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## 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: 14 Mawrth 2018**

## Appeal Decision

Site visit made on 21/02/18

**by Iwan Lloyd BA BTP MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 14 March 2018**

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**Appeal Ref: APP/H6955/A/17/3187246**

**Site address: 45 Alexandra Road, Wrexham LL13 7SL**

**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 Mr Murray against the decision of Wrexham County Borough Council.
  - The application Ref WRO P/2017/0736, dated 1/09/2017, was refused by notice dated 2/10/2017.
  - The development proposed is conversion of a house into a 4 bed HMO.
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### Decision

1. The appeal is allowed and planning permission is granted for conversion of a house into a 4 bed House in Multiple Occupation (HMO) at 45 Alexandra Road, Wrexham LL13 7SL in accordance with the terms of the application, Ref WRO P/2017/0736, dated 1/09/2017, 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: Existing and proposed floor plans drawing NPP014 Rev PA and location plan.

### Main Issues

2. The main issues are as follows:
  - 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, and
  - the effect of the proposal on the living conditions of future occupants of the development in relation to amenity space and facilities for bin storage.

### Reasons

*Effect on amenity and character of the area*

3. The appeal property is a three bedroom terrace property in a residential area. The property is situated to the south-west of the town and lies close to Coleg Cambria and
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Wrexham Cemetery. The proposal would be to provide a 4 bedroom house in multiple occupation (HMO) served by four en-suite shower/toilet and wash rooms.

4. The property is situated in the town where there is a range of services and facilities that are easily accessible for the occupants of the development. Development in this location would be normally permitted unless there are significant material considerations that would indicate a decision to the contrary.
5. The concern in this case relate to an alleged over concentration of HMOs in the area that it is claimed undermines the social fabric of the area and the amenity of existing residents. This is set out in 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*.
6. The Council refers to a published report by the Welsh Government 'Houses in Multiple Occupation: Review and Evidence Gathering' Report of Findings 2015 that highlights concerns about HMO's once concentrations of HMOs rise above 10%. The Council is concerned that there is already an over concentration of HMOs in the Offa ward with the report indicating that there is 11% (based on 2011 census figures) of multi-person households in this ward.
7. The report to Planning Committee on 2/10/17 notes that there is no adopted method or threshold for assessing HMO concentrations. It refers to a threshold of other local authorities of 10% and 20% being considered acceptable. The report refers to concentrations of 6.7% of HMOs within a 50m radius of the site, and 6.6% within 100m. These figures take into account recent approvals.
8. The issue of deciding whether a particular number or percentage of HMOs in a given area comprises an over concentration is made difficult by the fact that 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.
9. The purpose of the 2015 report was to examine the extent of concentrations of HMOs in Wales and the issues associated with them, and to review the existing legislation and consider best practice in both Welsh and non-Welsh authorities. The report makes recommendations in respect of both local authority practice and potential changes to the regulatory framework. The report indicates that it used secondary data from the 2011 Census, and statistical returns from local authorities, as well as conducting structured interviews. The assessment contained in the Planning Committee report appears to be more recent and geographically focused than the 2015 published report. However, even if the 11% concentration of HMOs is right for the Offa ward, I do not regard that would undermine the social fabric of the area.
10. There is no objective evidence that this proposal in combination with existing HMOs in the area would lead to anti-social behaviour, noise disturbance and cause social imbalance. Concerns that tenants could cause these problems are not unique to HMOs, they equally could apply to other forms of residential occupation, and 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 persistent nuisance and disruptive behaviour.

11. I note the concern about parking in the area, but having regard to the Council's parking standard set against the current demand for parking from the dwelling the potential increase would amount to 1 space. In such a sustainable location where there is access to public transport and the town centre is within walking and cycling distance of the site, there is no objective case that this proposal would cause harm to highway safety. In my view, it is not always the case that each and every tenant of the development in a location such as this would own a car. In any event, Bersham Road has no parking restrictions near its junction with Alexandra Road, where space was available during the course of my visit.
12. I 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.

#### *Living conditions*

13. I note the objection about the available space for bin storage and amenity. This space serves the existing property and I have seen nothing to suggest that it is not adequate for the existing development. The Council has not provided specific guidance on any published standard that should apply, and therefore there is no measure as to the amount of space that should be provided for the development. In the absence of a specific measure it is difficult to gauge when the provision becomes unacceptable. In this regard the number of residents that could be accommodated in relation to the existing and proposed uses is similar and I have seen nothing to demonstrate that the space is inadequate.
14. I conclude that the proposal would not harm the living conditions of future occupants of the development in relation to amenity space and facilities for bin storage.

#### **Conclusions**

15. 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, but none turn me away from my conclusion on the main issues.
16. 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.
17. 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