



Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 10/12/19

gan Hywel Wyn Jones BA(Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23.01.2020

Appeal Decision

Site visit made on 10/12/19

by Hywel Wyn Jones BA(Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23.01.2020

Appeal Ref: APP/H6955/A/19/3239694

Site address: 65 Salop Road, Wrexham, LL13 7AF

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 D Roth against the decision of Wrexham County Borough Council.
 - The application (ref: P/2019/0636), dated 15 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is described as 'change of use from single dwelling to house in multiple occupation (x residents)'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from single dwelling to 5 no. bed house in multiple occupation (HMO) single occupancy at 65 Salop Road, Wrexham, LL13 7AF in accordance with the terms of the application, ref: P/2019/0636, dated 15 August 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 plan: R095/002 Rev B and as contained within the application documentation.
Reason: To ensure that the development is carried out in accordance with the approved drawing and other details submitted during the application.
 - 3) The vehicular parking space as shown on approved drawing ref: R095/002 Rev B shall be fully laid out, surfaced with hard bound materials (e.g. bituminous macadam) and drained prior to first use of the development. This area shall thereafter be permanently retained and kept free of any obstruction (including gates), and shall be made available solely for the parking of a motor vehicle at all times.
Reason: In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
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- 4) Prior to first use of development a pavement crossing to the site shall be constructed in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.

- 5) Notwithstanding condition 2 above, the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not thereafter be used for any other purpose other than secure cycle storage.

Reason: To encourage the use of non-motorised means of transport, in accord with Policy T8 of the Wrexham Unitary Development Plan.

Preliminary Matters

2. The description of development set out in the above banner heading is taken from the planning application form. In my decision I have adopted the description used by the Council in its decision notice and the appellant in the appeal form, which refer to a 5 bed HMO, as it more precisely describes the scheme detailed in the application.

Main Issues

3. The main issues are the effect of the proposed use on:
- (i) the social fabric and residential amenity of the local community; and
 - (ii) the safety and convenience of highway users.

Reasons

4. The appeal property is a two-storey end of terrace dwelling fronting Salop Road. It is shown to have 4 bedrooms, including one at ground floor. A small yard lies between the main part of the house and a garage at the end of the property which opens onto Birch Street. The street is a short residential cul-de-sac fronted by a row of terraced houses on one side and, on the other, by the rear boundaries of dwellings fronting the main road which include some garages and rear accesses.
5. Salop Road, the A525, is a busy main road within the town. In addition to rows of houses there are several commercial uses fronting the road nearby, including a large supermarket opposite, and a petrol filling station and food and drink establishments. The main shopping centre of the town is close by, including large retail outlets located to the other side of the supermarket. Most of the residential properties nearby are traditional terraced houses fronting side streets and are generally of a high density typical of a town centre location.

Social Fabric

6. Policy H4 of the Wrexham Unitary Development Plan (UDP) provides that sub-division of dwellings will be permitted provided 4 criteria are met. Criterion (d) is that it does not result in an over-concentration of Houses in HMOs to the detriment of crime levels, the social fabric of the area, and the amenity of existing residents. The supporting text recognises the benefits to the local housing supply of sub-dividing larger residences to meet an increasing demand for smaller accommodation.
7. Following public consultation the Council has adopted Local Planning Guidance (LPG) 5 – Houses in Multiple Occupation. It explains that its research identified concerns

regarding HMOs when the numbers increase above 10%. The LPG provides that, where a proposal would lead to a concentration of HMOs exceeding 10% of the residential properties within a 50m radius of the subject property, planning permission would not normally be granted.

