
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/04/17

**gan Clive Sproule BSc MSc MSc
MRTPI MIEEnvSci CEnv**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/05/17

Appeal Decision

Site visit made on 13/04/17

**by Clive Sproule BSc MSc MSc MRTPI
MIEEnvSci CEnv**

an Inspector appointed by the Welsh Ministers

Date: 26/05/17

Appeal Ref: APP/H6955/D/17/3168950

Site address: Chapel House, Overton Road, Penley, Wrexham LL13 0LU

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 Stephen Priestley against the decision of Wrexham County Borough Council.
 - The application Ref P/2016/0614, dated 23/06/16, was refused by notice dated 19/09/16.
 - The development proposed is replacement of dilapidated fence and erection of new fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. Within the context of the Council's reason for refusal and the evidence in this case, the main issue is considered to be the effect of the development on the character and appearance of the site and locality.

Reasons

Character and appearance

3. Chapel House is a detached dwelling that has amenity space on all four sides of the building. It faces north eastwards across the A539 towards a church and its grounds. A small field lies between Chapel House and the school to the northwest. Along the south eastern (side) boundary of the appeal site is an access to a car park. Across that access is another dwelling and its grounds, which also have a north east facing frontage onto the A539. Agricultural fields are evident around and between development in Penley.
 4. Although the Council Officer's report on the application notes the appeal site to lie within the settlement, this section of Overton Road has a semi-rural character. This character is retained through Penley due to the density and layout of development within the settlement. Boundary treatments in the locality include hedging and other vegetation, sections of walling, post and wire, wooden fences and combinations of these, and these roadside boundary treatments contribute to local character.
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5. While in the wider area, I saw a substantial wooden fence along a residential roadside frontage. However, it was not typical of the locality and especially the frontages within Penley that contribute to the area's semi-rural character.
6. Vehicles turning into the appeal site from the A539 do so towards the north western end of the road frontage where the access is between two short sections of brick walling that curve into the site entrance to terminate at brick piers. The proposed fence has been constructed between Chapel House and the highway and it is built of wood panels that are set on concrete boards between concrete posts. There are eleven panels along the site frontage between the car park access and the brick walling at the entrance into the appeal site. Nine of the panels are 'tall' resulting in a fence that rises to or above 'head height' for many people. The two panels next to the walling on the south eastern side of the site entrance are lower in height to reflect that of the adjoining brickwork. Where the tall and low panels meet on the site frontage, a section of tall panels that are perpendicular to the A539 extend out across the front garden to visibly enclose an area of amenity space to the front and side of the dwelling.
7. Due to height, length and nature of the proposed fence, along with its positioning next to the highway, the fence is a prominent and somewhat stark feature in the street scene that significantly reduces its semi-rural character. These factors cause the proposed development to conspicuously depart from the character and appearance of the locality. It does so in a manner that is sufficient to be unacceptably harmful to the character and appearance of the site and locality due to the type and scale of the boundary treatment constructed. This conflicts with Wrexham Unitary Development Plan Policy GDP1(a) which seeks, amongst other things, all new development to ensure that in its scale, design and layout, and in its use of materials and landscaping, it accords with the character of the site and makes a positive contribution to the appearance of the nearby locality, and the relevant parts of *Planning Policy Wales – 9th edition* ('PPW').

Other matters

8. The appellant highlights that the enclosure seeks to prevent crime and increase privacy within the amenity space at the side of the house. Penley is a rural settlement where the occupiers of roadside properties can expect a certain degree of overlooking of their amenity space. Both the site plan and the site visit indicated Chapel House to be located fairly centrally and within the northern half of the plot. The appeal proposal would appear to have significantly increased the area of private amenity space on the appeal site. However in the absence of the development, there is no evidence to suggest that occupiers of Chapel House would have an inadequate area of private amenity space, nor is it apparent that they would be more likely to be susceptible to crime. Therefore, given the scale of the plot, the areas of amenity space within it and the scope for a policy compliant fence, it is not apparent that the proposed high enclosure along the site frontage is necessary to provide adequate levels of privacy or to prevent crime.
9. The absence of immediate neighbours and the lack of objection from the Highway Authority do not diminish the planning policy objectives for development in relation to the character and appearance of the site and the locality. Such policies address aspects of development that require judgements to be made on the appropriateness of proposals. For the reasons above, the judgements made by the Council have been found to be sound within the context of the circumstances of the site and the planning policies that apply to it. Given the harm that has occurred to local character and

appearance, the scope of permitted development rights does not provide significant weight in favour of the proposal.

10. My attention has been drawn to construction site fencing on the frontage of the field between the appeal site and the school to the north of it. Details regarding the planning background to this and other fences in the locality are not before me. In any event, each application and appeal is determined on its own merits within the context of the specific circumstances and policies that apply to it, and that is how I have approached this case.
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 this 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.

Conclusion

12. For the reasons above, the proposed development would be unacceptably harmful to the character and appearance of the locality and would conflict with UDP Policy GDP1 (and PPW). No matters, including the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. Accordingly, the appeal should be dismissed.

Clive Sproule

INSPECTOR