

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 16/04/15

Site visit made on 16/04/15

gan Kay Sheffield BA(Hons) DipTP
MRTPI

by Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 15 Mai 2015

Date: 15 May 2015

Appeal Ref: APP/H6955/A/14/2229845

Site address: Land fronting Gate Road, Froncysyllte, Llangollen, LL20 7RH

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 M L Hildebrandt against the decision of Wrexham County Borough Council.
- The application Ref P/2014/0458, dated 13/06/2014, was refused by notice dated 24/11/2014.
- The development proposed is the erection of two detached dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would accord with local policies concerning the location of new residential development and the effect of the development on historic heritage.

Reasons

3. The appeal site is located adjacent to Gate Road a short distance from its junction with the A5 trunk road. The site forms part of the grounds of Argoed Hall which, together with Argoed Stables, is a Grade II Listed Building and a Grade II Registered Park and Garden of Special Historic Interest. Gate Road forms the boundary of the Pontcysyllte Conservation Area, the appeal site lying outside of it. The site is also within a Green Barrier, Special Landscape Area (SLA), the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the buffer zone of Ponycysyllte Aqueduct, a designated World Heritage Site (WHS) and Scheduled Ancient Monument (SAM).

Planning policy

4. The appeal site is located outside any settlement limit as defined in the Wrexham Unitary Development Plan, 2005 (UDP). Although adjoined on three sides by the settlement boundary, the site nevertheless lies in open countryside and Policy H5 of the UDP therefore applies. This policy controls housing in the countryside and allows infill development subject to Policy GDP1 of the UDP. The explanation of Policy H5 defines infill as the development of no more than two dwellings in a small gap within a well developed built frontage where no environmental damage occurs.

5. The Aqueduct Inn creates a prominent feature in the approach to the site from the A5 and is followed by three relatively modern dwellings which adjoin the south western boundary of the appeal site. Beyond the site there is a small development of single storey dwellings which, together with the neighbouring community centre, are set back from the road. On the opposite side of Gate Road to the site there is a row of single storey dwellings set down below the level of the road and the entrance to a car park. The siting of these properties allows views through to the canal which is framed to the north by Argoed Lodge and other properties on the side of the canal. To the north of Argoed Lodge there are further properties, set back from the road. In this context the road frontage of the Hall, marked by a stone wall and mature trees, creates a significant break in the built development on Gate Road. The appeal site does not include the entire gap, but excludes a narrow area between the access and the boundary of the properties to the north
6. The layout of the existing development in the vicinity of the site does not follow a regular pattern. The plot sizes of the existing properties and the spaces separating the buildings vary which, together with the local topography and landscaping, gives the street scene a relatively open character. I have noted from the evidence submitted by the appellant that the frontages of other dwellings in the area exceed that of the appeal site. However, these frontages are also in excess of many others in the vicinity and the extra land is predominantly used as garden.
7. Although these properties lie within the settlement boundary and form an identifiable group along Gate Road I am concerned that the size of the gap in which the appeal site is situated would exceed that envisaged by Policy H5. In the proposed layout, the design emphasises the width of the properties which is in contrast to many properties in the locality. I am not convinced by the evidence that no more than two dwellings could be accommodated within the gap between the boundaries of the existing properties. On this basis I conclude that the proposed development would not constitute infill development, contrary to Policy H5 of the UDP.

Historic heritage

8. I have noted that the garden area subject of the appeal is not specifically identified in the listing description of Argoed Hall. However, Cadw has confirmed that it forms part of the woodland grounds and is located within the registered area.
9. Although building works have taken place within the former grounds of Argoed Hall the quality of the woodland garden has been maintained. Whilst the gardens in the vicinity of the appeal site are relatively open, the tall mature trees along the road frontage and the wooded slope on the south side create a sense of enclosure from the road. The link the gardens provide between the Hall and its entrance from Gate Road is an integral part of the setting of the Listed Building. This link has not been diminished by the gates erected across the driveway approximately 50m from the carriageway. I consider the appeal site, as part of the gardens adjacent to Gate Road, plays a significant role in the wider setting of Argoed Hall.
10. Whilst the frontage trees would break up views of the dwellings the position of the properties, in particular that on Plot 1, would feature in the view from Gate Road. I accept that the Hall would still be seen but I am concerned that the development would result in the segregation of the appeal site from the remainder of the grounds and the loss of the open aspect of this part of the gardens which is an important feature at the entrance from Gate Road. I consider that the siting of the dwellings in this sensitive location would be physically and visually intrusive, altering the historic

character of the approach to Argoed Hall and the registered garden and causing fragmentation of the historic layout.

11. No harm has been identified to the setting of the Pontycysyllte Conservation Area and I have no substantive evidence with regard to the effect the Council considers the development would have on the AONB, the SLA and the WHS. Cadw has confirmed that it does not consider the development would have any effect on the WHS and I have no reason to reach a different conclusion. However, on the evidence before me I am unable to reach a reasoned conclusion as to the effect of the development on the SLA or the AONB. I conclude that the development would be detrimental to the setting of Argoed Hall as a Listed Building and a Registered Park and Garden of Special Historic Interest, contrary to Policies PS2, GDP1 and EC5 of the UDP.
12. I have noted that the appellant has not pursued the permission for the erection of garages opposite the main entrance to the Hall which was extant at the time the appellant purchased the property in 2006. I understand that there were informal discussions between the appellant and a representative of Cadw with regard to the development of the appeal site. Whilst the submitted correspondence indicates that the principle of development on the site was not rejected, the detail of the proposal was found unacceptable. Nevertheless, the views expressed were informal and not binding on Cadw and since I have no details of those proposals I am unable to attribute them any weight in my determination of the appeal.

Other material considerations

13. The site also lies within a Green Barrier. Policy EC1 of the UDP states that development within Green Barriers will only be granted planning permission if it is for agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it. Planning Policy Wales also makes it clear that new development within a Green Barrier is inappropriate except under certain circumstances, none of which apply to the appeal. New development is, by definition, harmful to the Green Barrier and openness is an important attribute. The appeal site is currently open land and the proposed development would therefore reduce the openness of the Green Barrier. This carries significant weight against the appeal.
14. The Council has confirmed that it is unable to demonstrate a five year housing land supply and I accept that the proposed development would make a positive contribution to housing supply which carries weight in favour of the appeal.

Conclusions

15. Whilst I have concluded that the development would make a positive contribution to housing land supply, this is not sufficient to outweigh my conclusion that it would not constitute infill development and would harm the setting of the Listed Building and Registered Park and Garden of Special Historic Interest as well as the openness of the Green Barrier. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR