



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/07/2022

gan Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 15/08/2022

Appeal Decision

Site visit made on 21/07/2022

by Clive Sproule BSc MSc MSc
MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh
Ministers

Date: 15/08/2022

Appeal Ref: CAS-01695-X9P4D7

Site address: 31 Watery Road, Wrexham LL13 7NP

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 planning permission.
 - The appeal is made by Mr Darren Evans & Chris Tye against the decision of Wrexham County Borough Council.
 - The development proposed is a change of use to a 5 bedroom house in multiple occupation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form, dated 27/06/2021, notes the “...*building, work or change of use...*” to have begun and be almost completed. The report of the County Council's Chief Officer Planning and Regulatory, dated 10/01/2022, noted “*The three bedroom property has been in use as a 5 bedroom HMO but this is not licensed...*”, therefore the change of use had already occurred.

Main Issues

3. The main issues in this case are the effect of the development on: 1) the character of the locality in relation to an increased concentration of houses in multiple occupation (“HMOs”); and, 2) highway safety in relation to on-street parking activity.

Reasons

The character of the locality

4. The appeal site is an end of terrace house at the junction with Jubilee Road. This provides the building with amenity space to the front, side and rear. This section of Watery Road is a busy thoroughfare providing vehicular access to the shops, services and parking areas in this part of the centre of Wrexham. Its character also reflects the mixture of land uses

along it, with predominantly residential properties on the southern side of Watery Road that face toward Wrexham Central railway station and the commercial development around it. Jubilee Road is a residential street of terraced houses that stands between the centre of Wrexham and the landscaped public open space and sports facilities within Bellevue Park. The rear amenity space at No.31, along with its garage and driveway, are accessed from Jubilee Road.

5. Wrexham Unitary Development Plan 1996-2011 Policy H4 is only permissive of the subdivision of existing dwellings where this could be done while providing sufficient private amenity space and without an overconcentration of HMOs. A report prepared for Welsh Government in 2015, entitled *Houses in Multiple Occupation: Review & Evidence Gathering*, highlights the possible consequences of concentrations of HMOs. The County Council's guidance for assessing proposals for HMOs is within its Local Planning Guidance Note No.5 ("LPGN 5"). It seeks to ensure that proposals do not result in over 10% of the houses within a 50m radius of the proposal being HMOs. The County Council's Committee Report on the application notes the development to increase the concentration in this location from 10% to 12%.
6. The HMO at No.31 causes the locality around it to exceed the concentration of HMOs sought by LPGN 5. While the building stands on a street corner facing across a busy highway toward the shops, services and transport options in the centre of Wrexham, such a location would also be a suitable and potentially desirable location for a family sized dwelling, or perhaps flatted accommodation. Such occupation would reinforce the residential character of Jubilee Road and prevent the erosion of local character through an increased concentration of HMOs.
7. External activity resulting from the nature of the independent occupation of the HMO's rooms would be likely to be focussed on its amenity spaces, and the pedestrian entrances into No.31 from Watery Road and Jubilee Road. While this level of activity may be consistent with the mixed character of Watery Road, the appeal scheme introduces that activity into Jubilee Road.
8. The appeal proposal has increased the concentration of HMOs in this area to a level above that sought by LPGN 5. The specific circumstances of the appeal site, along with the type and level of occupation proposed for No.31, cause this increase to change the character of Jubilee Road, and it is apparent this change is unacceptably harmful to local character. Accordingly, the proposal conflicts with UDP Policy H4 (d).

Highway safety

9. UDP Policy T8 is permissive of development that would provide vehicle parking spaces either on-site or elsewhere in accordance with the County Council's current parking standards. These standards are within Local Planning Guidance Note No.16 ('LPGN 16') – *Parking Standards*, which would seek: an HMO of the size proposed to provide a maximum of four parking spaces; and, the minimum size of a parking space to be 2.4m by 4.8m.
10. There is a hardstanding between the garage at No.31 and the footway on Jubilee Road. The report of the County Council's Chief Officer Planning and Regulatory notes this hardstanding to be 3.9m wide and to provide, a substandard, 3.9m parking length from the footway. This restricts the length of vehicle that can park there without obstructing the footway on Jubilee Road. Nevertheless, the hardstanding provides a parking space for suitably sized vehicles.
11. The County Council's second reason for refusal is in relation to a potential increase in on-street parking activity. Jubilee Road has predominantly terraced housing along it with

limited opportunities for off-street parking. While this can be expected to result in pressures for on-street parking on Jubilee Road, there are other parking opportunities in the area, including those on Bellevue Road.

12. UDP Policy T8 notes that special regard will be had for the availability of public transport nearby, public car parking, proximity to local services and facilities, and road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site. In this case, there are parking opportunities both on the site and in the streets around it. The immediate context for the appeal site is its proximity to the jobs, shops, services and transport opportunities within the centre of Wrexham.
13. The report on the application by the County Council's Chief Officer Planning and Regulatory noted that the development is unlikely to result in any increase in demand for on-street parking in the vicinity of the site, and is unlikely to result in any highway safety concerns. I note the assessment provided within the report and agree with the conclusion.
14. Even if the appeal proposal were to result in some additional on-street parking, it is not apparent that it would be sufficient to be unacceptably harmful to highway safety, or to the living conditions of local residents.
15. The appeal proposal would not provide or exceed the maximum level of parking provision for an HMO as set out within LPGN 16. When "special regard" is paid to the circumstances of the appeal proposal, no conflict has been demonstrated with UDP Policy T8.

Other matters

16. The substantial area of amenity space at the rear of the building includes a garage which is accessed from Jubilee Road. No external alterations were proposed as part of the development. Consequently, these amenity areas remain available for the occupiers of No.31 and are suitable for use as a drying area, for bin storage and have potential for cycle parking.

Conclusion

17. For the reasons above, the appeal scheme conflicts with UDP Policies H4 and LPGN 5. No matters, including the scope of possible planning conditions, have been found to outweigh the identified harm and conflict with development plan policy and local planning guidance. Consequently, the appeal should be dismissed.
18. 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 making our cities, towns and villages even better places in which to live and work.

Clive Sproule

Inspector