



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 09/01/12

Site visit made on 09/01/12

gan Gareth A. Rennie BSc (Hons) DipTP
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 08/03/12

by Gareth A. Rennie BSc (Hons) DipTP
an Inspector appointed by the Welsh Ministers
Date: 08/03/12

Appeal Ref: APP/H6955/A/11/2163649

Site address: The Old Builders Yard, Baptist Street, Ponciau, Wrexham, LL14 1RH

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 D Jones against the decision of Wrexham County Borough Council.
 - The application Ref RHO P/2011/0353, dated 13 May 2011, was refused by notice dated 9 September 2011.
 - The development proposed is to remove the existing concrete product manufacturing business and workshops and replace with 3 No. 3 bedroom mews houses.
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Decision

1. The appeal is allowed and planning permission is granted to remove the existing concrete product manufacturing business and workshops and replace with 3 No., 3 bedroom mews houses at the Old Builders Yard, Baptist Street, Ponciau, Wrexham, LL14 1RH in accordance with the terms of the application, Ref RHO P/2011/0353, dated 13 May 2011, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision:

Main Issues

2. The main issues in this case are the effect of the proposal on the character and appearance of the surrounding area, the effect on the living conditions of nearby residents, and the effect of the proposal on road safety.

Reasons

3. Baptist Street and the surrounding streets to the north and west of the appeal site are characterised by a range of residential development including detached, semi-detached and terraced housing. The pattern of development is dominated by these traditional forms and the houses have a direct relationship with the roads as a result.

Character and appearance

4. The appeal site consists of a former workshop and concrete manufacturing business to the boundary between Baptist Street and Stryt Newydd. The site is currently disused. The proposal is for the construction of 3 houses in a terraced block. This block would be set back from the road with short gardens to the rear and an access, parking and turning area to the front.

5. The size, grouping and orientation of the proposed houses would not be very different from the terraced houses in the surrounding streets and the remainder of Baptist Street. The proposed houses also reflect, to an extent, the main design features and materials of the surrounding houses. They would have a higher ridge height than existing development on the site, but I consider that the set back would reduce the visual impact of this additional height. The narrow profile of the existing detached housing nearby gives them an exaggerated apparent height and the proposed houses would blend in well with this.
6. The majority of housing in Baptist Street and in the surrounding area directly abut the road or have very small front gardens. The proposed houses would be set back from the road but this would reflect the current set back of buildings on the site, would allow for off-street parking, and would not seem so unusual as to be incongruous.
7. Overall, I consider that the proposal would sit reasonably comfortably within the current streetscape. They would reflect the dominant urban form and consequently would not significantly harm the character and appearance of the area.

Living conditions

8. The proposed development would be well separated from houses to the east. However, they would present a wall of development to the rear of houses to the west. This would present a two storey high wall of development along a large part of their shared boundary. The proposed dwellings would be higher than the existing buildings on the site and the separation distance would be shorter than that recommended in the Council's Local Planning Guidance Note 21 – *Space Around Dwellings* (LPG21).
9. Even so, the setback from Baptist Street would reduce the impact of this proximity and the overall outlook would be similar to that which already exists. Moreover, this is a densely developed urban environment and the separation distances are typical, if not a little greater than that which is representative of the area in general. Whilst the situation would be different, I consider that there would not be a poorer outlook than that already experienced.
10. There may be some overshadowing of the rear garden but the proposed houses lie to the east of these gardens and the amount of overshadowing would be limited in time and extent. I conclude that, overall, the living condition of the residents would not be significantly harmed as a result.

11. Highway safety

12. The streets surrounding the appeal site are narrow, in some cases do not have pedestrian footways, and have limited parking available. The Council's Local Planning guidance Note 16 – *Parking Standards* (LPG16) suggests 3 parking spaces per three bedroom dwelling should be provided. Nonetheless, the proposed development would provide 2 parking spaces per dwelling. I consider that this is adequate because the appeal site is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the area offers. Residents without cars may be attracted to the proposed dwellings because of this level of accessibility.
13. In addition the current permitted use of the site could give rise to significant traffic generation including heavy vehicles, and the access to the site is restricted. The current proposal represents a significant improvement over this situation and would lead to an overall reduction in potential traffic generation. For these reasons I consider

that the proposal would not significantly harm road safety and may lead to an overall improvement

Conclusions

14. The proposal would not harm the character and appearance of the surrounding area and would not lead to a significant harm to road safety as a result of additional on-street parking. Whilst there would be a change to the outlook for residents of houses to the west I consider that there would be no significant overshadowing nor would the change in outlook be significantly different than the prevailing situation. The proposal does not therefore conflict with policies GDP1 or T8 of the Wrexham Unitary Development Plan or the guidance contained within LPG21 or LPG16.

Conditions

15. As a consequence of the proximity of other dwellings to the appeal site I have included a condition requiring a construction method statement to be submitted for approval in order to protect the living conditions of neighbouring residents. I have also included a condition requiring samples of materials to be submitted in order to protect the character and appearance of the area. It is possible, because of the history of the site and the industrial nature of the area, that the appeal site may contain some contamination arising from industrial or other processes. I have therefore also included conditions to identify and deal with any such contamination that may exist.
16. I have also included conditions requiring visibility at the access to be maintained and for the provision and retention of parking facilities prior to occupation of the properties. I also agree with the Council that because of the nature of the development and proximity to each other and to surrounding houses that permitted development rights be removed in this instance.
17. National Planning Guidance contained within Planning Policy Wales and Technical Advice Note 22 – Planning for Sustainable Buildings requires that dwellings should meet Code for Sustainable Homes Level 3 and obtain 1 credit under Ene1 – *Dwelling Emission Rate*. I have therefore included conditions to secure these standards.
18. Consequently for the reasons given above, and having considered all other matters raised I conclude that the appeal should be allowed.

Gareth A. Rennie

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than five years from the date of this decision.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
- 3) The building shall not be occupied until the access and parking areas have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the movement or parking of vehicles.
- 4) Development shall not begin until details of the junction between the proposed service road and the highway have been submitted and approved in writing by the local planning authority; and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details.
- 5) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B and E of Part 1 of Schedule 2 shall be carried out to the dwellings hereby approved.
- 10) The dwellings hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under category Ene 1 in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010.
- 11) No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to demonstrate that each dwelling hereby permitted will achieve a minimum Code for Sustainable Homes Level 3 and achieve 1 credit under category Ene 1 in accordance with the requirements of Code for Sustainable Homes: *Technical Guide November 2010*. The development shall be carried out entirely in accordance with the approved assessment and certification unless the local planning authority shall otherwise consent in writing.
- 12) The dwellings hereby permitted shall not be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, a Final Code Certificate' has been issued for it certifying that Code Level 3 and 1 Credit under Ene 1 have been achieved and the certificate has been submitted to and approved in writing by the local planning authority.