



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 7/03/13

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/04/13

Appeal Decision

Site visit made on 7/03/13

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 18/04/13

Appeal Ref: APP/H6955/A/12/2190150

Site address: Eversley House, Pen Y Palmant Road, Minera, Wrexham LL11 3YW

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 H Johnson against the decision of Wrexham County Borough Council.
 - The application Ref MIN P /2012/0618, dated 31 August 2012, was refused by notice dated 25 October 2012.
 - The development proposed is outline planning application for development of three dwellings on land adjacent to Applicants existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application is submitted in outline with all matters reserved for later determination. The submitted plans show three dwelling houses, internal access driveway and the point of access onto Pen y Palmant Road. The design and access statement specifies that the development would be two or three storeys in height, but has not provided the upper and lower limits of each building as is required by Article 3 (4) of Part 2 of the relevant statutory instrument¹.
3. The Council has served a Tree Preservation Order (TPO) 204, 2012 on the copper beech tree situated at the site entrance to the Appellants' property. The TPO is dated 31 October 2012, but is not confirmed, and there is an objection against it. However, the Council has directed under Section 201 of the Act that the TPO should take immediate effect. The TPO takes effect on a provisional basis until it is confirmed. The appeal is considered on the basis that the TPO was in effect on 7 March 2013 the day when the site inspection was carried out.

¹ 2012 No. 801 (W.110) Town and Country Planning, Wales, The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Main Issues

4. These are; the effect of the proposal on highway safety, and the amenity value of the beech tree and the impact of felling it on the character and appearance of the area, and whether or not felling is justified.

Reasons

5. Access is a reserved matter, but the Appellants have indicated that provision could be made for a splayed entrance which would improve forward visibility and turning, allowing two vehicles to pass one another at the entry. At this juncture there is an area of land of some 5m in width, and I consider it is not impractical in principle to achieve an access to serve the development. As presented, the application for the access is not a detailed one, and it has not been shown that access to the development could not be achieved.
6. The Council indicate that a widened access point would not be appropriate on a carriageway which is narrow and poorly aligned and without pedestrian provision. The alignment of the road is an existing characteristic of the area, and there is no technical evidence to indicate that this road would be unsafe as a consequence of the development. The road width is some 4.5m and is without a pavement. Traffic speeds are acknowledged by the Council to be below 30mph, and I have no compelling evidence to indicate that the lack of a footway at this location would be a highway safety concern or that the development would cause such problems. Manual for Streets indicates that a road width of 4.1m is wide enough for two cars to pass each other.
7. In my view, it has not been shown that a satisfactory access to serve the development could not be achieved. The concern that vehicles turning into the site from an easterly direction would be unsighted by drivers of vehicles travelling up from Vicarage Hill was based on the premise that the existing access would and could not be changed, but that is treating the application as if detailed access plans were part of the outline application. This fails to consider the possibility of whether access could be achieved in principle and within the parameters of the wide area of land adjacent to the roadside within the Appellants' control.
8. I therefore conclude that the proposal would not harm highway safety and would not undermine Wrexham Unitary Development Plan (UDP) Policies GDP1 (d) and H2.
9. In relation to the protected tree, the Appellants acknowledge that it would be removed. The arboricultural implication assessment submitted by the Appellants indicate that the tree is an attractive specimen categorised as a tree of high quality and value and is in good condition in terms of its health, amenity value and long-term life expectancy. I would concur with these observations. The tree is seen on the corner of the road near the site entrance and has a stature and maturity which makes a significant positive contribution to the local environment.
10. I conclude that the impact of felling the beech tree would harm the character and appearance of the area, contrary to UDP Policy EC4.
11. The Appellants indicate that the tree's removal would enhance the view of the Acer, Beech and Lime trees which are obscured by the protected tree. The Appellants also refer to trees in neighbouring properties' gardens that have also been removed. However, this in itself is not a reason for removing a mature beech tree which contributes to the character and appearance of the area. I therefore conclude on the

basis of the evidence before me and my site visit, the beech tree is healthy and that there are insufficient grounds to justify felling it.

Conclusions

12. Notwithstanding my favourable conclusion for the Appellants on highway safety this is not outweighed by the harm that would be caused to the character and appearance of the area in relation to the removal of the protected tree. Adding to my concern is lack of information about the scale of the development which is a requirement of the fore-mentioned statutory instrument for the submission of outline applications where all matters are reserved for later determination.
13. I have considered all other matters raised including the history of the development, the reasons why the previous permission lapsed and any lack of compliance with the conditions requiring access works of adjoining neighbouring properties, but none outweigh my conclusions on the main issues that this appeal should be dismissed.

Iwan Lloyd

INSPECTOR