

REPORT TO:	Planning Committee
REPORT NO:	HEP/22/19
DATE:	4 March 2019
REPORT OF:	Head of Environment and Planning Head of Corporate and Customer Services
CONTACT OFFICER:	David Williams (Ext 8775) Ken Bickerton (Ext 2242)
SUBJECT:	Planning Appeal Decisions
WARD:	N/A

1 PURPOSE OF THE REPORT

To advise the Committee of the outcome of appeals against decisions of the Council (June 2018 – January 2019) and to outline the reasons for the decisions.

2. INFORMATION

Note: Application sites marked **(C)** were visited by the Committee before the decision was made.

- 2.1 Development of a raw board store at Kronospan Ltd, Holywell Road, Chirk, Wrexham (Application Code No. P/2017/0700) (Mr Keith Baker, Kronospan) – **Allowed.**

The Inspector concluded in allowing the appeal that the proposed works would not harm the visual amenity of the area and the setting of heritage assets, with the proposed building set amongst other large manufacturing buildings.

- 2.2 Erection of boundary fencing (in retrospect) at 101 Bangor Road, Johnstown, Wrexham (Application Code No. P/2018/0069) (Miss Kimberly Bayley) – **Dismissed.**

In dismissing the appeal, the Inspector agreed with the Council that the fence would appear as a conspicuous, prominent and intrusive feature in a street scene that is relatively devoid of similar development and would be detrimental to the character of the area contrary to policy GDP1 of the UDP.

- 2.3 Demolition of existing structure and erection of nine affordable homes apartments with associated parking and access at Engedi Chapel, High Street, Brymbo, Wrexham (Application Code No. P/2017/0319) (Steggles Property Ltd) **(C) – Allowed** (Application for award of costs – **Allowed**)

The Inspector concluded that the appellant had adequately demonstrated the unviable nature of the development if the required education contribution was insisted upon. The applicant had provided sufficient evidence through the application process in this regard.

By refusing to grant planning permission it was demonstrated that the Council had acted unreasonably in not accepting the applicant's evidence and not providing any of its own evidence to counter the view. As such, an award of costs was made against the Council, the final figure is yet to be agreed between the parties.

- 2.4 Outline planning application for residential development for up to 22 no. units and associated works with all matters reserved except for access on land North of Station Avenue, Chirk, Wrexham (Mr Richard Lomas, Co-op) **(C) – Allowed** (Application for award of costs **Refused**) after Public Hearing.

In allowing the appeal, the Inspector disagreed with the decision of the Committee to overturn the planning officer's recommendation to grant planning permission. The Inspector was of the same mind as the planning officer in that the loss of the trees to make way for the access to the development can be sufficiently mitigated for by a scheme of replanting. As such the character of the conservation area would be protected and the development of the site would not be contrary to the adopted Wrexham Unitary Development Plan Policies EC4 and EC7 as stated.

Application for award of costs - In refusing to award costs, the Inspector disagreed with the appellant that there were no planning grounds to refuse permission, or that the Council had not produced enough evidence at the hearing to support its decision. The hearing was attended by the planning officer, highway officer, arboricultural officer and Local Member, and sufficient evidence was provided at the hearing to form a respectable basis for the stance taken by the Council. The Inspector concluded that unreasonable behaviour had not been demonstrated by the appellant and an award of cost was not justified in this case.

- 2.5 Erection of a wooden garden shed at 5 Edwards Barn, Cornish Hall Barns, Wrexham Road, Holt, Wrexham (Application Code No. P/2018/0010) (Mr & Mrs S Brady) - **Dismissed**

In dismissing the Appeal, the Inspector agreed with the planning officer that the shed, by virtue of its prominent siting within the countryside and setting of the listed building, has a detrimental impact on the quality of the landscape and is unsympathetic to the form and character of the surrounding area, making a negative construction to the wider views and approach to the listed building, contrary to the adopted Wrexham Unitary Development Plan Policies GDP1(a), H3, EC9 and PS2.

