

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

**DATE:** **18<sup>TH</sup> JUNE 2014**

**REPORT BY:** **CHIEF OFFICER (PLANNING & ENVIRONMENT)**

**SUBJECT:** **APPEAL BY WAINHOMES LTD AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF 18 NO. DWELLINGS WITH ASSOCIATED ROADS, SEWERS AND OPEN SPACES AT LAND ADJOINING SIGLEN UCHA, RUTHIN ROAD, GWERNYMYNYDD – DISMISSED.**

**1.00 APPLICATION NUMBER**

1.01 048850

**2.00 APPLICANT**

2.01 WAINHOMES LTD

**3.00 SITE**

3.01 LAND ADJOINING SIGLEN UCHA,  
RUTHIN ROAD, GWERNYMYNYDD

**4.00 APPLICATION VALID DATE**

4.01 19/7/2011

**5.00 PURPOSE OF REPORT**

5.01 To inform Members of the Inspector's decision in relation to an appeal into the refusal of planning permission at committee, contrary to officer recommendation for the erection of 18 No. dwellings with associated roads, sewers and open spaces at land adjoining Siglen Ucha, Ruthin Road, Gwernymynydd. The appeal was determined by way of informal hearing and a site visit. The appeal was **DISMISSED**.

**6.00 REPORT**

6.01 The application was refused, contrary to officer recommendation, as it would cause irretrievable harm to the character of this area close to the Clwydian Range AONB through its detrimental visual impact and

due to relative site levels, contour changes and built form, the proposed development was considered to have an overbearing impact in relation to neighbouring properties. The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the surrounding area and on the living conditions of future neighbouring residential occupiers with particular regard to visual impact.

6.02 Character and Appearance

The Inspector was of the opinion that any form of residential development on the appeal site would inevitably alter its character and that some infilling and re-profiling would be reasonably necessary to facilitate development, however, the proposed land raising supported by a crib lock retaining wall was deemed excessive, appear contrived and be obtrusive when seen from Ruthin Road causing significant harm to the character and appearance of the settlement. The Inspector was of the opinion that whilst planting may provide some filtering of views of the crib wall this would not be very effective during the winter months and would not disguise the substantial change in levels over a short distance.

6.03 Residential Living Conditions

The Inspector was of the view that the retaining wall and the proposed dwelling to plot 18 immediately adjacent to the eastern boundary with the newly permitted outline planning permission for three dwellings would have a dominant and oppressive visual appearance when viewed from the curtilages attached to the permitted properties. The Inspector was of the opinion such a relationship would be harmful to the living conditions of future occupiers and conflict with UDP Policy GEN1 which requires that development should not impair the development of adjoining land.

6.04 Other Matters

The Inspector referred to other issues raised during the course of the appeal, namely,

- drainage (surface water could be addressed via Sustainable Drainage Scheme, whilst foul drains could be achieved via a suitably worded planning condition),
- highway safety (noted that Welsh Government as the trunk road authority was content with the proposals)
- structural integrity of the retaining wall (would be subject to building regulations and via the NHBC's certification scheme)
- mine shaft (could be addressed via further investigations)
- lead mining (could be addressed via planning condition)
- the unilateral undertaking would adequately address the financial contribution in lieu of public open space

6.05 Costs Award

The appellant applied for an award of costs on the grounds that the

wording of the first reason for refusal was vague and that they were required to produce evidence relating to aspects of the reason for refusal not substantially pursued. The Inspector was of the opinion that the first reason for refusal was not entirely clear in the way it referred to the AONB and the Council's statement included no evidence to support the allegation of harm to the AONB. The Council's planning consultant referred to harm being to Gwernymynydd and the Ruthin Road street scene with the AONB forming a backdrop at a higher level - the Inspector was of the opinion therefore that this was not considered evidence and did not substantiate that particular element of the reason for refusal. The Inspector therefore took the view that the Council's behaviour was deemed unreasonable and had resulted in the appellant's incurring unnecessary and wasted expense which justified a **partial** award of costs.

## **7.00 CONCLUSION**

- 7.01 The Inspector dismissed the proposed development due to its obtrusive visual impacts on the character/appearance of the area and also its potential detriment to adjacent residential properties located to the eastern boundary.
- 7.02 The Inspector awarded a partial award of costs against the Council as he considered the Council had not substantiated the reference in the Council's first reason for refusal in regards to harm to the AONB.

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