



**Bob Dewey
PLANNING**

GROUND OF APPEAL

**PROPOSED CHANGER OF USE TO HOUSE IN MULTIPLE OCCUPATION
65 SALOP ROAD, WREXHAM**

BACKGROUND:

The application the subject of this appeal was submitted to the Council on 19th August. The decision to refuse permission was dated 30th September 2019

The Council refused the application for the following reasons:

“1. The proposed development would result in an over concentration of HMOs within the immediate area of the site, to the detriment of the social fabric of the area and the amenities of local residents, contrary to policy H4 (d) of the adopted Wrexham Unitary Development Plan and the amplifying Local Planning Guidance Note. 5 ‘Conversion of Dwellings into House in Multiple Occupation’ which sets out a maximum of 10% HMOs within a 50 metre radius of the site.

2. The proposed development will give rise to an increase in demand for on street parking in the vicinity of the site, exacerbating existing parking problems to the detriment of highway safety and residential amenity. The proposals therefore conflict with policies H4 (b) GDP1 (d) and policy T8 of the adopted Wrexham Unitary Development Plan and the advice contained within Local Planning Guidance Notes Nos. 5 ‘Conversion of dwellings into Houses in Multiple Occupation’ and 16 ‘Parking Standards’.”
UDP H8 (d)

THE SITE:

The site is at the corner of Salop Road and Birch Street, Wrexham. The immediate frontages (to both streets) are residential in character and with very few properties having their own off street parking facilities. There is a new Aldi store almost directly opposite. To the south of Birch Street is a local shopping parade.

It is located about 250 m south of the town centre of Wrexham and thus is within easy walking distance. Even closer are a large number of small industrial units.

It fronts onto Salop Road and the area is served by many regular bus services. In our view, this is an ideal location for such small scale provision of residential accommodation.

A previous appeal inspector considered a similar proposal to the west of the town concurred with the then appellant’s views confirming:

The location of the site is some 450m from the town centre shops. The site is located in a highly sustainable location in terms of access to employment, transport hubs, health and community facilities and shopping areas.

PLANNING POLICY

Wrexham UDP

Policy H4

The sub division of existing dwellings will only be permitted where:

(d) the proposal would not result in the over concentration of Houses in Multiple occupation to the detriment of crime levels, the social fabric of the area and the amenity of existing residents.”

Policy GDP1 requires that “all new development should .. (be).. located where it has convenient access to public transport facilities.. wherever possible.” Policy T8 requires that “development granted permission will be required to provide vehicle parking spaces either on site or nearby in accordance with the Council’s current parking standards...”

LPG 5 H M O s

(extracts appended)

The guidance recognises that HMOs :

“..can be of benefit to an area by providing low cost housing solutions for those who may otherwise have difficulty finding a place to live as well as accommodation for students, young professionals and health care workers..”

It also notes that:

“ ... there is likely to be a need in the future for smaller units of accommodation in the County Borough. (and) HMO’s can go some way towards meeting this identified need....”

LPG 16 “parking standards” was amended in July 2018.

It sets out “ maximum standards..”. For a 5 bedroom HMO the standard is “1 car space per bedroom up to a maximum of 4 spaces.”

Previously, the standard had been

- ☐ bedsits - 1 space per two bedspaces
- ☐ shared house - 1 space per two bedspaces

This approach of setting maxima accords with unequivocal advice from Welsh Government (PPW 10)

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ASSESSMENT

Reason 1: Alleged over concentration of HMOs.

The Council reviewed its Local Planning Guidance 5 in 2018. There was a consultation exercise carried out.

Objections were raised to the proposed methodology of imposing a 50 m radius as the main method of identifying the acceptability of a proposal. The report responding to the objections appeared very short on objectively trying to justify the suggested methodology

but it was agreed that "... a further update report be brought back to Executive Board should any issues arise..."

So far we are aware no such report has been written.

This is slightly surprising in that the Council's records on HMO appeals has been very poor. Recent history relating to applications for HMOs in Wrexham shows that there were 12 HMO applications that were supported by the planning officers since the beginning of 2017. Of these 12, four were granted by the committee, of the remaining eight, six were appealed and all were granted on appeal (an 83% failure rate with two undecided). Of the remaining two, one is this case and the remaining one is awaiting a decision on appeal. It is deeply unhelpful to applicants if recently adopted guidance is ignored so frequently.

There is a strong feeling that the Council does not wish to permit any further HMOs.

The Council's response to objections made to the (draft) guidance included:

"The LPG provides guidance that can be applied reasonably consistently to each application. However in applying the radius assessment it will be for the Council to consider on a case by case basis whether it is appropriate to include particular properties within the assessment. As with any planning decision, all relevant material considerations, including site specific/area specific circumstances will need to be taken into account."

The officer's report to the Chief Officer on this case made no such assessment.

It is suggested that the use of the geometric 50 m radius taken from any part of the property is a crude measure that should bear no over-riding part in a proper planning assessment of the impact. It is suggested that it would have been more relevant to relate it to (for example) the walking distance between front doors (it was pointed out by the objector to the draft policy that a site on the far side of a railway line might be included despite it clearly having no impact whatsoever).

Three of the properties listed by the officer exceed 180 m walking distance which includes a number of shops and commercial properties.

One of the properties listed in Birch Street was not included in a list of registered HMOs obtained from the Council's Housing Officer shortly before the application was lodged. We have had no explanation as to why this should be included.

Reason 2 parking

The Council reviewed and amended its parking standards for HMOs in 2018. That process was partly informed by a survey carried out by the council's officers.

The new standard increased the parking requirement for a 5 bed HMO from 1 space per 2 beds to 1 space per bedroom (up to max 4). We have not found any explanation or justification as to why parking standard was doubled. In fact the surveys (see below) suggest that it should have been reduced.

Neither the Council's survey nor that of the appellant nor the 2011 census provides any help. Based upon the Council's new standard as a 5 bed HMO, the standard is now 4 spaces.

It is unclear how this increase was justified when the survey carried out as part of the LPG revision revealed that over 98% of those properties surveyed had a requirement for 4 or less cars. Also it was noted that the average number of spaces was 0.8 spaces per HMO.

Welsh Government (PPW 10) says:

*4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. **Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down,***

The Council's own survey noted that responses had been received from approximately one third of HMOs in the County Borough. The survey conclusions were reported to the Planning Committee considering a previous appeal proposal.

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

One space (as proposed in this case) would therefore be sufficient for 84% of HMOs across the whole County Borough – including those located outside the town where car ownership might reasonably be expected to be higher.

The 2011 census also demonstrates that very few households living in (general) rental accommodation in Wrexham have more than two vehicles, with a significant proportion of households in rental accommodation not having access to a vehicle or only one vehicle per household. The average number of cars per household 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.

A survey in 2016 carried out by the proprietor of a number of HMOs in Wrexham was considered by two previous appeal inspectors including : APP/H6955/A/19/3220410

Survey undertaken by appellant autumn 2016.

Licenced 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 both those appeal cases, the inspector appears to have attached weight to both these surveys.

In this case, the property was originally occupied as a 4 bedroom dwelling. The adopted parking standard would have been 3 spaces. As the garage on site is expressly excluded from the calculations, none were therefore provided or available.

So, in this case, the existing use required 3 spaces but none were provided (deficit 3 spaces). The proposed use requires 4 spaces maximum (1 is now proposed to be provided so deficit remains 3 spaces). In both cases these are maxima.

The surveys suggest that the car ownership in HMOs is much less than for family dwellings and if so, the net result should be an improvement in the situation not a worsening.

OTHER COMMENTS

Tragically, the term HMO seems to have become has become a term of condemnation Local people and planning councillors seem to have associated such a use with bad management by owners and anti-social behaviours by the occupiers. There is no doubt an element of truth in this concern but experience appears to suggest that problems mainly arise from properties run by institutional operators and absentee landlords.

The appellant is a local man anxious to provide a good service to people who require this type of accommodation. It is not in his interest to let the property in a manner which would create problems for him or for the locality or his neighbours.

Conclusion:

The Council appears to recognise the need for this type of small scale operation but seems determined to resist new ones. The Inspector is asked to allow the appeal.

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October 21st 2019

Rev 5

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In recent years, inflated house prices have increased demand for small units of rented accommodation and has resulted in a number of dwelling houses being utilised to provide flats, bedsits, shared households and lodging accommodation. In the consideration of proposals for the conversion of dwellings to houses in multiple occupation, the Council will ensure that the character and amenity of the locality are not adversely affected.

1. Parking

- ☐ *bedsits - 1 space per two bedspaces*
- ☐ *shared house - 1 space per two bedspaces*

Rev LPG 5 adopted 2018

Houses in Multiple Occupation can be of benefit to an area by providing low cost housing solutions for those who may otherwise have difficulty finding a place to live as well as accommodation for students, young professionals and health care workers. In fact, the Wrexham County Borough Council Housing Market Assessment (HMA, 2015) recognises that there is likely to be a need in the future for smaller units of accommodation in the County Borough.

HMO's can go some way towards meeting this identified need. Planning Policy Wales, Chapter 9 paragraph 9.1.2 also requires local planning authorities to promote mixed tenure communities

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. Where the concentration exceeds 10%, planning permission will not normally be granted unless there are relevant material planning considerations to justify doing so.

A property will be taken into account if in the case of dwellings, any part of the building or its curtilage lies within the 50 metre radius. Buildings containing flats will be taken into account if any part of that building is situated within the 50m radius. This is illustrated in figure 4. Properties will be counted as a HMO if it is subject to a licence to be used for that purpose and/or if it benefits from an extant planning permission for use as a HMO regardless of whether the planning permission has been implemented.

Whilst it would be possible to assess the number of HMOs on a street by street basis, individual streets in Wrexham vary considerably in length as does the distribution of existing HMOs. The use of a 50 metre radius is considered to be the most appropriate way to assess HMO concentrations because it can be applied consistently to each proposal. It is also considered that this constitutes the immediate locality surrounding a property and enables an assessment to be made of the cumulative impact of HMOs upon the character of the area in the vicinity of an application site

Adopted October 1993. Updated 2000.

Houses in Multiple Occupation 1 to 6 bedrooms 1 car space per bedroom up to a maximum of 4 spaces Provision for 1 secure cycle parking space per 2 bedrooms HMO via a safe, secure and preferably covered cycle parking area located within the curtilage of the building..

December 2012. Updated May 2018