



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 11/12/12

Site visit made on 11/12/12

gan Siân Worden BA DipTP MCD
MRTPI

by Siân Worden BA DipTP MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 14/01/13

Date: 14/01/13

Appeal Ref: APP/H6955/A/12/2185360

Mount Pleasant, Pleasant View, Froncysyllte, Llangollen, Wrexham, LL20 7SF

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 GHP Legal against the decision of Wrexham County Borough Council.
- The application Ref LLR P/2012/0378, dated 18 May 2012, was refused by notice dated 9 August 2012.
- The development proposed is the erection of a detached dormer bungalow and formation of a new vehicular access on land adjacent to Mount Pleasant.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst the proposed development was described on the planning application form as a dormer bungalow the plans were amended during the process. The decision refers to a detached house and that is what is shown on the latest revision of the plans before me. I have made my decision on that basis.

Main Issues

3. I consider that the main issues in this case are the effect of the proposal:
 - on highway safety, and
 - on a statutorily protected species.

Reasons

Highway safety

4. The appeal property is a small cottage with a garden where it is proposed to build a detached dwelling. Four parking spaces would be provided, two of which would serve the existing cottage when refurbished. Surrounding development is mainly residential.
5. The site is high above the Dee Valley reached by a zigzagging route along steep, narrow lanes; there is little room for converging vehicles to pass one another and progress must be made in a low gear. Whilst alternative routes can be taken to the site they are limited in number and appeared to me to have similar characteristics.

Traffic cannot generally travel very fast along these roads but, as a result of their limited width and the restricted visibility, there is an increased risk of collision. In addition there is little provision by way of pavements; in many places the narrow lanes are confined by walls and are particularly hazardous for pedestrians. Finally, these secondary roads join the A5 at dangerously sharp angles where visibility is again poor.

6. An increased amount of traffic using the local network, albeit the fairly small number of movements generated from the proposed development, would therefore have an unacceptable impact on highway safety. Safe and convenient pedestrian and vehicular access to and from the proposed development would not be ensured, contrary to Policy GDP1 of the Wrexham Unitary Development Plan 1996-2011 (UDP), adopted 2005.
7. My decision is consistent with that of the inspector at Alma House who, in April 2011, dismissed an appeal¹ concerning a proposal for a single dwelling for similar reasons. The dwelling opposite the appeal site, Heatherdale, is modern. I have a little information regarding its planning history and note that it was constructed ten years or so ago which would have been prior to the adoption of the current development plan. There also appears to have been a previous permission, dating from 1994, for four dwellings on the site; that might have put the application for a single dwelling in a favourable light at the time the Heatherdale decision was made.
8. Parking spaces in the surrounding area are limited and at the time of my visit there were two vehicles parked in the lane adjacent to Mount Pleasant. Nevertheless there are some off-road spaces, for example opposite the rear elevation of the appeal building and in the former quarry nearby whose floor accommodates a number of garages and some other spaces. Although the provision of two parking places for the existing cottage would have some benefit for road conditions it would not be sufficient to outweigh the harm to road safety.

Ecology

9. The potential of the site for providing a habitat for slow worms, a protected species, was raised late in the application process as the result of local information. The Ecology Officer subsequently agreed that the rough grass on the site would be very suitable for slow worms, that she had considered their presence when she visited it but, in the absence of records, dismissed that possibility. In my view this indicates a sufficient likelihood of slow worms being present as to require a survey being carried out.
10. Technical Advice Note 5: *Nature Conservation and Planning* (TAN5) states that it is essential that the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted². The presence of slow worms on site would not necessarily prevent any development but whether it would be possible to protect them alongside the proposal must be ascertained prior to allowing that development to go ahead
11. The proposed development is therefore contrary to TAN5. In the absence of a study to establish whether the site is a habitat for slow worms, and if so whether suitable

¹ APP/H6955/A/10/2143402

² TAN5 paragraph 6.2.2

protection or compensatory measures could be provided, it would also be in conflict with UDP Policy EC6 which aims to protect sites of biodiversity interest including protected species and their habitats.

Other matters

12. The bringing back into use of a neglected dwelling and plot would improve the appearance of the surrounding area and, together with the new house proposed, enhance the borough's housing stock. Neither this nor the increased parking provision would be sufficient, however, to compensate for the increased danger on the local highway network for both pedestrians and vehicles, or for the possible harm to a protected species. I have taken all the matters raised into consideration but not found any compelling reasons to allow the appeal.
13. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

