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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 30/03/17

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

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 02/05/17**

## Appeal Decision

Site visit made on 30/03/17

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

**an Inspector appointed by the Welsh Ministers**

**Date: 02/05/17**

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**Appeal Ref: APP/H6955/D/17/3170624**

**Site address: 17 Yew Tree Court, Gresford, Wrexham LL12 8ET**

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| <b>The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.</b> |
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- 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 & Mrs Holmes against the decision of Wrexham County Borough Council.
  - The application Ref P/2017/0034, dated 16/01/17, was refused by notice dated 14/02/17.
  - The development proposed is single storey rear and front extension and two storey side extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. With reference to the Council's reason for refusal and the evidence in this case, the main issue is considered to be the effect of the development proposed on the living conditions of occupiers of the neighbouring bungalow in relation to loss of light and visual impact.

### Reasons

3. No.17 is a two storey detached house within a development of other detached dwellings. The front elevation of no.17 faces westwards. The proposed development would be sympathetic to the architecture of no.17. However, the Council Officer's delegated report on the application draws attention to the possible effect of the proposed two storey side extension on the daylight received at, and the outlook from, three windows in the neighbouring dwelling (no.18). The two storey side extension would enlarge and be over the garage on the southern side of no.17. Currently, the garage is a single storey pitch roofed structure with a southern gable wall<sup>1</sup>, that along with the gable of the attached dwelling, face towards no.18.

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<sup>1</sup> That has two windows within it

4. No.18 is a bungalow and it has three windows to habitable rooms in the side elevation that faces towards the appeal site<sup>2</sup>. The Council Officer's report notes these windows to serve a kitchen and two bedrooms. The Grounds of Appeal indicate: boundary treatment between the two properties to include walling and fencing up to 2m in height, and vegetation; and that of the three habitable room windows, the rearmost window is to a bedroom, the kitchen window is the closest to the front of no.18, and the window between them serves a study (rather than a bedroom).
5. The outlook from the kitchen window is toward the boundary treatment and the gable wall of the garage on the appeal site. Views from the kitchen window will also include, and be restricted in a westerly direction, by the rear wall of the garage at no.18 which is in close proximity to the opening. The Grounds of Appeal note the centre of the study window to be roughly in-line with the rear corner of the proposed side elevation extension.
6. Given that no.18 is a bungalow on the southern side of the proposed development, it is not apparent that the resulting built forms would be likely to cause a significant loss of light at habitable room windows in no.18. Sun would continue to shine over and around no.18, as it does now. However, the built form of the southern gable at no.17 would increase significantly in scale and extent and in close proximity to the northerly facing windows of habitable rooms at no.18.
7. The Council's Local Planning Guidance Notes No.20 – *House Extensions* and No.21 – *Space around Dwellings* seek a distance of 13m to be provided between a blank wall and a facing window to a habitable room. Guidance Note No.21 notes that this standard may be relaxed for kitchen windows where suitable screening is in place.
8. The Council Officer's report on the proposed development notes that the proposal would result in separation distances between the enlarged southerly gable at no.17 and the windows of habitable rooms at no.18 of approximately 6.5 to 8.0m. The rearmost of these windows would retain sufficient views over and beyond boundary treatment to provide adequate living conditions within the bedroom that it serves.
9. The appellant notes the proposal meets the '45 degree test'. Nevertheless, the close proximity of the proposed two storey southern gable to the two other habitable room windows in the northern elevation of the bungalow would cause the occupiers of no.18 to experience visual impact and restricted outlook.
10. The view from the kitchen window at no.18 is already restricted by the rear elevation of the garage to that property, which projects out from the bungalow next to the window. This restricts aspects being taken to the west of the kitchen window. Aspects directly to the north are restricted by the existing gable of the garage at no.17, which is seen above the boundary treatment. The proposal would further restrict the already limited views attainable from the kitchen window above and beyond the boundary treatment. The window to the study is set further away from the rear garage wall of no.18 and therefore provides more open views of the amenity space at no.18. However, building the two storey side extension at no.17 would introduce a structure that would restrict views beyond the boundary treatment. In relation to both of these windows, the appeal proposal would result in occupiers of the rooms experiencing significant levels of visual impact and restricted outlook due to the scale and close proximity of the two storey side extension to them.

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<sup>2</sup> This side elevation of no.18 also includes two garage windows

11. These matters indicate that the proposal would be likely to be perceived as overbearing in views from the windows of habitable rooms at no.18. The visual impact and restricted outlook would be sufficient to cause a claustrophobic effect that would be unacceptably harmful to the living conditions of the occupiers of no.18. As such, the proposal conflicts with Wrexham Unitary Development Plan 1996-2011 ('UDP') Policy GDP1 which states that all new development should, amongst other things, ensure the (safety and) amenity of the public (and the relevant parts of Planning Policy Wales – 9<sup>th</sup> edition ('PPW')).
12. My attention has been drawn to an existing planning permission (ref: P/2014/0353) that would construct a first floor extension over the garage at no.17 and a single storey extension with a 'lean-to' style roof that would wrap around the south eastern corner of the dwelling. The single storey element would not be the full width of the garage, which along with the roof design, would ensure that it would have an acceptable visual impact when viewed from no.18.
13. Planning permission ref: P/2014/0353 would provide the appellants with additional ground and first floor accommodation, and if this appeal were to be dismissed, it is likely that this fallback position would be implemented. Given the relationship between the approved side elevation of no.17 and the openings on the northern side of no.18, constructing the approved first floor extension over the garage on the appeal site would cause some restricted outlook and increased visual impact to the occupiers of no.18. However, the restricted outlook and visual impact from the fallback position would not be sufficient to cause the degree of harm that would result from the appeal proposal's significantly more extensive side elevation.
14. Although other planning decisions have been referred to, full details regarding those proposals are not before me. In any event, each application and appeal is determined on its own merits within the context of the site specific circumstances and planning policies that apply to it, and that is how I have approached this case.
15. 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**

16. For the reasons above, the proposed development would be unacceptably harmful to the living conditions of the occupiers of no.18 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