



Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 23/11/11
Ymweliad â safle a wnaed ar 23/11/11

gan A D Poulter BA BArch RIBA

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 04/01/12

Appeal Decision

Hearing held on 23/11/11
Site visit made on 23/11/11

by A D Poulter BA BArch RIBA

an Inspector appointed by the Welsh Ministers

Date: 04/01/12

Appeal A: APP/H6955/A/11/2158667

Appeal B: APP/H6955/A/11/2158669

Site addresses –

Appeal A : Alyndene, Chester Road, Rossett, LL12 OHN.

Appeal B : Side garden adjoining Alyndene, Chester Road, Rossett, LL12 OHN.

The Welsh Ministers have transferred the authority to decide these appeals to me as the appointed Inspector.

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Appeal B is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeals are made by Mr D Robson against the decisions of Wrexham County Borough Council.
- With regard to Appeal A, the application Ref P/2011/0111, dated 14 February 2011, was refused by notice dated 13 May 2011.
- The development proposed is a new dwelling, incorporating demolition of garage to existing dwelling & associated access.
- With regard to Appeal B, the application Ref P/2011/0377, dated 27 May 2011, was refused by notice dated 25 July 2011.
- The development proposed is construction of a new 5 bedroom dwelling house in the side garden of Alyndene, Chester Road , Rossett, together with accompanying garage block, reduction in number of existing bedrooms from 5 to 4 in existing dwelling (Alyndene), widening of access to accommodate two-way traffic.

Decisions

1. Appeal A is allowed and planning permission is granted for a new dwelling, incorporating demolition of garage to existing dwelling & associated access, at Alyndene, Chester Road, Rossett, LL12 OHN, in accordance with the terms of the application, Ref P/2011/0111, dated 14 February 2011, and the amended plans and particulars submitted with it, subject to the schedule of 12 conditions attached at Appendix A to this decision.
2. Appeal B is allowed and planning permission is granted for construction of a new 5 bedroom dwelling house in the side garden of Alyndene, Chester Road , Rossett, together with accompanying garage block, reduction in number of existing bedrooms from 5 to 4 in existing dwelling (Alyndene), widening of access to accommodate two-way traffic at the side garden adjoining Alyndene, Chester Road, Rossett, LL12 OHN, in accordance with the terms of the application, Ref P/2011/0377, dated 27 May 2011, and the plans submitted with it, subject to the schedule of 14 conditions attached at Appendix B to this decision.

Reasons

3. Although the site addresses above differ, both appeals relate to the same site. This is garden land at the side of Alyndene, which is one of a pair of substantial semi-detached houses. Appeal A relates to a full planning application. Appeal B relates to an outline application with all matters of detail reserved for later consideration. The outline application was accompanied by the necessary plans and other details, showing the approximate location of buildings, routes and open spaces, the upper and lower limit for the height, width and length of each building, and the area where the access point would be situated.
4. The Council has recently resolved to designate the Rossett Conservation Area and the associated Character Assessment and Management Plan (Management Plan) has been adopted. The adjacent Christ Church and Rossett War Memorial are Grade II listed buildings. In accordance with sections 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the main issues in both appeals are therefore whether the proposed development would preserve or enhance the character or appearance of the Rossett Conservation Area, and whether it would preserve the setting of the adjacent listed buildings.
5. The Management Plan sets out the history of the development of the area. Figures show a field enclosure next to an original church building in 1872-73. The current Christ Church replaces the earlier building and dates from about 1892. In 1898 an auction was held for the sale of several building plots along Chester Road. By 1899, the field enclosure had been subdivided, and several new houses had been constructed. By 1911 Alyndene had been built on a vacant plot adjacent to the church, and the church grounds had expanded to include an area that is now a graveyard. Alyndene was therefore built shortly after Christ Church, and the pattern of development emerged at more or less the same time. The land at the side of Christ Church does not appear to have been used as a graveyard until some time after 1899. I find no historic significance to the garden land at the side of Alyndene being open and undeveloped.
6. The construction of a house at the side of Alyndene would reduce the openness of the street scene and obstruct some views of countryside beyond. However, planting and a wall along the common boundary with the church establishes a clear division between the church and residential development further along Chester Road, and leads the eye towards the countryside. The views across the graveyard that are noted at paragraph 4.8 of the Management Plan would remain. The north-east elevation of the church would be seen, and the church would not be unduly cramped. In both appeals the proposed development would be consistent with the pattern of development beyond the church, which is described in paragraph 4.9 of the Management Plan as being of larger residential properties set within substantial grounds, where views of the surrounding countryside can be glimpsed between buildings.
7. In principle, I conclude for these reasons that the development proposed in both Appeals would preserve the character of the Rossett Conservation Area, and would not be harmful to the setting of the adjacent listed buildings.
8. There is no dispute that the Appeal A scheme would be in keeping with the Alyndene's scale, materials and architectural detailing. As there is a substantial building within the garden at the other side, I do not do not consider that the proposed development would unacceptably unbalance the pair. In my view the proposed detailed scheme

would appropriately reflect the context of the site and would make a positive contribution to the street scene, as well as to the supply of good quality houses at this very sustainable location. I have reservations about the proposed mix of roof pitches within the appeal scheme, but it was agreed during the hearing that the pitch of the main part of the roof could be amended. This is therefore a matter that can be dealt with by conditions.

