
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 07/10/20

gan **C MacFarlane, BSc (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2nd November 2020

Appeal Decision

Site visit made on 07/10/20

by **C MacFarlane, BSc (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 2nd November 2020

Appeal Ref: APP/H6955/A/20/3248836

Site address: 44 Beechley Road, Wrexham, LL13 7BA

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 Darren Evans and Chris Tye against the decision of Wrexham County Borough Council.
 - The application Ref: P/2019/0607 dated 29 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is change of use to 6-bedroom HMO.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use to 6-bedroom HMO at 44 Beechley Road, Wrexham, LL13 7BA in accordance with the terms of the application, Ref: P/2019/0607 dated 29 July 2019, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Outside Plan
 - Downstairs overview
 - Upstairs overview
 - Hallway 1
 - Hallway 2
 - Room 1
 - Room 2
 - Room 3
 - Kitchen
 - Utility room
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- Room 4
- Room 5
- Room 6
- Bathroom 1
- Bathroom 2
- Landing

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 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.

Reason: To provide for the use of non-motorised means of transport (UDP Policy T8).

Main Issues

2. The main issues are the effect of the proposal on i) the character and amenity of the surrounding area and ii) highway safety and residential amenity, with regard to parking.

Reasons

Character and amenity

3. The appeal property is a two-storey end-terrace dwelling located within a predominantly residential area. The surrounding properties are mostly terraced, with small yard areas to the front, and the majority of parking provision is on-street along both sides of Beechley Road.
4. The proposal would change the use of the appeal property from a dwelling to a House in Multiple Occupation (HMO). Criterion (d) of Policy H4 of the Wrexham Unitary Development Plan (UDP) permits such proposals where it would not result in the over-concentration of HMOs to the detriment of crime levels, the social fabric of the area, and the amenity of existing residents. This is amplified by Local Planning Guidance Note 5 'Houses in Multiple Occupation' (LPGN 5).
5. With regard to the concentration of HMOs in the surrounding area, the proposal would result in the 10% threshold set out within LPGN 5 being marginally exceeded, to approximately 11%. Due to the neighbouring properties on both sides being HMOs, it would also fail to comply with the LGPN requirement to maintain a gap of at least 2 non-HMO uses between any proposed and existing HMOs. However, such criteria and thresholds are provided as guidance only and should not be rigidly adhered to without consideration of the effects of the proposal.
6. The Council has not provided any substantive evidence to demonstrate that the existing concentration of HMOs is causing harm in respect of the social fabric and amenity of the area, or that the proposal would give rise to such harm. Although it would result in the loss of a family home, the surrounding area would remain largely residential and the scale of the proposal would not alter the character in this respect. Furthermore, the supporting text to Policy H4 and LPGN 5 recognises the increasing

demand for smaller, more affordable accommodation in the County Borough, and the contribution of HMOs towards meeting this need. Many of the other concerns raised by local residents are largely related to the demography, behaviour and lifestyle of occupiers, which are not specific to HMOs and may occur in any residential area. The proposal would be required to comply with any licencing requirements in terms of management of the property as a HMO, and noise nuisance or anti-social behaviour could be addressed through other regulatory regimes.

7. I acknowledge that the appeal property and some of the existing HMOs would benefit from some external maintenance. However, these are relatively minor cosmetic improvements and I do not consider their current condition to be run-down or dilapidated, nor is this matter particular to the HMOs in the area. Whilst I noted wheelie bins and recycling containers being stored in the front yard area of a small number of properties, there was little to indicate an existing problem with overflowing or poorly managed household waste. Furthermore, the proposal would make adequate provision for refuse storage to the rear of the property. Overall, I observed little to distinguish the existing HMOs from the other properties in the surrounding area or that the current concentration is causing harm to the amenity of existing residents.
8. I therefore conclude that the proposal would not result in an over-concentration of HMOs that would be detrimental to the character and amenity of the surrounding area and would not conflict with UDP Policy H4 criterion (d).

Highway safety

9. Based on the Council's adopted Local Planning Guidance Note 16 'Parking Standards' (LPGN 16), the proposal would be expected to provide a maximum of 4 car parking spaces. This represents an increase of one space when compared to the existing use of the property as a 3-bedroom dwelling which, given the lack of parking provision within the site, would have to be met through on-street provision. At the time of my visit, there were a large number of vehicles parked along both sides of Beechley Road and comments from residents' state there is considerable parking pressure in the area.
10. The appeal property is located within walking distance of Wrexham town centre, where there is access to a range of services and public transport, meaning residents would not necessarily be reliant on car ownership to meet their needs. As the proposal would provide a smaller, more affordable type of accommodation, it would be expected to attract a lower level of car ownership amongst occupiers, particularly given the sustainable location. As such, and given the unrestricted nature of the surrounding roads, the proposal would not cause harm to highway safety and residential amenity.
11. I note the comments received from a resident regarding difficulties in entering and exiting their driveway due to vehicles being parked directly opposite; however, this reflects the current situation and would not be altered by the proposal. Reference has also been made to the use of larger commercial vehicles by residents of nearby HMOs. However, the type of vehicles used by residents is not a matter unique to HMOs, is likely to change over time and cannot be controlled by the planning system. There is sufficient space within the site to provide cycle storage in accordance with the requirements of LPGN 16, and I have imposed a condition to this effect. The proposal would therefore comply with UDP Policies GDP1, H4 and T8 which seek to ensure safe vehicle access in the nearby locality of development proposals, and adequate parking provision.

Conclusion

12. For the reasons given above, the appeal is allowed.
13. In reaching my decision, 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Claire MacFarlane

INSPECTOR