
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: 05.03.18

Appeal Decision

Site visit made on 21/02/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 05.03.18

Appeal Ref: APP/H6955/A/17/3189013

Site address: 10 Talbot Road, Wrexham LL13 7DY

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 Kay Reid against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2017/0277, dated 20/03/2017, was refused by notice dated 3/07/2017.
 - The development proposed is to change current residential house into a H.M.O. existing 3/4 bedrooms and lounge to be made into bedsits with shared kitchen and 2 bathrooms.
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Decision

1. The appeal is allowed and planning permission is granted to change current residential house into a H.M.O. existing 3/4 bedrooms and lounge to be made into bedsits with shared kitchen and 2 bathrooms at 10 Talbot Road, Wrexham LL13 7DY in accordance with the terms of the application, Ref WRO P/2017/0277, dated 20/03/2017, and the plans submitted with it, subject to the following condition:
 - 1) Within one month of the date of this decision, details of a scheme, including a timescale for provision, showing bin and recycling storage facilities shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the agreed details and timescale, and the bin and recycling storage facilities shall be retained for the lifetime of the development.

Main Issues

2. The main issue in this case 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 situated on the south-east side of Talbot Road in a residential area to the south of the town centre. Planning permission has been granted for 2 flats comprising in total 3 bedrooms. The proposal would be to provide a 5 bedroom house in multiple occupation (HMO). This would include 2 double occupancy rooms and 3 single rooms capable of accommodating 7 people who are unrelated and share the communal facilities. The development is noted in the application/grounds of appeal as one which has already taken place.

4. The appeal property is an accessible location to the town centre which provides a range of services including, employment, community, leisure, transport, educational and health conveniences and shopping facilities. The appeal site is therefore situated in a sustainable location, and where development is normally permitted unless there are significant material considerations that would indicate a decision to the contrary.
5. The Council and residents refer to an over concentration of HMOs in the area that will undermine the social fabric of the area and the amenity of existing residents. This concern 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 in its statement of case refers to a concentration of 14.5% of HMOs in a 50m radius of the site. Whereas in the report to the Planning Committee on 3/07/2017, a figure equating to 11% was quoted within the same search area. Along Talbot Road, the report notes, that there are 4 existing properties registered as HMOs.
7. The difficulty in gauging what comprises an over concentration of HMOs in a given area is borne out of 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. Furthermore, the difference in the Council's figures casts doubt whether the same methodology was used to derive the higher figure. There is no explanation for the disparity, nevertheless, even if the 14.5% concentration of HMOs is right, I do not regard that would undermine the social fabric of the area.
8. 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 drug use. 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.
9. 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. I also note the residents' concern about parking pressure, although the Council's planning report demonstrates that the demand for parking would not significantly change as a result of the proposal when compared with the lawful use of the building. There is no technical objection from the Highway Officer and there is recognition that the site is in a sustainable location.
10. The physical layout of the building and yard space permits space for bin storage. An increased occupancy will give rise to a greater demand for refuse and recycling, but I note that the Council suggests a planning condition to control this aspect of the development.
11. 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. I note the concerns of residents and Councillors, but none turn me away from my conclusion on the main issue.

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. The proposal would accord with UDP Policy H4.
13. 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.
14. Having regard to all matters raised I find that the balance of considerations indicates that permission should be granted. The suggested condition on bin storage is necessary with some minor re-wording, and this is needed in the interests of the visual appearance of the area and the living conditions of occupants of the HMO.

Iwan Lloyd

INSPECTOR