

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/04/15

gan Kay Sheffield BA(Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28 Ebrill 2015

Appeal Decision

Site visit made on 16/04/15

by Kay Sheffield BA(Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28 April 2015

Appeal Ref: APP/H6955/A/15/2230087

Site address: Lane End, Maelor South, Penley, Wrexham, LL13 0LN

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 Paul Edge against the decision of Wrexham County Borough Council.
- The application Ref P/2014/0392, dated 15 April 2014, was refused by notice dated 1 December 2014.
- The development proposed is the erection of seven dwellings comprising four detached houses, one detached bungalow, and two semi-detached houses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on highway safety and to visual amenity from the loss of trees.

Reasons

3. Whilst the application has been made in outline, matters of access and layout have not been reserved for subsequent approval. I have determined the appeal on this basis.
4. The appeal site lies at the end of Lane End, a narrow unadopted lane which runs from the A539 in a generally south easterly direction. There are currently four dwellings sited on the western side of the lane and it is bordered on its eastern side by the rear gardens of the properties on Park Villas, an access road which runs adjacent to the A539. To the west of the junction of Lane End with the A539 lies Maelor School, attended by secondary age pupils from the local rural area. The site is currently overgrown and the existing buildings, which include three former dwellings, are in a dilapidated state. There are several mature trees on the site and the boundaries are generally marked by overgrown hedgerows.

Highway safety

5. The junction of Lane End with the A539 is marked by a mini roundabout. From the roundabout the lane bends quite sharply towards the south before continuing past the existing properties. The forward visibility of drivers travelling in both directions along the lane is severely restricted by the bend. The main part of the lane varies in width

between approximately 3.9m towards its northern end and 2.9m close to the site. This width does not allow the simultaneous passage of two vehicles. Moreover, there is insufficient land outside of the appeal site to provide a 4.8m wide carriageway which is the minimum the Council considers is necessary to serve the development.

6. The proposed layout would provide space for vehicles to pass and turn within the site and there is an area at the northern end of the lane where drivers could stop and wait for an approaching vehicle to pass. These two points are approximately 60 metres apart and as stated in the submitted transport report in most instances this distance would be acceptable where each passing place is clearly visible from the last. However, in this case the bend prevents intervisibility between the two areas where vehicles would be able to wait. Drivers approaching the site would be beyond the stopping place before being able to see an approaching vehicle and with no facility for vehicles to pass between the site and the bend some drivers would need to reverse towards the roundabout to be able to do so.
7. The road layout in the area between the roundabout and the bend includes the exit from Park Villas, separate vehicular and pedestrian entrances into Maelor School and a field entrance. A bus stop is sited in the refuge between Park Villas and the A539 and any passengers travelling to or from the west would cross Lane End. Moreover parking is allowed on both sides of Park Villas and my observations during my site visit suggest that at least some of these vehicles were associated with the school. Given this situation I am concerned that bus passengers crossing Lane End and drivers and pedestrians using the school entrances would encounter drivers of vehicles who, in attempting to travel down Lane End, found it necessary to wait for an approaching vehicle or reverse to allow one to pass. Either situation would have the potential to cause a traffic hazard and given that in crossing Lane End pedestrians would pass close to if not through the stopping place, this could result in an increased risk to road users.
8. I accept that this is the situation at the moment. However there are currently only four dwellings occupied on Lane End. I understand that there is an extant permission on the site for two cottages and the Council has indicated that an existing cottage on the land could potentially be restored. Therefore although the proposal would result in an additional four dwellings, the total number of properties gaining access via Lane End would be eleven. I have noted from the submitted transport report that vehicle flows along Lane End during the times of the survey were low, but that there was a relatively high flow of traffic to the school. Although at the scale proposed the development may not generate a high volume of traffic it would still represent a significant increase in that currently using Lane End. It would also result in increased use of the junction in close proximity to the school access and the exit from Park Villas with the potential to intensify the concerns already identified.
9. On balance I conclude that the alignment of the existing road and the lack of intervisibility between passing places together with the increase in traffic using Lane End as a result of the development would increase the risk to road users, to the detriment of highway safety and contrary to Policy GPD1(d) of the Wrexham Unitary Development Plan, 2005 (UDP).

Visual amenity

10. The site is currently overgrown and a significant amount of the existing vegetation would be removed as part of the development. Although the Council is content that some trees would be lost, several have been identified for retention along with the

existing overgrown hedgerows to the site boundary. However, there is dispute between the parties regarding the proposed loss of two of the trees, an Ash and a Goat Willow, and the effect of the development on a Weeping Willow and a hedgerow identified for retention.

11. During my site visit I observed decay in the lower section of the trunk of the Goat Willow which the appellant contends is spreading and likely to affect a significant part of the tree in a short time resulting in an estimated lifespan of less than 10 years. In contrast the Council believes it has an expected lifespan in excess of 20 years and that as no specific decay organism has been identified as having colonised the tree, its vitality has not been fully considered in relation to potential for decay spread. I accept that there is an element of decay in the trunk of the Goat Willow. However, I am not satisfied by the evidence as to the extent of this decay or the effect it has on its lifespan of the tree.
12. Although the Council has offered no substantive evidence regarding the Ash, the submitted tree survey states that its root structure has been restricted by the adjacent building. However, the report does not comment on what effect this would have on the safety of the tree if it was retained as part of the development. I am concerned that possible retention of the tree has not been fully considered and given the contribution it makes to the visual amenity of the site I do not consider the evidence justifies its removal at this time.
13. The submitted tree report identifies the Weeping Willow as a significant tree and whilst it is identified for retention I share the Council's concerns regarding its proximity in the proposed layout to one of the dwellings and the access road. I acknowledge that it is possible to require appropriate construction methods be used in building the road and the internal layout of the dwelling could take account of the tree in order to minimise shading. Nevertheless I remain concerned that the contribution the Weeping Willow makes to the visual amenity of the site and the effect the development would have on the tree have not been fully addressed in formulating the proposed layout.
14. The hedgerow on the north eastern boundary of the site has, through lack of management, become a line of small trees. It is nevertheless an important natural feature which also provides privacy for the occupants of neighbouring properties. Whilst identified for retention, the Council is concerned that the proposed dwellings would be too close to ensure the survival of the hedge. Although a root protection area has been identified, I do not consider that the evidence is sufficient to confirm that this would be sufficient to adequately protect the root spread of the hedgerow trees or that the siting of the proposed properties would not cause unacceptable damage to them.
15. I am aware that it is proposed to plant new trees as part of the development and that this would go some way to compensate for the loss of vegetation from the site. However, on balance, I am not satisfied by the evidence that the proposed removal of the Goat Willow and Ash is justified or the proposed layout of the site would ensure the future retention of the Weeping Willow and the hedgerows. The trees and hedges are important features of the site and their loss would be detrimental to its visual amenity and contrary to Policies EC4, PS2 and GPD1(a) of the UDP.

Other material considerations

16. The Council has confirmed it is unable to demonstrate a five year housing land supply and it is accepted that the development of this unkempt piece of land which is

predominantly within the defined settlement boundary would make a contribution towards housing supply. However, I do not consider this to be sufficient to outweigh the concerns identified regarding highway safety and visual amenity.

17. Interested parties have raised concerns regarding the effect of the development on land drainage and the impact it may have on neighbouring land and properties. Drainage is a matter reserved for subsequent approval and one over which the Council has not raised any concerns. In the absence of any substantive evidence on this matter I have no reason to conclude otherwise.

Conclusions

18. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

INSPECTOR