

Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 30/06/14

Site visit made on 30/06/14

gan Gareth A. Rennie BSc(Hons) DipTP
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 03/07/14

by Gareth A. Rennie BSc(Hons) DipTP
an Inspector appointed by the Welsh Ministers
Date: 03/07/14

Appeal Ref: APP/H6955/A/14/2217633

Site address: The Railway, Smith Street, Rhosllanerchrugog, Wrexham, LL14 1AR

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 G McLellan against the decision of Wrexham County Borough Council.
- The application Ref RHO P/2013/0788, dated 15 November 2013, was refused by notice dated 19 December 2013.
- The development proposed is the formation of a new entrance within the gable wall of building, addition of a smoking shelter and fenced off external area.

Decision

1. The appeal is allowed and planning permission is granted for the formation of a new entrance within the gable wall of building, addition of a smoking shelter and fenced off external area at The Railway, Smith Street, Rhosllanerchrugog, Wrexham LL14 1AR in accordance with the terms of the application, Ref RHO P/2013/0788, dated 15 November 2013, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.

Main Issues

2. The main issues in this case are the effect of the proposal on the living conditions of neighbouring residents and the effect of the proposal on highway safety.

Reasons

3. The Railway is a small public house located in an area of mixed residential and commercial development in the heart of Rhosllanerchrugog. It is approached by narrow single track roads and has residential development to three sides with a reasonably sized car park to the other.
4. The proposal is for the construction of a smoking shelter to the side of the appeal building. This will take up part of the existing car park and necessitate a new doorway in the gable end of the building.
5. Smokers using The Railway currently have no formal smoking area and, as I observed during my site visit, tend to either congregate close to the main door where there is

some informal seating, or would have to use the car park. Smith Street is very narrow at the point at which it passes the appeal building, and doors into the pub open straight onto the carriageway. This means that customers wishing to smoke have to enter the carriageway in order to access either of these areas. These informal areas are not enclosed and are also very close to the residential properties facing the road.

6. I consider that the proposed development would create an enclosed protected space where smokers would not be at potential risk from road traffic. The enclosure would also help to reduce the noise generated by smokers outside the building and contain litter and other impacts including odour and smoke.
7. The enclosure would be opposite No. 9 Smith Street. However, I consider that it is unlikely to lead to any more harm from noise and disturbance than the current situation, particularly if currently the door to the Pool Room is left open whilst smokers access the outside.
8. The proposed fencing would lie close to the front elevation of No. 9 across the carriageway. Nevertheless, I consider that it is in keeping with the densely developed surroundings, and would help to screen the car park and storage area. Whilst it would increase the sense of enclosure I do not consider that it would significantly harm the outlook of the residents of No 9 or adjacent properties as a result.
9. The enclosure would take up space within the car park and during my visit that space was occupied by a car. Nonetheless, the car park is reasonably large for such an urban location. There are public car parks nearby and one would expect that the majority of customers would be local and would walk to the pub as it is located in close proximity to a good deal of residential development. The car park was well used at the time of my visit but I consider that the loss of any spaces as a result of the proposal would be unlikely to have a significant impact on road safety.
10. Similarly, whilst the proposal may have an impact on the amount of manoeuvring space in the car park, this would only be so if the space it would take up were not occupied by cars. The gates into the area would be unlikely to have a significant effect. Whilst there is no dedicated pedestrian access through the car park it is certainly a better option than the current access via the carriageway of Smith Street.
11. I conclude for these reasons, therefore, that the proposal would not lead to significant additional harm to the living conditions of nearby residents or the character and appearance of the area, or lead to a significant additional risk to road safety. It does not therefore conflict with policies GDP1 and PS2 of the Wrexham Unitary Development Plan which address those issues.
12. The Council has not suggested any appropriate conditions in this case and whilst there is the suggestion that the car park could be marked out as part of the development I do not consider that this is necessary.
13. Consequently for the reasons given above and having considered all other matter raised, I conclude that the appeal should be allowed

Gareth A. Rennie

Inspector