



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 17/02/12

Site visit made on 17/02/12

gan David Kaiserman BA DipTP MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 29/02/12

by David Kaiserman BA DipTP MRTPI
an Inspector appointed by the Welsh Ministers
Date: 29/02/12

Appeal Ref: APP/H6955/A/11/2167808

Site address: 2 Parsonage Farm, Bottom Road, Summerhill, Wrexham LL1 4TR

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 T Bellis against the decision of Wrexham County Borough Council.
- The application Ref GWE P/2011/0632, dated 5 September 2011, was refused by notice dated 28 October 2011.
- The development proposed is the erection of a detached garage.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at 2 Parsonage Farm, Bottom Road, Summerhill, Wrexham LL1 4TR in accordance with the terms of the application, Ref GWE P/2011/0632, dated 5 September 2011, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than five years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the adjoining building.
 3. The vehicular parking and turning areas indicated on the approved plans shall be kept free of any obstruction and made available solely for the parking and turning of vehicles at all times

Main Issues

2. The main issues in this case are (a) whether or not the proposal complies with policies designed to control residential development in the open countryside; and (b) the effect of the development on the character and appearance of the area.

Reasons

(a) Housing policy

3. The appeal scheme relates to an area of land beyond the northern extremity of the built-up area of the Borough, though it lies within a small group of existing dwellings set around the junction of two rural lanes. The proposal is to site a double garage immediately adjacent to a single-storey building whose permitted use is as ancillary residential accommodation for one of these dwellings, no 2 Parsonage Farm.

4. The site as a whole has a complex planning history. The Council say that the development of the two dwellings, which followed the demolition of a pair of semi-detached houses, has already taken place in a way which exceeds their normal policy guidelines. This is a reference to Local Planning Guidance Note 13, which has the status of supplementary planning guidance. In dealing with replacement dwellings in the countryside, it states that the volume of any replacement dwelling(s) should be no more than a third larger than the original. It also adds that extensions will not be permitted. I note here that Unitary Development Plan policy H10 simply requires the replacement to “reflect the *floor area* [my emphasis], form, bulk and character of the original dwelling”, and that the Council have explained that references to volume have been replaced in the current version of the guidance note.
5. I have been given insufficient detailed information to explain why the appeal scheme might be likely to result in significant conflict with LPGN 13. In addition, it is not clear (especially given the planning history of the site) whether the Council’s policies would now prohibit approval of a garage on the site in principle. This being the case, I see no compelling reason to conclude that either UDP policy H10 or LPGN13 would be compromised were the appeal to be allowed.

(b) Character and appearance

6. In my opinion, the more significant issue relates to the likely visual impact of the building. Here, I have some sympathy with the Council’s assessment. I consider that the siting of the garage would be such that it would appear as an addition to the small building complex, rather than something which would be enclosed by it. Comparisons with the similar garage which sits in front of the building-line to no 2 are not particularly helpful, since that structure is not as easily seen against an open background as the appeal garage would be (from the north-east).
7. That having been said, in my judgement the impact would not be so harmful that it would justify the refusal of planning permission. There is an existing wall and hedgerow which provides a degree of screening from the lane to the north, and the structure (while projecting slightly beyond the line of the ancillary building) would bear a reasonably logical relationship to it. I have also noted that the original planning permission involved an element of building on a substantially similar footprint to what is now proposed, and that some landscaping measures are required by that permission which would result in some mitigation.
8. I have concluded that the effect of the development on the character and appearance of the area would be acceptable.
9. The Council have asked for three conditions (in addition to the statutory one) to be imposed. Those relating to the need for materials to match the main building and for the parking and turning areas to be kept free of obstruction are both necessary and reasonable. I have not, however, imposed one seeking to restrict permitted development rights since this would appear not be relevant to the development applied for, and thus would fail to comply with paragraph 14(iii) of Circular 35/95. In addition, the need to safeguard highway safety (one of the reasons for this condition put forward by the Council) is capable of being addressed more directly.

David Kaiserman

Inspector