



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/11/12

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/12/12

Appeal Decision

Site visit made on 14/11/12

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/12/12

Appeal Ref: APP/H6955/A/12/2185804

Site address: Courtyard Cottage, Stonewalls, Burton, Wrexham LL12 0LG

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 Robert Baines against the decision of Wrexham County Borough Council.
 - The application Ref P/2012/0376, dated 24 May 2012, was refused by notice dated 16 July 2012.
 - The development proposed is raising of ridge height to incorporate first floor area in loft space and ground floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - the effect of the proposal on the character and appearance of the building and the surrounding area, and
 - the effect of the proposal on highway safety in relation to off-street parking, and
 - the effect of the proposal on the living conditions of nearby residents in relation to outlook, and future occupiers of the development in relation to their living environment.

Reasons

Character and appearance

3. The appeal building, Courtyard Cottage, is a single storey converted residential outbuilding with a small garden. It is located adjacent to 'The Paddocks Cottage' a two storey dwelling with an outbuilding and garage. The converted building is 'L shaped', each wing has a gable end elevation and comprises of a lounge, kitchen, bathroom, dining room and bedroom. It is constructed of brick with a slate roof with openings predominantly located facing an internal courtyard and the side wall of the garage. The end gable of the garage is linked to the end gable of Courtyard Cottage by an eaves height brick wall. Adjoining this is a low planter bed and brick plinth wall located next to a footpath which skirts between No. 35 Stonewalls and Hollytree

House. Courtyard Cottage was formerly within the garden of The Paddocks Cottage, although it is still within the same ownership.

4. The proposal would be to form a square shaped building effectively filling the courtyard void next to the 'L shape', recess the front wall facing the footpath back by 1.2m, and would involve the construction of a new roof over the whole building. The proposed ridge would be some 5.6m high; the eaves would be some 300mm higher than the height of the original dwelling. The proposed dual roof pitch would have north/south orientation; the east/west would form gable elevations. The proposed front of the building would be reconfigured so that it faces east towards the triangular piece of amenity land. A new 2m high boundary enclosure would be formed abutting the footpath up to the gate and existing hedge line.
5. In my view, the changes are so dramatic that no discernable reference to the original converted dwelling would be apparent. Its identity would be entirely extinguished by the proposed development. The scale and overall bulk of the change to the building would be disproportionate and would fail to reflect the character of the converted building as it appears now. Adding to my concern is that the proposed appearance lacks finesse. The extent of the new brickwork and the steep sided roof slope on both gable ends emphasises the dominant bulk of the building which would appear incongruous in its immediate setting. There is some intimacy to the scale of buildings next to the footpath in particular the garage, Courtyard Cottage itself, and Nos. 35 and 37 Stonewalls. The proposal would significantly erode that characteristic and would appear an over dominant feature amongst these buildings and from the footpath. Although there are two storey dwellings behind the appeal building they are generally set-back and predominantly masked by the smaller scaled buildings next to the footpath, and as a result, they do not substantially influence the built context in terms of street scene.
6. I therefore conclude that the proposal conflicts with Policy GDP1 of the Wrexham Unitary Development Plan (UDP), which deals with the appropriateness of development in relation to scale and design and that it accords with the character of the site.
7. I conclude that the proposal would harm the character and appearance of the building and the surrounding area.

Highway safety

8. I note the Council's and residents' concern about the parking provision, but as the Network and Infrastructure Manager notes there is sufficient space for 5 vehicles on the existing driveway next to the garage, and this would be adequate for the development of a two bed dwelling and the existing three bed dwelling, The Paddocks Cottage.
9. This would be equivalent to 1 space per bedroom which appears to be an over-generous provision having regard to the maximum standard set by the Council in Local Planning Guidance Note (LPGN) No. 16. If set as a maximum standard then it is not explained why this provision should be at this level and not a sliding range up to the maximum as local circumstances dictate. National guidance indicates that new development should provide lower levels of parking than have generally been achieved in the past and minimum parking standards are no longer appropriate. In this instance, it has not been adequately explained why the maximum standard of parking provision is needed having regard to local circumstances.

10. However, 5 spaces can be achieved on the site, but the Council is concerned that there is no control on the provision for the appeal development, should it be sold and ownership of the site severed. In my view, this could be secured by planning condition and this should not be an impediment to development. I therefore conclude that the proposal would comply with UDP Policy T8 and LPGN No. 16. I conclude that the Council has not shown why this accepted level of parking provision would result in harm to highway safety.

Living conditions

11. I have approached the question of outlook on the basis of any harm which could be caused by an overbearing development. The neighbouring resident has also referred to overshadowing and the restriction to light. No. 35 is set further back in its plot so that Courtyard Cottage is generally in front and to one side of this dwelling, but the juxtaposition is also angled. No. 35 is some 4m away from Courtyard Cottage at its nearest point although separated by a fence, footpath and side wall. There is also a 2.5m high hedge forming the boundary of the footpath and the garden of No. 35. This hedge projects marginally beyond the plane of this property where a west facing window is positioned. There is also a north facing window in the side front gable and another window in the front gable facing west.
12. Having considered carefully the juxtaposition of these buildings and the set-back of the proposed new wall and roof of the development, I am satisfied that the development would not significantly worsen the living conditions of the occupiers of No. 35 in relation to outlook and light. This is due to the oblique angle of the development in relation to the orientation of the west facing windows, the set-back position and the slope of the proposed building and the boundary landscaping which interrupts and diminishes the impact. The north facing side gable window is a secondary window since there is another larger opening in the front gable.
13. In relation to amenity space, I note the Council's concern in terms of privacy, nevertheless, the situation was deemed acceptable in the first instance when the building was converted to a dwelling. The triangular space to the east of the proposed building would have been used as amenity space in any event, and the loss of the courtyard area as a consequence of the development is not so significant as to fail on this issue alone. There is more than adequate space provided for the size of the development having regard to the LPGN No. 21 *Space around Dwellings*.
14. I therefore consider that the proposal complies with UDP Policy GDP1, LPGN Notes Nos. 20 *House Extensions* and 21, in so far as these relate to living conditions. I conclude that the proposal would not harm the living conditions of nearby residents in relation to outlook, and future occupiers of the development in relation to their living environment.

Conclusions

15. Notwithstanding my favourable conclusion for the Appellant in relation to living conditions and highway safety, these issues are not outweighed by the harm that would be caused by the development to the character and appearance of the building and the surrounding area. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR