
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/02/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.05.18

Appeal Decision

Site visit made on 21/02/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11.05.18

Appeal Ref: APP/H6955/A/17/3190136

Site address: 36 Rhosddu Road, Wrexham LL11 2NS

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 Mrs Stella Jones, S & P Estates Ltd against the decision of Wrexham County Borough Council.
 - The application Ref WRR P/2017/0749, dated 2/09/2017, was refused by notice dated 6/11/2017.
 - The development proposed is conversion of ground floor into one bedroom self-contained apartment. Conversion of first and second floors into five bedroom house of multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of ground floor into one bedroom self-contained apartment, conversion of first and second floors into five bedroom house of multiple occupation at 36 Rhosddu Road, Wrexham LL11 2NS in accordance with the terms of the application, Ref WRR P/2017/0749, dated 2/09/2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans and documents: RR/PD/05, RR/PD/02, RR/PD/04.

Main Issue

2. This is the effect of the proposal on the amenity and character of the area, having regard to planning policies and the objectives of maintaining sustainable and balanced communities.

Reasons

3. The appeal property is a 5 bedroom mid-terraced dwelling with accommodation in the basement, ground and first floors. The appeal site is situated in a residential area close to a mix of commercial uses, adjacent to a recreational park and a memorial park either side of the Rhosddu Road. Rhosddu Road lies to the north of the town centre with accessible links to the University, the Hospital, the railway station, the town shopping centre and the bus station.
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4. The Council and residents are concerned that the proposed development would result in an over-concentration of Houses in Multiple Occupation (HMO) within the immediate area of the site, to the detriment of crime, the social fabric of the area and amenity of existing residents.
5. Policy H4 (d) of the Wrexham Unitary Development Plan (UDP) and the Local Planning Guidance Note No. 5 *Conversion of dwellings to houses in multiple occupation*, seeks to ensure, amongst other things, that there is not an over-concentration of HMOs in an area.
6. The report to the Planning Committee on 6/11/2017 noted that within 50m of the site there are 41 residential properties of which 6 were HMOs (14.6%). The percentage of HMOs would rise to 17% (7 in number) if the appeal proposal is allowed. The appeal property is a vacant building and the proposal would be one HMO amongst a cluster of HMOs in the terrace.
7. The Council indicate that the two HMOs either side of the appeal property are run by charities housing ex-offenders and recovering drug addicts. The Council notes that there have been significant problems with anti-social behaviour and drug taking in the area, and that a Public Space Protection Order is currently in force. The Order came into force in March 2016 and will end in March 2019. The Order defines the park and the memorial park as an area where there is a prohibition for persons to take intoxicating substances and alcohol, amongst other things, and to prohibit persons who are in an intoxicated condition. The penalty for breaching the Order in the designated area is a fixed penalty fine.
8. Public concern about anti-social behaviour and the fear of crime can be a material planning consideration in the regulation of development and the use of land. However, there is no objective evidence to indicate that this proposal would increase the risk of criminal or anti-social behaviour. As the appellant points out tenants of the proposed HMO would have to sign an agreement to reside and can also be served notice to leave should problems occur. The management of the HMO is therefore within the control of the appellant. I also concur with the appellant that anti-social behaviour problems are not unique to HMOs they equally could apply to other forms of residential occupation. Behaviours of this type are factors related to the particular occupants of the property and not the use, which is the consideration in this appeal. Planning controls are concerned with the use of land rather than the identity of the user. However, there are other measures outside of planning controls available to tackle criminal and disruptive behaviour. The Council have taken action in relation to two public areas nearby, but there is no objective evidence to indicate that this proposal in combination with other HMOs in the area will exacerbate the situation.
9. In terms of whether the proposal would result in an over-concentration of HMOs in the area neither UDP Policy nor published guidance defines what comprises an over concentration. Without any threshold set in local planning policy there is no yardstick to gauge when such concentration of HMO uses will undermine the social fabric of the area and harm the amenity of existing residents. In the absence of such thresholds it cannot be deduced when that point has been reached and when the policy would be breached. I note that the Council has sought to calculate the percentage of HMOs in a small geographical area around the appeal site, but there is no guidance or explanation why this is appropriate as opposed to a calculation of the density of HMOs for the ward area. I therefore do not consider that it has been demonstrated that the concentration of HMOs would harm the social fabric of the area and the character and amenity of the area.

10. Emerging local guidance on HMOs which is in the process of being produced has not been formally adopted and can be given but very limited weight in the consideration of this appeal.
11. There are no technical objections to the development on highway safety in relation to parking provision from the Service Manager Environment Officer. I would concur with that assessment given the site's highly sustainable location.
12. I therefore conclude that the proposal would not harm the amenity and character of the area, having regard to planning policies and the objectives of maintaining sustainable and balanced communities.

Conclusions

13. Where planning permission is required and sought for development of this type, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. I consider the development complies with the development plan notably UDP Policy H4. I note the concerns of residents on parking, but none turn me away from my conclusion on the main issue.
14. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
15. Having regard to all matters raised I find that the balance of considerations indicates that permission should be granted. The suggested conditions relate to the standard conditions on implementation of the permission and the approved plans. I shall impose these accordingly in the interests of defining the scope of the development and its limits, in line with paragraphs 5.14 and 5.30-5.31 of Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'.

Iwan Lloyd

INSPECTOR