- 2.6 Demolition of existing property and redevelopment to form five new dwellings at Nantcol, 57 Bryn Glas, Rhosllanerchrugog, Wrexham (Mr A Cottle) (Application Code No. P/2017/0537) – **Dismissed**

The Inspector concluded that the loss of two beech trees would have a detrimental effect on the amenity value of the woodland adjacent to the site and in turn the character of the area.

- 2.7 Erection of garage at Disused Shippon, Village Walks, Marford, Wrexham (Application Code No. P/2017/1043) (Mr D Roberts) (C) - **Dismissed**

The appeal was dismissed as the Inspector considered that the position of the front elevation of the garage and the need for the garage door to open outwards would not leave sufficient space for vehicles to park clear of the highway without overhanging from the driveway.

- 2.8 Two storey extensions, cut through wall between existing extension and existing kitchen, new door to access the proposed extension, dropped kerb needed to provide extra parking on front at 121 Moss Valley Road, New Broughton, Wrexham (Application Code No. P/2018/0335) (Mrs Felicity Smith) – **Dismissed**

Inadequate parking provision resulting in adverse impact to highway safety.

- 2.9 Change of use from Class D2 to Class C3, creation of new vehicular access and drive at 2 Vale Prospect, Chapel Street, Acrefair, Wrexham (Application Code No. P/2017/0503) (Mr & Mrs D Williams) - **Dismissed**

The Inspector agreed with the Council on two fronts, in that the proposal would result in the loss of a group of trees which had been identified as having a significant amenity value to the area and that insufficient information had been provided within the planning application to determine how the substandard visibility from the proposed point of access could be improved.

- 2.10 Listed Building Consent for replacement of windows to existing property at 6 The Lodge, Rackery Hall Mews, Rackery Lane, Llay, Wrexham (Application Code No. P/2017/0905) (Mr & Mrs Staden) – **Dismissed**

In dismissing the appeal, the Inspector agreed with the planning and conservation officers that the replacement windows cannot fully emulate the proportions and design of a traditionally designed timber window. The uniformity of the proposed windows would be at odds with the existing windows which exhibit subtle irregularities and characteristic variation in their finish. The replacement windows would be contrary to the adopted Wrexham Unitary Development Plan Policy EC9.

- 2.11 Gate entrance of height 184 cm at 2 Saxon Street, Wrexham (Application Code No. P/2018/0411) (Mr Marcin Piaskowski) - **Allowed**

The Inspector disagreed with the Council's decision to refuse planning permission. The gates were considered indistinguishable from the fence which stood at right angles to it. It was also noted that the proposed gate appeared very similar to the fence which once stood in the same location.

- 2.12 Change of use of strip of common land down side of property to garden area at 14 Epsom Way, Wrexham (Application Code No. P/2018/0360) (Mr Oliver Smith) – **Allowed**

The proposal would not harm existing provision of open space in the area.

- 2.13 Change of use from existing retail unit to hot food outlet at Gwersyllt Newsagent, Hope Street, Gwersyllt, Wrexham (Application Code No. P/2018/0439) ((Mr & Mrs Mathews) – **Allowed**

The Inspector concluded that the proposed opening times would not lead to an unacceptable impact upon the living conditions of neighbouring properties, having had regard to the location of the site near a busy road junction, a railway station car park and a supermarket. He also concluded that parking demand would not lead to a markedly increase and that there are car parks conveniently located nearby.

- 2.14 Conversion of Use of Class C4 (6 bed House in Multiple Occupation) to 8 No. House in Multiple Occupation, single occupancy at Kingston Villa, 27 Popular Road, Wrexham (Application Code No. P/2018/0486) (Arran Pritchard) – **Dismissed**

The Inspector concluded that the appeal property is in a busy area with widespread parking restrictions and many dwellings without off-street parking leading to a high demand for on-street parking. The development would lead to a small increase in the number of vehicles requiring parking spaces, even so this would increase the hazard to the local highway network.

3 RECOMMENDATION

That the report be noted.

4 BACKGROUND INFORMATION

Application files and Inspectors' Decision Letters

5 WEBSITE INFORMATION

Application files and Inspectors' Decision Letters