
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: 21.03.2018

Appeal Decision

Site visit made on 21/02/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 21.03.2018

Appeal Ref: APP/H6955/A/17/3189871

Site address: 6 Private Shop UK, Yorke Street, Wrexham LL13 8LW

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 failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Arran Pritchard against Wrexham County Borough Council.
 - The application Ref P/2017/0571, is dated 10/07/2017.
 - The development proposed is conversion of use Class A1 to 14 bed House in Multiple Occupation Sui Generis Use (1 occupant per bedroom).
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Decision

1. The appeal is dismissed and planning permission for conversion of use Class A1 to 14 bed House in Multiple Occupation Sui Generis Use (1 occupant per bedroom) is refused.

Procedural matters

2. The grounds of appeal indicate that the proposal would be for a 9 bed house in multiple occupation (HMO) instead of a 14 bed scheme. The appellant indicates that the access statement provides the detail of the change. However, it does not, although I have a copy of the amended floor plans showing 9 units.
3. The Council's submissions deals with the main concerns put forward in relation to the 9 bed HMO. The Council has indicated that the proposal was changed to a 9 room HMO and revised plans have been submitted accordingly.
4. Since there was no determination of the application made within the prescribed period there are no reasons advanced by the Council for opposing the development. However, the Council's statement contends that the rear amenity area is inadequate, but indicates that given its location in the town centre there are other recreational opportunities available close-by. The Council indicates that there is also an overlooking issue from the first and second floor windows of the south facing side elevation. However, these details are only shown on the revised scheme for a 9 unit HMO.
5. In response, the appellant indicates that the proposed second floor window facing south could be altered to two roof lights and the proposed first floor south facing window be omitted and replaced with 2 windows in lieu of the existing one on the east facing elevation. However, no detail of this has been provided.

6. The notification letter for the appeal to interested parties only refers to a 14 bed HMO development. As the planning application was made after 5/05/2017 this appeal runs under the new regulations¹ which prohibit the submission of amendments at appeal.
7. The appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Whilst the local planning authority has commented on the 9 bed HMO, it is unclear whether all interested parties views were sought on this change. Furthermore, proposed changes to windows in order to overcome concerns is a material change in a conservation area, and would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
8. As a result, I am not prepared to consider the changes now advocated, as prejudice would arise to any interested party having not seen and possibly not had the opportunity to comment on the proposed development now put forward.
9. I shall therefore deal with the appeal as initially submitted – that is a 14 bed HMO. This scheme shows no new windows on the rear south facing elevation.
10. In any event, the proposed change to windows in a conservation area is a substantial change which requires elevation plans, accompanying floor plans and window profile details to establish the intended effect on the conservation area designation.

Main Issues

11. These are;

- whether the proposed development would preserve or enhance the character or appearance of the Wrexham Town Centre Conservation Area, and
- the effect of the proposal on the living conditions of future occupants of the development in relation to outdoor amenity space.

Reasons

Conservation area

12. The appeal building is three storeys at the front with a shop at ground floor with two floors above. It forms a terrace conjoined with a taller and more ornate brick building to the north and a similar style brick building to the south. Both the appeal building and its neighbouring building to the south are similar in appearance in terms of brick and mansard style roof and sash windows.
13. Yorke Street has been narrowed to a single carriageway and has been paved in traditional street surfacing. It also exhibits traditional street furniture and trees along one side. The street is subject to a traffic order with parking bays on either side. The combination of the street works and the restrictions on traffic allow a greater freedom for pedestrians to roam but also helps to restore the historic character of the street. The appeal building is viewed in the vista towards High Street and Chester Street where buildings on the east side of the street increase in scale and finesse as the road rises to the focal point of The Wynnstay Hotel.

¹ The Town and country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

14. The proposed drawings illustrate a top hung double glazed Georgian style window in lieu of the shopfront window facing Yorke Street. The proposal would also install a similar window in lieu of a door to the rear of the building. The internal partitions would dissect the existing sash windows.
15. The existing windows in the building are sliding sash. The proposed windows would not reflect that historical approach in terms of their means of opening. The top hung windows would appear at odds with the traditional sash windows to the detriment of the historic and architectural integrity of the building. Internal partitioning would also harm the historic fabric of the existing windows resulting in a new wall abutting up to the glazing midway across the window opening.
16. The proposed works would fail to preserve the appearance of the Wrexham Town Centre Conservation Area. This is because the windows in the building in this conservation area are key components of the overall appearance of the area. Windows must be correctly proportioned, respect the existing openings, and the method of opening of the window is important as well as the reveal and sectional glazing bars.
17. I do not consider that these matters could be adequately controlled by planning condition, and this aspect alone is sufficient to dismiss this appeal.

Living conditions – amenity space

18. The amenity space available for the 14 bed HMO is very small indeed and is dominated by a concrete pillar, wood screen and metal framework of the footbridge leading to Eagles Meadow shopping centre. Local Planning Guidance Note No. 5 *Conversion of dwellings to houses in multiple occupation*, provides limited guidance on the minimum amenity space deemed acceptable for a HMO. However, the proposed amenity space would provide an unwelcome environment for the future occupants of the HMO.
19. Although the town centre nearby would provide alternative recreational opportunities the number of occupants in a 14 unit HMO would expect an area where they can sit out. However, the available amenity space would only realistically accommodate bin storage. I also note that the proposed basement floor plan provides no access to the amenity space or bin storage area.
20. I consider that the proposal would harm the living conditions of future occupants of the development in relation to outdoor amenity space.

Conclusions

21. In relation to the determining issues of this appeal the proposal fails to succeed. I have not considered the revised proposal for a 9 bedroom HMO for the reasons I have outlined above. I note the comments from interested parties on the range of other issues, which the local planning authority has considered but discounted. I concur with the assessment put forward by the local planning authority, in so far as it relates to the main determining issues in respect of the 14 unit HMO.
22. 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.

23. Copies of the relevant planning policies were not provided with this appeal, only the local planning guidance notes. However, I have considered the appeal against national planning policies which reflect local planning policy. In particular, the statutory test to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

24. I therefore conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR