



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/13/2190307

Site address: 13 Green Park, Erddig Road, Wrexham LL13 7YE

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 grant of planning permission subject to conditions.
 - The appeal is made by Mr Dominico De Rosa against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2012/0559, dated 31 July 2012, was approved on 14 September 2012 and planning permission was granted subject to conditions.
 - The development permitted is extension to bedroom over garage.
 - The condition in dispute is No 3 which states that: "With the exception of the en-suite bathroom window shown on the approved plan and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting the Order with or without modification) no windows or other openings shall be inserted in any elevation of the building facing North or South".
 - The reason given for the condition is: "To protect the amenities of the occupiers of nearby properties".
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted for a bedroom extension over the garage in 2012. The Appellant objects to the planning condition which restricts the installation of a window in either the North or South elevation of the extension. The en-suite window is excluded from the restriction. The approved plan shows a second bedroom window on the north facing elevation, but this was also excluded by the planning condition. The Appellant seeks to vary or remove the condition to allow a bedroom window to be installed in the south facing elevation of the extension.

Main Issue

3. The main issue is the implication of removing or varying the disputed condition would have on the living conditions of occupiers of Nos. 12 and 14 Green Park in relation to overlooking.

Reasons

4. The south facing side wall of the proposed extension would be some 9.7m from the boundary with No. 14 Green Park. This boundary is delineated by a 2m high hedge

which also encloses the front boundary of the property facing the road. The private garden area of No. 14 is located behind the hedge.

5. The proposed extension would project outwards by some 4.9m and a window which would be installed at first floor level in the side wall facing No. 14 would have sight of the private garden at reasonably close distance. I consider the installation of a window at this location would unreasonably harm the living conditions of occupiers of No.14, because their private space would be overlooked. I therefore consider that the development would conflict with Wrexham Unitary Development Plan Policy GDP1 (a) and Local Planning Guidance Note No.21 Space around dwellings.
6. I note that windows have been installed in the south facing elevation of the extension to No. 17. However, I view that situation to be different since it overlooks part of the open plan estate and driveways, whilst the garden of No. 14 has been enclosed with hedgerows making it a private space. The fact that no objection was received does not mean that the change now put forward is not opposed, given that no planning application was submitted to seek to vary the condition. I note secondary windows in the side elevations would increase daylight and sunlight to the room, but there is a large window proposed in the front elevation of the extension to serve the room. I therefore consider that the installation of windows in either side elevation of the extension would harm living conditions.
7. I therefore conclude that the implication of removing or varying the disputed condition would harm the living conditions of occupiers of Nos. 12 and 14 Green Park in relation to overlooking. I have considered all other matter raised, but conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR