suggested two planning conditions that relate to arboricultural works on the site. The appellant considers that one of Council's suggested conditions (No. 3) should be amended to reflect the fact that a number of trees referred to in the document cited are actually being retained; the Council have no objections to the rewording. The Council's suggested planning conditions, as amended, would adequately safeguard all those trees on the site identified to be retained.
18. A number of other concerns were raised including the need for listed building consent and the internal arrangements in terms of fire escape measures, however the building on the appeal site is not listed and issues relating to fire escape measures are subject to other controls which lie outside the scope of this appeal process.

Conditions

19. 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 016/2014: *The Use of Planning Conditions for Development Management*.
20. I agree that condition No. 1 is necessary in regards to the imposition of the five year time limit. The appellant highlighted that condition No. 2 as originally worded did not refer to the revised plans; the Council confirmed this was the case and therefore I have reworded the condition accordingly. Condition No. 2 as amended with reference to the revised plans 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 Nos. 3 & 4 relating to works to trees are necessary in the interests of protecting trees that have amenity value; condition No. 3 has been amended to reflect the retention of a number of existing trees on the appeal site. Conditions Nos. 5 & 6 relating to the submission of details relating to materials being used are necessary in the interests of visual amenity. Conditions Nos. 7 & 8 relating to the submission of landscaping details and the management thereafter are necessary in the interests of visual amenity; I have reworded condition 8 slightly in the interests of precision.

Conclusion

21. Taking all these matters into account, I conclude that the proposed development would not be detrimental to the character and appearance of the host building, or the CA, which would be preserved. Consequently the proposed development would not be in conflict with the relevant policy of the UDP. I conclude that the appeal should be allowed.
22. 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 only be carried out in strict accordance with the details shown on the approved drawing(s) numbered GA-01, GA-02, GA-03, GA-04 Revision C and GA-05 Revision B and contained within the application and appeal documentation.
3. The development shall only be carried out in strict accordance with the Shields Arboricultural Consultancy Arboricultural Impact Assessment reference AIA/TEW/12/16 dated 11 December 2016, with the exception of trees numbered T6, T7 and G9 which shall be retained.
4. No part of the development shall commence until full details for the arboricultural supervision of tree protection measures and any ground works within retained tree(s) Root Protection Areas, as specified by BS5837:2012 or as shown on a Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The supervisory works shall be carried out in strict accordance with the details as approved.
5. Prior to their use on the development, samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
6. Prior to their installation on the building, drawings to scale 1:5 and 1:20 fully detailing all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall fully describe the proposed materials, decorative/protective finishes, method of opening and glazing type and include cross sections for glazing bars, sills and heads etc. The works shall only be carried out in strict accordance with such details as are approved.
7. Within three months of commencement of development, full details of a hard and soft landscaping scheme together with a timescale for implementation of works shall be submitted to and approved in writing by the Local Planning Authority. Hard and soft landscaping shall thereafter be carried out in strict accordance with the scheme as approved.
8. The landscaping scheme, as carried out in connection with condition no. 07, shall be retained for the lifetime of the development. Any planting becoming severely damaged or seriously diseased, or in poor physiological condition

and/or are removed without the written permission of the Local Planning Authority shall be replaced with trees or shrubs of similar size and species to those originally required and to be planted in the next available planting or seeding season.