
Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 20/04/21

**gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2/6/21

Appeal Decision

Site visit made on 20/04/21

**by Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 2/6/21

Appeal Ref: APP/H6955/A/21/3270062

Site address: 6 Fox Close, Summerhill, Wrexham, LL11 4QH

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 Joshua Price against the decision of Wrexham County Borough Council.
 - The application Ref: GWE P/2020/0587 dated 24 August 2020, was refused by notice dated 15 December 2020.
 - The development is the change of use of land to domestic and boundary fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal seeks part retrospective permission. My visit confirmed that the works were nearing completion and included a fence along the western boundary which appears not to have been present when the Council prepared its appeal statement.

Main Issues

3. The main issues in this case are the effect of the development on:
 - (i) the living conditions of neighbouring residents, particularly in terms of privacy; and
 - (ii) the character and appearance of the area.

Reasons

4. The appeal site is a narrow parcel of land which abuts the established side boundary of the appellant's home and extends rearwards such that it runs along part of the side boundary of the rear neighbour's back garden. Prior to the commencement of the work the land formed part of a wooded valley. The Council has confirmed that the site lies within the settlement boundary of Gwersyllt as defined in the Wrexham Unitary Development Plan (UDP), 2005.
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Living Conditions

5. The site is significantly higher than the rear gardens of No. 6 and rear neighbour. As a result, the existing boundary enclosures provide little effective screening to views into the neighbours' main outdoor amenity space and into rear-facing windows. As those views are from a closer range than from the first-floor rear windows of No. 6 the scheme reduces the neighbours' privacy and appreciably increases the sense of overlooking.
6. The appellant explains that the wooded bank within which the site lies was previously used by the public which resulted in overlooking of adjacent properties. It seems to me that such overlooking would be more occasional and short-lived than would be likely from an area used as a domestic garden.
7. The loss of privacy is intrusive and results in an unacceptable impact on the neighbours' living conditions. It is contrary to policy GDP1 of the UDP which seeks that development ensure the amenity of the public. The appellant suggests that a 2m fence could be erected within this rear portion of the site to provide effective screening. However, there is no detail of such a screening measure that would enable its efficacy, and any visual impact that would arise, to be assessed. In the circumstances it is not a matter that can be dealt with by planning condition.

Character and appearance

8. The wooded area immediately to the west of Fox Close does not contain specimen trees of particular individual merit. Nonetheless it provides a pleasant rural setting to the residential estate. No. 6 and the appeal site are prominently sited within a cul-de-sac. Whilst the character of the land has changed from its previously undeveloped state, the timber fencing with decorative trellis details that encloses the appeal site is in keeping with the character of the residential estate. Indeed, similar fencing is a feature visible within several nearby properties. The fence's proximity to the much taller house means that, despite its overall height - which is exaggerated by its position on top of a part timber retaining wall feature - it does not look out of place. Any erosion of the woodland is modest, which continues to provide a visual setting to the estate.
9. Whilst not cited in the reasons for refusal, the Council has subsequently referred to UDP policy EC4. The scheme does not align well with the expectation that proposals provide for the conservation or management of trees and woodland, but it has not resulted in the loss of valuable trees, which the policy states should not be permitted. The development would not harm the character or appearance of the surrounding area. Its scale, design, layout and use of materials makes a positive contribution to its locality and thus accords with policy GDP1.
10. Representations were made to the effect that a neighbour's rights under Article 8 of the Human Rights Act 1998 would be violated if permission was granted. However, as I have decided to dismiss the appeal, my decision would not lead to any violation.
11. Whilst I have found the scheme acceptable in relation to the second issue, and note the other matters raised in support of the scheme, the harm identified under the first issue leads me to conclude that the scheme is unacceptable, and I shall dismiss the appeal.
12. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its

contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR