



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/11/19

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18.12.2019

Appeal Decision

Site visit made on 25/11/19

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

an Inspector appointed by the Welsh Ministers

Date: 18.12.2019

Appeal Ref: APP/H6955/A/19/3238433

Site address: 86 Erddig Road, Wrexham LL13 7DP

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Andrew Shield against the decision of Wrexham County Borough Council.
- The application Ref WRO P/2019/0144, dated 21 February 2019, was refused by notice dated 2 September 2019.
- The application sought planning permission for change of use from single residential to house in multiple occupancy (HMO) without complying with a condition attached to a planning permission granted on appeal, Ref APP/H6955/A/17/3166742, dated 26 April 2017.
- The condition in dispute is No 1 which states that: *The property subject of this permission shall be occupied by a maximum of 8 residents at any one time.*
- The reason given for the condition is: *In the interests of highway safety.*

Decision

1. The appeal is allowed and planning permission is granted for change of use from single residential to house in multiple occupancy (HMO) at 86 Erddig Road, Wrexham LL13 7DP in accordance with the application Ref WRO P/2019/0144 dated 21 February 2019, without compliance with condition No. 1 previously imposed on planning permission granted on appeal Ref APP/H6955/A/17/3166742 dated 26 April 2017, and 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: Proposed Ground Floor Plan (received 25 February 2019); Drawing no. ST-01 Site Layout; Drawing no. ER/PD/02 Floor Plans as Proposed.
Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
 - 3) The property subject of this permission shall be occupied by a maximum of 14 residents at any one time.
Reason: In the interests of highway safety (UDP Policy T8).

- 4) The areas indicated for general and garden waste, recycling storage, bicycle storage and drying lines shall be provided prior to occupation of the development hereby approved and retained thereafter.

Reason: In the interests of the amenity of the occupiers of the property and nearby residential amenity (UDP Policy GDP1).

Preliminary Matter

2. Planning permission was granted in 2012 for a change of use from a single residential dwelling to a house in multiple occupation (HMO), which was restricted to occupation by students only, and to a maximum of 8 students. A subsequent appeal decision¹ in 2017 granted permission for the development with occupation restricted to a maximum of 8 residents, and the removal of reference to occupation by students only. This appeal seeks to vary the occupancy restriction to allow a maximum of 14 residents.

Main Issue

3. The main issue is the effect that varying the disputed condition would have on highway safety and residential amenity in relation to parking provision.

Reasons

4. The appeal property is an end-terrace property located at the junction of Erddig Road and Bath Road, and within a residential area. The majority of parking provision in the immediate area is on-street, with only a small number of properties having off-street spaces. The roads in the surrounding area are not subject to any form of formal parking restriction. The appeal property is located approximately 450m from the town centre.
5. The appellant proposes to amend the existing internal layout of the property to reduce the number of bedrooms from 8 to 7, whilst increasing the maximum number of residents to 14. There is no parking provision within the curtilage of the property and residents are therefore reliant on on-street parking spaces. In accordance with the Council's adopted Local Planning Guidance Note No. 16 'Parking Standards' (LPG16), the maximum number of parking spaces that would be expected to be provided, for either a 7- or 8-bedroom HMO, would be 5 spaces. There would therefore be no change in the provision required, when compared to the current situation, in respect of the standards set out in LPG16. I note however that the standards in LPG16 are determined on the number of bedrooms rather than bedspaces, and it would be reasonable to anticipate that an additional 6 residents could result in some increased parking demand beyond that generated by the existing number of residents.
6. The 2018 parking survey results and 2011 census information provided in the Council's Officer Report show that the levels of parking demand associated with HMOs, and levels of car ownership in rented properties generally, are relatively low. Although the Council questions the validity and reliability of this information, and I acknowledge that demand will fluctuate over time, shared accommodation is usually occupied by low income tenants who are less likely to own a car. I therefore consider the evidence provided to be indicative of the general level of parking demand expected from such properties. I note the appellant has also conducted his own survey in 2016 which shows a low level of car ownership associated with HMOs.

¹ APP/H6955/A/17/3166742

Although the Council has given this survey limited weight, it is generally consistent with its own findings on the matter.

7. The appeal property is located within relatively easy walking distance to Wrexham town centre, where there is access to a range of services and public transport. As such, I consider it to be a sustainable location where residents would not necessarily be reliant on car ownership to meet their everyday needs. LPG16 recognises that in sustainable locations, it may be appropriate to provide fewer parking spaces, in recognition of the decreased reliance on car journeys. Taking into account the parking requirements of LPG16, the evidence of a generally low level of car ownership in HMOs and the sustainable location of the appeal property, I consider that any additional parking demand resulting from the proposed increase in residents would be limited.
8. Representations from local residents indicate that the surrounding area experiences a high level of parking demand and, although there was little evidence at the time of my visit to indicate it is an area of parking stress, I acknowledge that this will vary throughout the day and evening and in response to occupancy levels. Although an increase in parking demand can result in inappropriate parking and impede the flow of traffic, in the circumstances set out above and having regard to the unrestricted nature of parking in the surrounding roads, I do not consider that there would, in this case, be significant harm caused in respect of highway safety.
9. I acknowledge that in some places on-street parking is close to the front of dwellings and that local residents may be inconvenienced by not being able to park outside, or close to, their property. However, this reflects the current situation and, due to the limited potential increase in vehicle numbers and noise, would not result in significant harm to residential amenity.
10. Regarding the limit of 8 residents imposed by the 2017 appeal decision, the matter in question at that time was the distinction between student and non-student occupiers, with regard to parking provision and highway safety. As noted by the Inspector in that appeal, the number of residents was not being disputed at that time.
11. I therefore conclude that varying the disputed condition to allow for occupation by up to 14 residents would not cause significant harm to highway safety and residential amenity, in relation to parking provision. There would therefore be no material conflict with Policies GDP1 and T8 of the Wrexham Unitary Development Plan (UDP).

Other Matters

12. The property is located within the Fairy Road Conservation Area. The proposal to increase the number of occupiers, along with internal layout alterations, would not alter the external appearance or materially affect the existing residential use and character of the property. It would therefore preserve the character and appearance of the Conservation Area.
13. Concerns have been received regarding the adequacy of the proposed living accommodation within the property, however this is a matter for control under the HMO licencing regime. Sufficient space is also provided to the rear of the property for bin storage and concerns regarding waste collections are outside the control of the planning system, as are issues of anti-social behaviour. Comments have been made regarding the increase in HMOs generally and their impact on surrounding areas, however the property already operates as an HMO and would therefore not contribute to an increase in the number of such properties.

14. 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.

Conditions

15. I have considered the level of occupancy of the property up to a maximum of 14 residents and have imposed a condition to reflect this, as a greater number of residents may have a different effect on highway safety. In recognition of the potential increase in the number of residents, I have also imposed a condition relating to the provision of bin and cycle storage space, and drying space, in the interests of amenity.

Conclusion

16. For the reasons given above, the appeal is allowed.

Claire MacFarlane

INSPECTOR