

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL AT 44 BEECHLEY ROAD, WREXHAM**

COUNCILS STATEMENT OF CASE

**PLANNING REF: P/2019/0607
PINS REF: H6955/A/20/3248836**

1.0 THE SITE

1.1 44 Beechley Road, Wrexham, LL13 7BA

2.0 PROPOSAL

2.1 Planning application reference: P/2019/0607 - Change of Use to 6 Bedroom House In Multiple Occupation (HMO) (Single Occupancy)

2.2 Planning permission was refused on 13.09.2019 for the following reasons:

1) The proposed development would result in an over-concentration of HMOs within the immediate area of the site, to the detriment of the social fabric of the area and the amenities of local residents contrary to Policy H4 (d) of the adopted Wrexham Unitary Development Plan. With existing HMOs either side of the application site, the development is in contravention of the requirements of Local Planning Guidance Note No. 5 'Conversion of Dwellings into House in Multiple Occupation', which amplifies Policy H4, and in this case requires a gap of at least 2 dwellings between the proposed HMO and the existing ones, and a maximum of 10% HMOs within a 50 metre radius of the site, and

2) The proposed development will give rise to an increase in demand for on-street parking in the vicinity of the site, exacerbating existing parking problems to the detriment of highway safety and residential amenity. The proposals therefore conflict with Policies H4 (b), GDP1(d) and T8 of the adopted Wrexham Unitary Development Plan and the advice contained within Local Planning Guidance Notes Nos. 5 'Conversion of Dwellings into House in Multiple Occupation' and 16 'Parking Standards'..

3.0 PLANNING HISTORY

3.1 There is no relevant planning history.

4.0 LOCAL PLANNING CONTEXT

4.1 The site lies inside the settlement limit as defined in the current development plan for the area, which is the Wrexham Unitary Development Plan (UDP). Policies H4 (b) and (d), GDP1 (d) and T8 of that document are applicable. Local Planning Guidance Notes (LPGN) Nos. 5 'Conversion of Dwellings into Houses in Multiple Occupation' and 16 'Parking Standards' amplify those policies. *Copies of the relevant UDP policies and Guidance Notes are already contained in submitted questionnaire bundle.*

5.0 THE COUNCIL'S CASE

- 5.1 Policy H4 allows for the subdivision of dwellings where:
- a) sub-division is possible without major alterations, extensions, or additional new buildings which would significantly alter the character of the original dwelling; and
 - b) proposals accord with Policy GDP1;
 - c) adequate private open space is available; and
 - d) the proposal would not result in the over-concentration of Houses in Multiple Occupation to the detriment of crime levels, the social fabric of the area, and the amenity of existing residents.
- 5.2 No extensions are proposed, and the development therefore complies with criterion a). A HMO should have a large enough private outdoor area to provide external drying areas, cycle parking, bin storage and to provide for the amenity of the occupiers the property. The facilities should be secure and made available for use by all residents. This would appear possible at the property with outdoor space of approx. 60 sqm for the proposed 6 residents, and the proposed development therefore also complies with criterion c).
- 5.3 LPGN 16 advises that the maximum parking required for the proposed use is 4 spaces, which is an increase in the standard from the existing use which is 3 spaces. Given that there is an increase in parking demand this is likely to put increased pressure upon on-street parking demand in an area where there are already significant problems with insufficient and indiscriminate on-street parking. To allow this development would compound these problems and the proposal fails to comply with UDP Policies H4 b) GDP1, T8 and LPGN 16. In addition there is no provision for cycle storage; however it would appear possible to provide this on site.
- 5.4 LPGN 5 advises that the Council will seek to ensure that proposals for a new HMO does not result in the number exceeding 10% within a 50m radius of the boundaries of the application site. Of the 53 properties within a 50 metre radius (please see figure 1 below), 5 are existing HMOs. The proposed change of use increases that figure to 6 representing an increase to 11.325 %. This exceeds the maximum 10% and the development does not therefore comply with criterion d). More damaging is the presence of the existing HMOs on either side of the application site, and to allow this change of use would also be contrary to LPGN No.5 by way of forming a cluster of HMOs along this section of Beechley Road.



Figure 1. Existing HMOs represented by blue dots (not all properties on the plan are within 50 metres)

6.0 CONCLUSION

- 6.1 Given that the proposed development would lead to an over concentration of HMOs in the locality, and create a HMO cluster in a short section of Beechley Road, to allow the change of use would be to the detriment of the social fabric of the area and the amenities of local residents. The development would also increase parking demand to the detriment of highway safety, and the proposal is contrary to UDP policies GDP1, H4 a) and d) and T8, and the advice contained within LPGN Nos. 5 'Conversion of Dwellings into Houses in Multiple Occupation' and 16 'Parking Standards'.

- 6.2 The Council is therefore of the opinion that the development is inappropriate for this location, and the Inspector is therefore respectfully requested to dismiss the appeal.

7.0 SUGGESTED CONDITIONS

- 7.1 Should this Appeal be allowed, I would suggest that the following conditions are attached:

7.1.1 Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing refs: @@@@ and as contained within the application documentation.
3. Notwithstanding condition no. 2 above, the development shall not be occupied until facilities for the secure storage of cycles have been provided on site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The facilities shall thereafter be permanently retained and shall not be used for any purpose other than secure cycle storage.

7.1.2 Reasons

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To encourage the use of non-motorised means of transport, in accordance with Policy T8 of the Wrexham Unitary Development Plan