



**Bob Dewey
PLANNING**

GROUND OFS OF APPEAL

**PROPOSE CHANGE OF USE TO 7 NO. BEDROOM SINGLE-OCCUPANCY HOUSE IN
MULTIPLE OCCUPATION (HMO) INCLUDING REAR SINGLE STOREY EXTENSION
4 BRIDGEWAY WEST PENTRE MAELOR WREXHAM LL13 9PT**

Background:

This statement is intended to explain why an appeal against the failure of Wrexham County Borough Council to issue a decision should succeed. The application was reported to the Council's Planning Committee on 4th November and was recommended to grant permission. However the decision was deferred because the observations of the Community Council (which had been received by the Council on 11th June were only reported on the late addendum. The objector who made oral observations at the meeting said that they and the members had had inadequate time to consider the points made.

Although the meeting deferred for one month, the letter received by the appellant gave no timescale for reporting back.

Following the lodging this non-determination appeal, the Council did report back to Committee on December 2nd. Despite the recommendation to permit and lengthy attempts by the Chair and Planning Control Manager to explain why a refusal would be difficult to sustain, the application was refused. It is understood that refusal was solely based upon the parking provision.

Planning History

The application was submitted on 24 May 2019.

No decision had been reached by 19th July.

ASSESSMENT:

The Council was recommended to grant permission but at the request of one objector it was deferred. In the face of a petition and local objections, and a very low local success rate for such proposals, the appellant is concerned that it is likely to be refused.

In the absence of a decision notice, the appellant wishes to respond to the objections tabled at the planning meeting.

COMMUNITY COUNCIL

Unsatisfactory /internal arrangements:: these matters are considered in the licence application. The appellant agrees with the planning officer's view:

"Neither policy H4 or LPG5 set out any specific requirements regarding the internal layout or the size of rooms within HMOs. Whether the property offers a suitable standard of accommodation is a matter that is considered via licensing"

parking on the street: the planning officer said:

“Provision of 4 parking spaces on the site will help ease additional congestion.”
(it is not clear how/why he believes there will be additional congestion)

Local Planning Guidance Note 16 on “parking standards” was amended in July 2018. It sets out “ maximum standards..”. For a 7 bedroom HMO the standard is “4 car spaces for the first 6 bedrooms and 1 car space per 2 bedrooms thereafter.”

This approach of setting maxima accords with unequivocal advice from Welsh Government (PPW 10) . Planning authorities must support schemes which keep parking levels down” (PPW 10 para 4.1.51).

The existing house has no car parking so is 3 spaces short of the maximum standard. The proposed use would generate a theoretical maximum requirement for 4+1 spaces. However considerable discussion has taken place in previous appeals and decisions regarding the appropriateness of that standard.

The parking standards for HMOs were reviewed in 2018. Prior to this, the standard had been 1 space per 2 bedspaces. The review process was informed by a survey by the council officers. Responses had been received from approximately one third of HMOs in the County Borough.

The survey found that:

49% of the HMOs in the survey had no demand for parking:

35% of the HMOs in the survey required parking 1 vehicle

8.4% of the HMOs in the survey require parking for 2 vehicles

3.6% of the HMOs in the survey required parking for 3 vehicles

2.4% of the HMOs in the survey required parking for 4 vehicles

1.4% of the HMOs in the survey required parking for 5 vehicles

Based on the above survey there are on average 0.8 cars per HMO in Wrexham and that over 98% of units operate with 4 or less vehicles.

The Committee has previously been told that the 2011 census results show

Accommodation Type by Tenure By Number of Rooms – all rental accommodation (includes houses, bungalows, flats, maisonettes and apartments)							
Car/Van Availability	Total	No Car/van	1 car/van	2 car/van	3 car/van	4+ car/van	Average Number of Vehicles Per Household
Total: Number of rooms	100%	43.3%	42.8%	11.5%	1.9%	0.5%	0.73
1 room	100%	74.6%	21.6%	3%	0.8%	0%	0.30
2 rooms	100%	59%	36.4%	3.9%	0.5%	0.2%	0.50
3 rooms	100%	59.2%	37.2%	3.2%	0.3%	0.1%	0.50
4 rooms	100%	45.9%	44.8%	8.3%	0.8%	0.2%	0.65
5 rooms	100%	38.7%	45.1%	13.9%	1.9%	0.4%	0.80
6 rooms	100%	34.9%	44.6%	17.1%	3%	0.4%	0.90
7 rooms	100%	25.1%	41.7%	24.4%	7.2%	1.6%	1.20
8 or more rooms	100%	20.3%	34%	29.7%	10.7%	5.3%	1.50

Source: 2011 Census

The above demonstrates that very few households living in rental accommodation in Wrexham have more than 2 vehicles, with a significant proportion of households in rental accommodation not having access to a vehicle or only 1 vehicle per household. The average number of cars per households in rental accommodation in Wrexham ranges

from 0.5 per for properties with 1 room to 1.5 per dwelling for properties with 8 or more rooms, with an overall average being 0.8 cars.

The appellant carried out his own survey in 2016 and this was considered by a previous appeal inspector and by the inspector in case ref; Appeal Ref: APP/H6955/A/19/3220410

Survey undertaken by appellant autumn 2016.

Licensed HMO's in Wrexham			318
HMO's out of town			33
HMO's in town			285
QTY in town HMO's car parking info gathered			92
			32%
Bedrooms			516
Student Houses			47
No of Students			246
Cars			29
Car Ownership %			12%
Non Student Houses			45
Tenants			270
Cars			27
Car Ownership %			10%

In those appeal cases, the inspectors appear to have attached weight to both these surveys.

The review increased the maximum standard (for this proposal) from 4 spaces to 5 spaces.

No evidence has been provided why it was thought necessary to increase the requirement for HMOs. Neither the Council's survey nor that of the appellant nor the 2011 census provides any help.

The appellant suggests that the maximum deficiency of two spaces (3 required for the existing but not provided ; 5 required for proposal) should be assessed against the empirical evidence that the use is likely to generate somewhere between 0.8 and 1.5 cars.

If there are existing problems, a refusal of this application will not resolve those problems. The surveys suggest that the car ownership in HMOs is much less than for family dwellings and if so, the net result would be an improvement in the situation and not a worsening.

The implication that there will be a significant amount of additional traffic on the road should be viewed in the context of the reduced parking demand mentioned above. As a consequence, in practice, the traffic flows should be substantially less.

Petition:

“setting a precedent and disrespect of the heritage of the estate and in the character of the area”

The Council's policy says::

“To enable HMO developments to take place so that smaller/more affordable units of accommodation can continue to be provided whilst at the same time as trying to avoid over concentrations of HMOs the Council will seek to ensure that proposals for new HMOs do not result in the number of residential buildings in use as a HMOs exceeding 10% (rounded to the nearest whole number) within a 50 metre radius of the boundaries of the application site.”

The Council list supplied to the appellant in June 2019 shows there are no other HMOs in post code LL13 9**

The wording specifically implies that the Council is supportive of such uses subject to the policy provisos.

There are no changes proposed to the front elevation and very minor ones to the rear. These will have no impact upon the heritage value of the property.

Drains:

The planning officer points out that an application under the Building Regulations will be needed and this should identify any issues in this regard.

Work Started/built:

The extension would appear to be permitted on a single dwelling house. However, this would not be a valid reason to object.

Would not fit in with community:

The basis of the Council's policy is that allowing a small percentage of HMOs in an otherwise residential community is preferable to concentrating them in one area.

Residential amenity:

Substantially no change to amenity impacts or lighting. .

Size of rear garden:

The Council's policy says:

Houses in Multiple Occupation 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. Where existing dwellings are to be converted to HMOs falling within use class C4 then it is likely that they will already have a curtilage that will adequately fulfil this function. .

The area is well in excess of the minimum standard for a family dwelling and there is a large public open space behind the property..

The appellant fully agrees and invites the inspector to do the same.

Other Comments:

The appellant operates a number of HMOs across Wrexham. and has always tried to engage with the local community. He remains anxious to be a good and responsible landlord willing to respond to any problems that may arise, His contact details and telephone number will be provided to the immediate neighbours of the property.

The appellant is well aware of the Council's revised planning guidance and is satisfied that his proposal would meet that guidance. However, recent history relating to applications for HMOs in Wrexham shows that since the beginning of 2017. there were 13 HMO applications that were supported by the planning officers. Of these 13, four were granted by the committee, of the remaining eight, 6 were appealed and all were granted on appeal. Of the remaining three, 1 was not appealed 2 are awaiting appeal decisions. It is deeply disappointing that in the light of a strong demand for this type of accommodation, the Council appears to be unwilling to permit this type of use.

Conclusion:

After almost 6 months, the Council has failed to make a decision. The Inspector is asked to allow the appeal.

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November 11th 2019
Rev 4 (Dec 5th 2019)
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