
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 1 Medi 2022

gan Nia Jones, BA (Hons) MSc MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 21.09.2022

Appeal Decision

Site visit made on 1 September 2022

by Nia Jones, BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 21.09.2022

Appeal Ref: CAS-01812-D2N3T7

Site address: Penny Black Abbot Street, Wrexham, LL11 1TA

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 David Thomas against the decision of Wrexham County Borough Council.
 - The development is retrospective application for an existing shelter.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development preserves or enhances the character or appearance of the Wrexham Town Centre Conservation Area.

Reasons

3. The appeal premises is part of the rear curtilage of a larger public house which has its main frontage onto Abbot Street. The development, accessed off Town Hill, adjoins a metal staircase leading to a balcony at the rear of the premises. It consists of a profiled sheeted roof covering an area used for outdoor seating, projecting from under the existing balcony towards the road frontage of the site where it partially rests on brick piers on the site boundary. Attached to it are black coloured fascia boards and rainwater goods. The site is within the designated town centre conservation area.
4. Wrexham Unitary Development Plan (UDP) Policy EC7 states that within conservation areas, the priority will be to preserve and / or enhance those features listed within it including buildings, structures, streets, and views which contribute to the unique character of the area. New buildings and alterations or additions to existing buildings in conservation areas, whether listed as of special architectural or historic interest or not, must reflect the design and character of the area as a whole and the form, scale, detailing and materials of existing buildings. The Council's Wrexham Town Centre Conservation

Area Character Assessment and Management Plan (CAMP) divides the conservation area into five distinct areas of character. The appeal site lies within a wider area of enclosed streets and alleyways retaining its medieval character. The CAMP identifies that the physical fabric to the north side of Town Hill in particular would benefit from repair and renovation. This area comprises largely of uniform brick buildings with street level shop fronts either side of the appeal site, with slate as the main roofing material. The CAMP identifies the appeal site as one of a number of gap sites which detrimentally affect the visual continuity of the streetscene.

5. The development does not project beyond the site boundary and given its low height above the boundary railings, little of the expanse of the roof is visible to pedestrians or motorists travelling uphill. Nevertheless, the crenelated profile of the roofing sheets is visible above the fascia as an unusual and incompatible element in the view. The low fascia is noticeably out of alignment with the regular pattern of horizontal detailing on shop frontages either side, creating a discordant and awkward relationship to the streetscene. The development is particularly noticeable and prominent when viewed from the opposite direction, further into the conservation area on High Street, and to vehicular and pedestrian traffic travelling downhill towards it. Viewed from this direction, the misalignment of its roof level with the stepped and regular pattern of shop fronts is particularly jarring. A substantial part of the roof's expanse is also visible from this direction, seen against the adjoining brick building. The appellant acknowledges that the choice of roofing materials was driven by the urgent need to allow the premises to trade safely during the Coronavirus pandemic. Acknowledging that material finishes can be controlled through condition, I do not consider that a dark colour to the roof, as suggested by the appellant, would lessen its inappropriateness as a material in its context. Rather than successfully filling the gap site, the development draws attention to it by its awkwardly squat form and incompatible finishes in contrast to the slender vertical emphasis and visual uniformity of adjacent development.
6. My attention was drawn to UDP Policy S2 which states that outside the town centre's principal shopping streets (identified in UDP Policy S1), encouragement will be given to ground floor retailing proposals. This is supported in the CAMP which identifies the retention of retail units and mixed uses as essential in ensuring the vibrancy of the conservation area throughout the day and evening. Whilst use of the site after normal retail trading hours would make a small contribution to extending economic uses in the conservation area into the evening, Policy S2 however only allows mixed use commercial development if it enhances the vitality and environmental quality of the area. The appellant also cites Planning Policy Wales (Edition 11, paragraph 6.1.15) which allows the presumption to preserve or enhance the character or appearance of the conservation area to be overridden in favour of development considered desirable on public interest grounds. The parties agree that the development was installed during the Coronavirus pandemic under changes to permitted development rights brought into force to support economic recovery (The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2021). However, those rights were temporary and given the relaxation of Coronavirus controls, short-term public interest grounds which may have existed during the pandemic no longer exist.
7. I conclude that the development does not preserve or enhance the character or appearance of the Wrexham Town Centre Conservation Area. It is therefore contrary to UDP Policy EC7 and Policy PS2 which states that development must not materially detrimentally affect, amongst other matters, townscape character. It would also fail to comply with Policy GDP1 which says that all new development should ensure that built development in its scale, design and layout, and in its use of materials and landscaping,

accords with the character of the site and makes a positive contribution to the appearance of the nearby locality.

Conclusions

8. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.
9. 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 this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

Nia Jones

Inspector