9. Other conditions relating to sustainable design and construction are necessary. To ensure the satisfactory appearance of the proposed development it would be appropriate to retain control over the details of external materials used on the building and the details of windows and external doors. It is important that as much as possible of the existing front boundary wall be retained, as it make as a positive contribution to the conservation area. Similarly, the larger trees within the site should be retained. Conditions relating to boundary treatments and tree retention are therefore also necessary and reasonable. Conditions should include control over service routes, which might otherwise damage tree roots or be unsightly if placed above ground. It would also be appropriate to control finished floor and external levels, to fully mitigate the very slight flood risk at the site. Conditions relating to the provision of the proposed parking area before occupation are necessary and reasonable in the interests of highway safety. As the site is within a residential area it would also be appropriate to impose conditions relating to working hours during construction.
10. It would, however, be inappropriate to control all details of landscaping within a residential garden. I do not consider that conditions are necessary to protect garden birds, or with regard to the separation of foul and surface water drainage, as these are matters covered by other legislation. The proposed scheme provides sufficient details of the layout of the proposed access, and adequate visibility can be ensured by the condition relating to the submission of details of boundary treatments. The suggested conditions relating to the construction of visibility splays are therefore unnecessary.
11. With regard to Appeal B, the normal conditions relating to reserved matters would be appropriate and necessary, though these could replace some of the conditions referred to above.
12. Subject to these conditions, I conclude that the proposed development would not conflict with planning policies to protect conservation areas or the settings of listed buildings. Nor would it conflict with more general policies to promote good design, including Policy GDP1 of the adopted *Wrexham Unitary Development Plan*. I conclude that the proposed development would not conflict with the development plan for the area. I find no material considerations that would lead me to determine these appeals other than in accordance with the development plan. I conclude that both appeals should be allowed.
13. For the avoidance of doubt, the plans and other details submitted under Appeal B make it clear that in practice the two permissions are mutually exclusive. It would be open for details of reserved matters to be submitted pursuant to the permission granted under Appeal B, or to proceed with the development permitted under Appeal A (subject to the conditions imposed), but not both.

A D Poulter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Goodwin MCD MRTPI	Goodwin Planning Services
Mr N Wheeler	Insite Architecture
Mr D Robson	Appellant
Mr C Robson	Relative

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Forster	Planning Assistant
Mr D Williams	Planning Control Manager

INTERESTED PERSONS:

Councillor H Jones	Local Councillor / Resident
Ms C Cherry	Local Resident
Mr J Aves	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notice of the date and venue of the hearing
- 2 Copy of the Minutes of the executive board of the Council held 4 October 2011, confirming adoption of the Rossett Conservation Area and the Management Plan, and the introduction of an Article 4(2) direction.
- 3 Copy of the Rossett Conservation Area Character Assessment and Management Plan.

APPENDIX A

Schedule of Conditions: Appeal A, Ref APP/H6955/A/11/2158667

(Application Ref P/2011/0111, dated 14 February 2011)

1. The development hereby permitted shall begin not later than five years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans Nos E01 A, E02 A, 200 F, 201 C, 203 D, 204 A and 205 D, except in respect of the pitch of the main part of the roof, which shall match that of the front gable shown on plan No 203 D.
3. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
4. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the proposed dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010.
5. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010.
6. Prior to their use on the proposed development samples of the materials to be used in the construction of the external surfaces of the building, and drawings at a scale of not less than 1:20 of all windows and external doors, shall be 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 until there has been submitted to and approved in writing by the local planning authority a plan indicating the full details of the boundary treatment to be erected, including the height of the front boundary wall. The boundary treatment shall be completed in accordance with the approved details before the dwelling hereby permitted is occupied, and shall be retained thereafter.
8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Arboricultural Method Statement and Tree Protection Plan prepared by Urban Forestry Group dated 14 April 2011. Paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the dwelling hereby permitted.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

- ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority
9. No development shall take place until full details of proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc.) indicating lines, manholes and supports, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
10. The ground floor finished floor level of the dwelling hereby approved shall be set at 16.73m AOD, in accordance with the approved Plan No 200 F. No development shall take place until full details proposed external finished levels, or contours of external works, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
11. The dwelling hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans, and the vehicular parking and turning areas shown on drawing No 200 F has been fully laid out, surfaced and drained. That area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
12. Construction works and deliveries of construction materials shall not take place outside 07:30 to 18:00 hours Mondays to Fridays and 08:00 hours to 14:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

APPENDIX B

Schedule of Conditions: Appeal B, Ref APP/H6955/A/11/2158669

(Application Ref P/2011/0377, dated 27 May 2011)

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out generally in accordance with the approved plan No 210 A, the Design and Access Statement, and other plans and particulars that accompanied the application.
5. The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.
6. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for the proposed dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010.
7. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under 'Ene1 - Dwelling Emission Rate', has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide Version 3, 2010.
8. Prior to their use on the proposed development samples of the materials to be used in the construction of the external surfaces of the building, and drawings at a scale of not less than 1:20 of all windows and external doors, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
9. The details of landscaping referred to in Condition 1 above shall include a plan indicating the full details of the boundary treatment to be erected, including the height of the front boundary wall. The boundary treatment shall be completed in accordance with the approved details before the dwelling hereby permitted is occupied, and shall be retained thereafter.
10. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Arboricultural Method Statement and Tree Protection Plan prepared by Urban Forestry Group dated 26 May

2011. Paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the dwelling hereby permitted.

- iv) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - v) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - vi) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority
11. No development shall take place until full details of proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc.) indicating lines, manholes and supports, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
12. The ground floor finished floor level of the dwelling hereby approved shall be set at 16.73m AOD. No development shall take place until full details of proposed external finished levels, or contours of external works, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
13. The dwelling hereby approved shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans, and the vehicular parking and turning areas have been fully laid out, surfaced and drained in accordance with those plans. That area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
14. Construction works and deliveries of construction materials shall not take place outside 07:30 to 18:00 hours Mondays to Fridays and 08:00 hours to 14:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.