

APPENDIX B

APPEALS SUMMARY March 2019 - September 2019

APPEALS DISMISSED

1. **APPLICATION NO. 02/2018/0343**

SITE ADDRESS: Y Fron, Mwrog Street, Ruthin

PROPOSAL: Erection of one detached dwelling and a new access point to the existing dwelling (Y Fron).

BASIS OF REFUSAL: Impact on visual amenity and conservation area; inadequate residential amenity for occupiers.

TYPE OF APPEAL: Written representations

COSTS CLAIM: N/a

ISSUES OF NOTE

The Inspector considered the main issues were the effect of the proposed development on the:

- character and appearance of the surrounding area, in particular whether it would preserve or enhance the character or appearance of the Conservation Area; and
- living conditions of future occupiers with regard to privacy and disturbance.

Inspector's conclusions:

Although the siting, form and design of the proposed dwelling itself would not damage the character and appearance of the surrounding area, or be detrimental to the living conditions of future occupiers, the reduced height of part of the boundary wall would harm the character and appearance of the surroundings which are within a designated conservation area. There would be benefits to the proposed development, such as its good access to, and thus provision of support to, existing services and facilities, but these advantages would not be sufficient to outweigh the harm caused.

MODIFICATION OF SECTION 106 OBLIGATION

2. **APPLICATION NO. 07/2018/0901**

SITE ADDRESS: 11 Rhos Helyg, Llandrillo

PROPOSAL: Modification of Section 106 Obligation to remove 11 Rhos Helyg in return for a commuted sum of £10,000.

BASIS OF REFUSAL: Case not made to justify modification proposed, S106 still serves a useful purpose.

TYPE OF APPEAL: Written representations

COSTS CLAIM: N/a

ISSUES OF NOTE

The Inspector considered the main issue to be whether or not the obligation continues to serve a useful purpose, and, if so, whether that purpose could be equally well served by the modifications specified in the application

Inspector's conclusions:

The Inspector concluded that the planning obligation continues to serve a useful purpose as the evidence of other cheaper unfettered housing suggests these are not comparable to the appeal dwelling in all respects or have fairly been assessed within the locality of the site having regard to the cascading arrangements of the planning obligation currently in force. The planning obligation is clearly relevant and necessary having regard to planning policy and issues of supply and demand of affordable housing in the locality. The planning obligation is directly related to the development and fairly and reasonably relates in scale and kind to the development because it retains an affordable dwelling to those who qualify and are in proven housing need.

3. APPLICATION NO. 15/2018/1111

SITE ADDRESS: Clover Grange, School Lane , Llanarmon yn ial

PROPOSAL: Demolition of a uPVC glazed conservatory and construction of a new slate roofed extension on the existing footprint

BASIS OF REFUSAL: Extension not sympathetic to original dwelling ; insufficient information to determine bat species present and therefore impacts on protected species.

TYPE OF APPEAL: Written representations

COSTS CLAIM: N/a

ISSUES OF NOTE

The Inspector considered the main issues to be the effect of the proposed extension on the character and appearance of the original dwelling and on the wider area, and the potential for effects on protected bat species.

Inspector's conclusions:

The Inspector did not consider that the proposed extension would enhance the character and appearance of the existing bungalow; the preliminary ecological assessment had indicated the likely presence of bats, and therefore the relevant trigger level had been reached, obliging adequate surveys to be undertaken, hence the Inspector was unable to be satisfied that the proposal would not adversely affect a protected species or that NRW would be able to grant a regulation 44 permit, and so a grant of planning permission would risk breaching the requirements of the Habitats Regulations.

4. APPLICATION NO. 01/2018/0705

SITE ADDRESS: The Glyn, Lleweni Parc, Mold Road, Denbigh

PROPOSAL: Development of 1.3 ha of land by the siting of 24 accommodation lodges and associated works.

BASIS OF REFUSAL: Contrary to policy re new static caravan sites; no business case to justify how it would support the local economy; inappropriate in scale and nature to the location and landscape; poor accessibility.

TYPE OF APPEAL: Written representations

COSTS CLAIM: Costs claim dismissed. In relation to the claim that in withholding permission the Council prevented development from proceeding which ought to reasonably to have been allowed, the Inspector referred to the reasons set out in his decision on the appeal in concluding that the Council was right to refuse permission in this instance having regard to the reasons for refusal, and local and national planning policies. In respect of the contention that no Council planning committee members or planning officers had visited the site before a decision was taken, the Council had confirmed that a site visit was undertaken by a planning officer prior to the determination of application and that in line with the Council's procedures a planning committee site visit was not required.

ISSUES OF NOTE

The Inspector considered the main issues to be:

- Whether the proposal is justified bearing in mind planning policies which seek to strictly control development in the countryside;
- The effect of the development on the character and appearance of the area; and,
- Whether the proposal would be sufficiently sustainable in terms of accessibility.

Inspector's conclusions:

The Inspector concluded:

- the proposed development is unjustified in its countryside location, and would run contrary to local and national planning policies and SPG advice that collectively seek to control development in the countryside in the interest of sustainable development.
- the proposal incorporating a significant amount of built form, would not maintain or enhance the characteristics or local distinctiveness of the area that historically is noted as a rural park landscape; reinforcing the view that the proposal would be detrimental to the character and appearance of the area,
- use of private vehicles is likely to be the preferred mode of transport for visitors to/from the site. PPW seeks to locate development so as to minimise the demand for travel especially by the private car. The appeal site is not particularly well placed to access services or facilities in the wider area with any potential future occupants likely to significantly rely on the car as a means of travel. The proposal therefore would not be sufficiently sustainable in terms of accessibility.

5. APPLICATION NO. 43/2019/0322

SITE ADDRESS: 21 Roundwood Avenue, Meliden, Prestatyn

PROPOSAL: Erection of a timber fence to the side of the property abutting Graham Avenue.

BASIS OF REFUSAL: Detrimental impact on the visual amenity and open character and appearance of the area and would create an undesirable precedent for similar developments in the area.

TYPE OF APPEAL: Written representations

COSTS CLAIM: N/a

ISSUES OF NOTE

The Inspector considered the main issue to be the effect of the development on the character and visual amenity of the area.

Inspector's conclusions:

The Inspector acknowledged that high walls, fences and gates are a feature of many of the properties in the area in enclosing rear gardens and that there were a limited number of properties with walls or fences built at the back of the footway. However, she noted the majority of these are not corner plots and are not in such prominent locations as the appeal property, and the structures are only along short sections of the boundary and as a result they are not dominant features in the street scene. She concluded that the development would be detrimental to the character and visual amenity of the area, contrary to Policy RD 1 of the Denbighshire Local Development Plan which requires a good standard of design which respects the site and its surroundings.