

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/06/15

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 29/06/15

Appeal Decision

Site visit made on 10/06/15

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 29/06/15

Appeal Ref: APP/H6955/A/15/3005712

Site address: Maesteg, Gwynfryn, Wrexham LL11 5YU

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 Craig Sparrow of Wales and West Housing against the decision of Wrexham County Borough Council.
- The application Ref MIN P/2014/0186, dated 21 March 2014, was refused by notice dated 5 December 2014.
- The development proposed is erection of 5 dwellings and formation of vehicular access.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the development set out above was changed from the planning application. I have considered the appeal on this basis, as no prejudice would arise from this alteration. Revised plans have been submitted during the course of the planning application and these have been considered as part of the appeal.
3. The appellant has provided with its statement an ecological assessment in response to the third reason for refusal. Natural Resource Wales (NRW) and interested parties were consulted as part of the appeal.

Background and main issues

4. The appeal site is located in the settlement limit for Gwynfryn as defined in the Wrexham Unitary Development Plan (UDP) 1996-2011, adopted in 2005. The development would provide 5 no. affordable dwellings in a predominantly residential area. Outline planning permission has been granted (ref: P/2010/0220) for the site in 2010. The UDP is not within its plan period, and as a result cannot demonstrate a 5-year housing land supply as set out in TAN1¹ paragraphs 8.1 and 8.2. The need to increase the supply of housing land should be given considerable weight in planning

¹ Paragraphs 8.1, 8.2, 6.2 of Technical Advice Note 1: Joint Housing Land Availability Studies 2015.

decisions provided that the development would otherwise comply with development plan and national planning policies, as set out in paragraph 6.2 of TAN1.

5. The main issues in this case are; the effect of the proposal on the character and appearance of the area, the effect on highway safety and ecology. The acknowledged lack of a 5-year housing land supply and the need for affordable housing are factors to be weighed in the overall planning balance.

Reasons

Character and appearance

6. The appeal site is a triangular piece tapered to the north at the intersection of Allt y Pentref to the east and Ffordd Isaf to the west. The site contours fall from north to south. Access to the site would be from Ffordd Isaf. Adjacent to the appeal site to the west is Maesteg housing estate which is accessed from Ffordd Isaf. Maesteg is aligned west/east with the front and rear elevations facing the internal and rear road. The side gables of the properties face Ffordd Isaf. The proposed development is similarly orientated but plots 1 and 2 directly face the intersection to the north of the site. Plot 3 would be predominantly facing the internal road and to the south, but a bay window and a smaller window face Ffordd Isaf.
7. I therefore consider that the development is not inward looking or insular, it reflects several housing layouts of the area. I noted there are a variety of houses types with individual properties orientated to address the street. This proposal similarly addresses the main focal point from Ffordd Newydd, and also successfully deals with the slope and tapered nature of the site. Most properties in the village have an aspect to the south, and this proposal reflects this layout taking advantage of solar gain, the topography of the site and available views. Concern about the possibility of visual clutter from sheds to the north of plots 1 and 2 can be addressed by structural landscaping. Landscaping buffer areas are shown on the submitted plans and are aligned with the local road network. In addition the concern about the inclusion of brick to the external walls of two of the properties could be controlled by planning condition. I therefore disagree with the Council that the development would be bland and uninteresting.
8. I conclude that the proposal would not harm the character and appearance of the area. UDP policies PS2, GDP1 and H2 are not undermined by the proposal in so far as these relate to the issue of character and appearance.

Highway safety

9. UDP policies GDP1(d) and (e), T8, T9 and H2 broadly seek to ensure that the development provides safe and convenient pedestrian and vehicular access and is conveniently located to public transport facilities. Policy T8 deals with parking provision. The proposed access arrangement on the northern turning radius would result in a vehicle approaching from the north to sweep to the far side of the road in order to make the turn into the site without crossing the centre line of the proposed internal road. I do not consider that such a manoeuvre would be acceptable and could pose a danger to other road users, particularly those who will be turning left from the Maesteg entrance into Ffordd Isaf. There is also a deficient turning area at the end of the proposed internal estate road.
10. The appellant has provided alternative schemes to address these points at appeal stage. However, such alterations involve changes to the proposed layout road and

cannot be conditioned since they impinge on the estate road pavement; this is shown on figure 7 of the appellant's statement. A condition cannot be imposed which in turn results in different effects on the estate layout and also modifies the development without appropriate consultation. I am not convinced either that the swept path of the vehicle in figure 7 should cross the proposed pavement. The proposed footway leads to a rural lane with no pavement. I would question whether this would usefully serve the development. The Council also indicates that there is no requirement to provide a footway alongside the carriageway of the site.

11. I consider that a scheme could be developed which would address these matters and reflect the rural nature of the site, in particular the design of the proposed access bell-mouth, but as presented they are not before me and cannot be conditioned.
12. I therefore conclude that the proposal would harm highway safety, conflicting with UDP Policy GDP1(d).

Ecology

13. NRW does not raise an objection to the appellant's ecological assessment and considers that the development would not have a detrimental impact on the favourable conservation status of any species that are protected.
14. The ecological assessment indicates that trees and dense scrub provides some foraging and nesting potential for common bird species. The assessment recommends that any trees or scrub removal should be undertaken outside the nesting season and that landscaping proposals could provide an opportunity to optimise the biodiversity potential of the site.
15. The site is cut-off from habitats present in the wider landscape, and I conclude on the available evidence that the proposal with appropriate mitigation would not harm protected sites and species, and would conserve biodiversity as required under S40 of the Natural Environment and Rural Communities Act 2006. I consider that the proposal complies with UDP Policy EC6.

Conclusions

16. I have concluded that the proposal would cause harm to highway safety and would fail in this regard to comply with development plan and national planning policies. This factor weighs against the development.
17. I have concluded that the proposal would not harm the character and appearance of the area and ecology. The lack of a 5 year housing land supply and the contribution the development makes to affordable housing should be given considerable weight in favour provided the development complies with development plan and national planning policies in other respects. In this regard, the development does not comply since highway safety is an important consideration and the adverse effects outweigh the benefits.
18. I therefore conclude having regard to all other matters and representations from local residents that this appeal should be dismissed.

Iwan Lloyd

INSPECTOR