8. The Council relies on the technical breach of the 10% threshold in support of its refusal on this main issue. There is no substantive evidence before me to indicate that the existing presence of HMOs in this mixed-use part of the town is causing an over concentration that is affecting the social fabric or residential amenity of the community, nor that the scheme would be likely to create such problems. My visit did not reveal any of the physical manifestations that can arise from such developments, such as high numbers of letting signs, unkempt frontages, or household waste strewn along the street. The Council indicates that there are 5 properties out of 38 within the 50m radius that are HMOs and calculates that the percentage of HMOs would increase to 16% with the introduction of the proposed unit. Whilst the appellant queries the data, I have no reason to dispute its veracity. However, as the 10% threshold is one provided in guidance to assist decision makers, it should not be slavishly followed as though it were an absolute limit. The mixed-use character of this edge of town centre location reinforces my view in this respect.
9. Thus, on this main issue I conclude that the proposed use would not be harmful to the social fabric or residential amenity of the host community. As it would not lead to an over concentration of HMOs it is not in conflict with criterion (d) of policy H4.

Highway Safety

10. During my visit, in the middle of a working day, it was evident that there is pressure for on-street parking in Birch Street and that an absence of a functioning turning provision at its end results in reversing movements in between rows of parked cars. A spur lane off Birch Street runs to the back of the appeal property and provides a turning facility. There are double-yellow lines restricting parking on the section of the street closest to the Salop Road junction and along that road with a box junction to prevent obstruction at the junction.
11. The scheme proposes to demolish the small garage. In its place it is proposed to provide a car parking space. The space appears to be 4.7m long, which is 0.1m short of a standard car park space dimension, but would be sufficient to allow most cars to park clear of the footway. The Council suggests that, at 2.6m wide, it falls below the 3.2m standard that it seeks. As it exceeds the standard width of a parking space, I am satisfied that it is adequate to serve as an effective off-street car parking provision. However, I share the Council's concerns that the identified space is not sufficient to also store bicycles as suggested by the proposed layout plan. This is a detail that can be addressed by condition to require an acceptable provision to be agreed with the Council.
12. The Council points to the substandard visibility at the spur road junction adjacent to the proposed parking space, but in the context of the very slow speed of traffic in this location the caution that motorists can be expected to exercise would ensure that the use of the space would not jeopardise the safety of highway users.
13. The Council's adopted LPG 16: Parking Standards seeks a maximum of 4 spaces to serve a 5-bedroom HMO. In this case it acknowledges that, on the understanding that the property has 3 bedrooms, its standards would require the existing dwelling to provide a maximum of 3 spaces. The LPG explains that it does not count garages as contributing to parking provision which means that there is presently no off-street

parking to serve the dwelling. Accordingly, I agree with the appellant that the proposed provision of one space meets the net increased demand for parking that would be created by the proposed change of use.

14. An objector suggests that local bus services have reduced in recent years, however, as the Council has accepted, the site is well located in terms of sustainable transport, within easy walking and cycling distance to the range of services and facilities provided by the town centre. The type of accommodation proposed in this location would be particularly well suited to non-car owning residents.
15. On the basis of the nature of the accommodation proposed compared to the existing use, and mindful of the relevant parking guidelines, I am satisfied that the scheme would not give rise to additional car parking demand or traffic movement. As such, and subject to the imposition of conditions generally in the terms suggested by the Council, there would be no harm to highway safety or the efficient operation of the road network. Accordingly, there is no conflict with UDP policies H4 (b), GDP1 (d) or policy T8. In reaching my findings on this second main issue, I have borne in mind 2 appeal decisions¹ referred to by the Council which dismissed appeals for HMOs. Whilst I acknowledge the degree of similarity, there are detailed differences which have led me to a different decision.

Other Matters

16. I have taken into account the other concerns raised by and on behalf of local residents. The scheme makes provision for bin storage whilst access to a man hole cover is a matter covered under other legislation. Whilst I note a neighbour's concerns over a change in occupants of the property this is not a reason for withholding permission.

Conclusions

17. None of the matters raised in objection to the scheme lead me away from finding that it is acceptable. I shall therefore allow the appeal subject to the conditions suggested by the Council and one to deal with cycle storage.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR

¹ APP/H6955/A/18/3212072 and APP/H6955/A/17/3187089