
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/08/19

gan **A L McCooey BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.10.2019

Appeal Decision

Site visit made on 15/08/19

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 02.10.2019

Appeal Ref: APP/H6955/A/19/3228329

Site address: 15 Mold Road, Wrexham, LL11 2AE

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 Mr Jennis Konadan against Wrexham County Borough Council.
 - The application Ref P/2018/0092, is dated 1 February 2018.
 - The development proposed is the change of use to a House in Multiple Occupation (HMO), together with a single-storey extension.
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Decision

1. The appeal is dismissed.

Background

2. The description of development used on the application form and the appeal form are both overly descriptive. I have amended that used on the appeal form to remove unnecessary text leaving the proposed development only. I have therefore adopted that wording in this decision.
3. Both the appellant and the Council state that the property was previously used as a HMO, but the licence was not renewed.

Main Issues

4. The main issues are:
 - the effect of the proposed HMO on the character of the area, having regard to planning policies and the objectives of maintaining sustainable and balanced communities; and
 - the effect of the proposed extension on the character and appearance of the local area.
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Reasons

5. The property is on a main approach to Wrexham town centre opposite the Football Stadium. It is close to the town centre and all local services/public transport. The house is an end of terrace property with rear access from a cul-de-sac parking area. The adjoining dwellings to the west are semi-detached houses set back further from the road. The house next door has access to the front with a drive leading to a garage.

Effect of over-concentration of HMOs

6. The goals of the Well-being and Future Generations Act 2015 are discussed and applied to national planning policy in Planning Policy Wales (PPW). The Strategic and Spatial Choices chapter informs good design as a means to achieve better places. The aspects of particular relevance to the appeal proposal are the emphasis on the effect of a proposal on the character of an area. Local Planning Authorities can use tools such as supplementary planning guidance to identify and coordinate opportunities to guide development generally. The focus on healthier places and balanced communities whilst meeting housing needs is also of relevance. Active and Social Places (Chapter 4) are those which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities. A resilient Wales is supported by protecting existing cohesive communities, whilst allowing for the necessary development to support a prosperous Wales.
7. The Council and residents refer to an over concentration of HMOs 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 5. Houses in Multiple Occupation (LPGN 5). This guidance note was completely revised and then adopted (after external consultation) by the Council on 8 May 2018. I have treated the document as providing no more than guidance which can assist in the assessment of applications for HMO developments. As such it provides a context upon which to implement adopted development plan policy rather than attempting to introduce new policy, and I afford it considerable weight
8. LPGN 5 refers to research commissioned by the Welsh Government¹, which identifies particular problems that can arise from an over-concentration of HMOs. Higher concentrations of HMOs lead to problems of damage to social cohesion, increases in anti-social behaviour, and a reduction in the quality of the local environment and street scene because of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs.
9. One of the main purposes of the SPG is to set out how concentration of HMOs in an area will be assessed. The above research has shown that concerns regarding HMOs increase once concentrations of them rise above 10%. In order to avoid over-concentrations LPGN 5 states that the Council will seek to ensure that the number of HMOs does not exceed 10% of residential properties within a 50-metre radius of the application site. Above that concentration planning permission will not normally be granted. Despite affording it substantial weight, I recognise that LPGN 5 represents guidance only and that such figures should not be treated as prescriptive.

¹ Houses in Multiple Occupation: Review and Evidence Gathering Report of Findings (2015)

10. There are 34 residential properties and 6 existing HMOs within 50m of the site. This equates to a concentration of HMOs of 18%, rising to 21% if the appeal proposal were to be approved. This is well in excess of the 10% level set out in LPGN 5. The proposal has a clear potential to contribute to the problems identified by the Council and which have been supported by research evidence.
11. Objections from the Community Council, a local member and residents refer to an over-concentration of HMOs in this area. These objections cite many of the issues raised in the Welsh Government research. During my site visit I observed some of the effects of the concentration of HMOs on the character of the area, including, refuse in garden areas and various properties with a run-down appearance. The appeal property itself presented a very poor appearance with many household items scattered around the garden. In my opinion, a further HMO would contribute to these problems. The identified imbalance of the community is changing the character of the area and making it a less attractive place to live for permanent residents. I accept that there have been few complaints to the HMO licencing authority about the HMOs within 50m of the site. This does not alter my perceptions of the area and the evidence of problems being experienced by local residents.
12. The Appellant points out that there are a limited number of residential properties within a 50m radius due to the presence of the stadium and commercial uses on the other side of Mold Road. LPGN 5 sets out the criteria against which applications will be assessed and identifies the threshold as 10% of residential properties within 50m. I fail to see how this point assists the appellant as it is the concentration of HMOs as a percentage of residential properties that is being measured. The appellant also referred to other HMOs being approved in certain areas in the town centre where there are levels above 10%. No evidence was provided in support of this generalised claim.
13. I conclude that the proposed HMO would lead to an over-concentration of HMOs to the detriment of the character and appearance of this area. Approval would run counter to the policy objective of maintaining sustainable and balanced communities. For the reasons given, the proposal would be contrary to Policy H4 of the UDP and the guidance in LPGN 5.

The impact of the proposed extension

14. The existing terrace comprises 6 houses. The high-quality design of the terrace presents a harmonious and pleasing appearance in views from the road. The end dwellings (of which no. 15 is one) are larger, acting as “bookends” for the terrace, with their main façade at right angles to the mid-terrace dwellings. The proposed extension would be close to the main road. It would occupy most of the small “front” garden i.e. the garden area between the existing porch and the main road and result in the loss of existing vegetation. Although the extension would be single storey, its siting and hipped roof design would spoil the symmetry of the terrace. It would also be a conspicuous and incongruous addition to the front of the dwelling. The proposed extension would be detrimental to the character and appearance of the dwelling itself, the terrace and the local area. This aspect of the proposal would be contrary to Policy PS2, and Policy GDP1 (a) of the UDP.

15. The neighbouring property objected to the extension because of loss of visibility for vehicles using the drive. As visibility when exiting the property is currently blocked by a telecommunications box and vegetation, the proposal would not worsen the existing situation. A window would overlook the neighbouring front garden. This is not a private amenity space. It is close to the road and overlooked by passers-by already. The appellant's offer to remove the window therefore requires no further consideration.

Other matters

16. As the site is in a highly sustainable location close to the town centre and public transport connections, the highway authority did not object to the lack of dedicated parking. I consider that this accords with national policy on reducing reliance on travel by car. Parking is also available to the rear of the property. The Council supplied some information on issues raised with the appellant related to the processing of the HMO licence application. The matters raised were irrelevant to planning issues and I take no account of them in my consideration of this appeal.

Conclusion

17. Having considered all relevant matters, I conclude that the appeal should be dismissed for the reasons given. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I have considered the relevant guidance on the application of the Act to planning decisions as set out in PPW. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to build healthier, more resilient communities and environments.

A L McCooey

Inspector