
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/01/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/02/2016

Appeal Decision

Site visit made on 18/01/16

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

an Inspector appointed by the Welsh Ministers

Date: 11/02/2016

Appeal Ref: APP/H6955/A/15/3134995

**Site address: Land to the rear of Brynteg Youth Club, Brynisa Road, Brynteg,
Wrexham, LL11 6NR**

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 outline planning permission.
 - The appeal is made by Mr Kevin Jones against the decision of Wrexham County Borough Council.
 - The application Ref P/2015/0424, dated 5 June 2015, was refused by notice dated 24 July 2015.
 - The development is described as an 'Outline application for the erection of 2 No. dwellings (3 bedroom each) and associated garages, parking and access and re-surfacing works to Brynisa Road. All detailed matters except access and layout reserved for further approval'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the development as it appears on the Council's decision notice which I consider more accurately describes the proposal.

Main Issue

3. I consider the main issue to be the effect of the proposed development on highway safety.

Reasons

4. The appeal site is located in Brynteg, off Brynisa road, a narrow unadopted highway that links into the adjacent Victoria road to the west and Church road to the north. The site as edged in red includes a length of Brynisa road which the proposed development would access onto. During my site visit a number of cars were parked along Brynisa road.
 5. The Council's refusal reason refers to Policy GDP1 of the adopted Wrexham Unitary Development Plan 1996-2011 (UDP) which states that all new development should ensure safe and convenient pedestrian and vehicular access to and from development
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sites, both on site and in the nearby locality. The Council's refusal reason refers to the substandard nature of the access roads that would serve the site, and the seriously substandard visibility at the junction between Brynisa road and Victoria road. In addition, the refusal reason refers to the proposed road surfacing works unacceptably increasing surface water run off to adjacent sections of unsurfaced road, that the proposal is likely to generate traffic along other sections of substandard highway in the area, and that the new surfacing works are likely to cause adverse amenity issues for existing residents.

6. The appellant accepts the proposed development would not be served by a traditional 5.5m carriageway with two 2m wide footpaths. Whilst I appreciate the section of Brynisa road that would access onto Victoria road does vary in width, nonetheless it does narrow at points to about 4 metres where there is no footway. My site visit revealed that parked cars along Brynisa road resulted in very little room to allow two vehicles to easily pass each other; in all likelihood one of the vehicles would have to attempt to reverse and pull in, which bearing in mind there are no footways, would result in conflict between pedestrians and cars, creating a danger for pedestrians walking along the highway.
7. The appellant maintains that it is unlikely any occupiers of the proposed dwellings would access the site other than via Victoria road, due to the narrowness and the poor surface of the north/south section of Brynisa road, and that in any event the additional traffic that may choose Brynisa road would be minimal. Notwithstanding which route any future occupiers vehicles may use to access the site, even if the increase in traffic generated was small along the northerly part of Brynisa road, nonetheless, when this is combined with traffic movements associated with other dwellings that are served by Brynisa road, and the lack of footways, I consider it would increase the risk of dangerous manoeuvres to the detriment of highway safety.
8. The appellant accepts that visibility onto Victoria road is below TAN18 standards, but argues this is not untypical of other access roads in the area, and that the large number of on street parked vehicles results in traffic speeds being relatively low. The Council accept that speeds will be typically 30mph and therefore splays can be lowered from the TAN18 standard of 90m down to 70m, and that in addition, if Manual for Streets 2007 (MSF) is applied, then the splay required could even be as low as 40m, or even lower if proven by traffic speed surveys. However, the Council maintain even these reduced splays fall far short of that currently possible, which equates to 2.4m by 5m.
9. The current visibility splays at the junction of Brynisa road and Victoria road are severely substandard either under TAN18 or MFS. Whilst I appreciate that on road parking may to a certain extent act to reduce vehicular speeds, nonetheless, at the time of my site visit there was a steady movement of vehicles on the road, indicating it is a well-used thoroughfare. I therefore do not consider a relaxation of the required visibility standard is appropriate because even a modest increase in vehicular movements at this junction, as a result of the proposed development, would increase the risk of accidents.
10. Whilst the provision of improved splays on land outside the appeal site and currently not within the control of the appellant may be achievable, and could potentially be required by condition, nonetheless, there is no evidence that its provision in perpetuity could be secured.

11. The appellant argues that the proposed development would generate less traffic than the historical use of the site, or its potential future use for recreational purposes which would not require planning permission. The Council maintain there is no factual evidence to confirm traffic generated by the previous use of the youth clubhouse. Irrespective of the level of traffic the previous use generated, in 2015 the adjacent youth building was granted planning permission for its conversion to a dwelling which included the site currently under appeal; to my mind it follows that the appeal site forms part of the domestic curtilage associated with that new property, whose conversion works appeared well under way during my site visit. However, even if the site could revert to an alternative use without the need for formal planning permission, there is no substantive evidence before me that there is a high probability that this would occur.
12. The refusal reason states the proposed resurfacing works would unacceptably increase surface water runoff to adjacent sections of the unsurfaced road further down the hill. The appellant maintains the proposed surface material could be porous tarmac which could drain into soakaways or to a surface water sewer. I noted during my site visit that Church road, which has a gradient similar to the Brynisa road, had surface water drains at various locations. Had I been minded to allow the appeal, I am satisfied that the issue of surface water run-off could have been adequately addressed via a suitably worded condition.
13. In regards to adverse impact on residential amenity, the Council's appeal statement refers to increased noise impacting on local residents as a result of additional traffic generated by the proposed development. However, in the absence of any technical evidence to substantiate this stance I do not consider the proposed development would be unduly detrimental to adjacent residential amenities by way of noise nuisance. The Council refer to the upgrading works to the surface of Brynisa road altering existing traffic movements within the general area and encouraging traffic to use other local substandard roads, however, existing local residents can already use these roads, and in my opinion, the upgrading works to the road surface is unlikely to materially alter those movements.
14. The appellant refers to a couple of relatively new properties along Brynisa road which do not appear to have resulted in any Council objections on highway grounds. New properties along Brynisa road are very much in the minority and I don't know the full circumstances relating to these properties, or the policies that applied at the time of their consideration. In any case I considered the appeal proposal on its own merits.
15. The appellant considers the proposed upgrading of Brynisa road would benefit access for local residents who currently have to use a rutted uneven surface. In addition the appellant also refers to the sustainability of the proposal as espoused by Planning Policy Wales Edition 7, and its contribution to meeting housing need in Wrexham. These benefits are not sufficient to outweigh the harm identified.
16. The Council have cited in support of their highway stance, a relatively recent dismissed appeal¹ for a new dwelling relating to a site further along Brynisa Road. Whilst I note the similarities of this decision to the current appeal, nonetheless, I have reached my own conclusions on the proposal on the basis of the evidence before me.

¹ APP/H6955/A/14/2228714

Conclusion

17. I therefore conclude the proposed development would be detrimental to highway safety due to the intensification in use of Brynisa road that is substandard in width, and also substandard in visibility at its junction with Victoria road. The proposal is therefore contrary to policy GDP1 of the UDP, as well as advice as contained TAN 18 and MSF, which collectively seek to safeguard highway safety.
18. After taking account of all the evidence before me, and for reasons given above, I therefore conclude that the appeal should be dismissed.

Declan Beggan

INSPECTOR