

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 25/02/15

Site visit made on 25/02/15

gan Gareth A. Rennie BSc(Hons) DipTP

by Gareth A. Rennie BSc(Hons) DipTP

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 01/04/2015

Date: 01/04/2015

Appeal Ref: APP/H6955/A/14/2229673

Site address: land at Tan yr Onnen, School Lane, Bronington, Whitchurch, SY13 3HN

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 & Mrs RA & RD Jones against the decision of Wrexham County Borough Council.
- The application Ref BRN P/2014/0387, dated 16 April 2014, was refused by notice dated 14 November 2014.
- The development proposed is the erection of 5 dwellings served off a private drive.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues in this case are the effect of the proposal on policies designed to control the provision of housing and protect the countryside, the effect of the proposal on the living conditions of neighbouring residents, and the effect of the proposal on road safety.

Reasons

3. This proposal is for the construction of five detached dwellings on land to the rear of Tan yr Onnen and currently forming part of its extended rear garden but lying outside the settlement boundary. School Lane is typified by detached houses in reasonably large plots on the southern side of the settlement. Bronington has a linear development pattern where the vast majority of the development has a direct relationship with its main roads.
4. Policy H5 of the Wrexham Unitary Development Plan (UDP) says that outside settlement boundaries small scale residential development may be permitted in certain circumstances, non of which apply in this case. The appellant maintains that the appeal site is part of the curtilage of Tan yr Onnen immediately adjacent to the village and that to permit this development would allow for a logical extension to the settlement and represents reasonable development on Previously Developed Land (PDL).

5. The site is PDL, and does lie within in a reasonably sustainable location close to the services within the village. The UDP does seek to direct housing development in general to PDL and national guidance within Planning Policy Wales (PPW) does likewise. Nevertheless, the UDP policies seek to achieve this within settlement boundaries and PPW does not indicate that all such land should be developed.
6. This part of Bronington has a strong boundary between the existing built up area and adjacent open countryside which the appeal site does not currently undermine. There is a clear demarcation between the built up area of the village and the adjacent open land at this point and a number of extended gardens mark a transitional area that links the village to its surroundings. The siting of additional dwellings within this setting would undermine the area's open rural character by introducing new built development on the edge of an existing settlement and extending the existing cluster of houses into open countryside. The proposed dwellings would be in a prominent position, visible from surrounding countryside and would be out of character with the site and the countryside of which it is a part.
7. Overall, the development would significantly harm the character and appearance of the surrounding countryside. I also consider that no material considerations sufficient to offset the policy requirements have been put forward. I conclude therefore that the proposal is contrary to policy H5 of the UDP. It is also contrary to strategic policies PS1 and PS2 of the UDP which seek to direct new housing to within defined settlement limits and to ensure that development does not materially affect countryside character.
8. The introduction of new dwellings into the rear garden of Tan yr Onnen would cause additional activity within the site and result in substantial additional vehicular movement along the proposed access alongside Tan yr Onnen. The increase in comings and goings would introduce an additional harmful level of disturbance and noise from cars in close proximity to adjacent properties.
9. The appellants have stated that the increase in traffic would be negligible, particularly because of the proximity to the services within the village. I consider that the additional traffic from 5 new dwellings would be likely to be substantial and the cumulative effect on noise and disturbance from the comings and goings from the proposed dwellings, combined with the proximity of the access road to the gable end and rear elevation of Tan yr Onnen, would give rise to an unacceptable degree of harm to the living conditions of its residents.
10. There is the suggestion that the single storey element of Tan yr Onnen could be demolished and that this could be achieved through the use of conditions. This demolition would increase the separation between Tan yr Onnen and the proposed access at its gable end but would not increase the separation between the access and the rear elevation. The single storey element is also relatively small and I consider that it would not fundamentally change the relationship between the gable end of the house and noise and disturbance as a result of traffic using the access.
11. I consider also that the relative narrowness of the access, particularly as it passes the gable end of Tan yr Onnen could give rise to conflict between vehicles and particularly between vehicles and pedestrians. Nevertheless it would be a relatively short access and there are opportunities to pass and step off the road. Some conflict could occur however, and whilst this isn't sufficient to warrant refusal in its own right it does add some weight to my previous conclusions. The proposal is also therefore contrary to policy GDP1 of the UDP which seeks to protect the amenity and safety of the public.

12. The Council has accepted that there is insufficient land currently available within the area to provide a 5 year supply of housing. The most recent Joint Housing Land Availability Study conducted in 2014 concluded that there is a housing land supply of 3.1 years. The proposal would make a contribution therefore to housing supply and I have given that substantial weight. In this case however I consider that the benefit of additional housing supply does not outweigh the substantial harm that I have identified.
13. School Lane is a relatively busy road but speeds are slow and the proximity of a roundabout to the access serves to moderate traffic speeds further. There is sufficient land at the access to ensure adequate visibility and I am satisfied that there would be little additional risk to road safety along School Lane as a result of the proposed access despite the potential volume of traffic. This does not outweigh my previous conclusions.
14. The appellant has submitted a unilateral undertaking under s106 of the Act¹ which undertakes to make a financial contribution towards education provision and secure the long term management of a habitat mitigation area. Such undertakings should be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development. Whilst satisfying the requirements of the Act I consider that nothing within the undertaking outweighs the harm that I have identified.
15. I conclude therefore that the proposed development would be out of accord with the pattern of development and the overall character and appearance of the area. It would also harm the living conditions of residents of neighbouring properties through noise and disturbance as a result of the additional comings and goings associated with the proposal.
16. Consequently for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Gareth A. Rennie

Inspector

¹ Town and Country Planning Act 1990