
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/03/19

**gan Clive Nield BSc(Hon), CEng,
MICE, MCIWEM, C.WEM**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.05.2019

Appeal Decision

Site visit made on 18/03/19

**by Clive Nield BSc(Hon), CEng, MICE,
MCIWEM, C.WEM**

an Inspector appointed by the Welsh Ministers

Date: 01.05.2019

Appeal Ref: APP/H6955/A/19/3220410

Site address: 33 Park Street, Wrexham, LL11 2NN

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 Andrew Shield against the decision of Wrexham County Borough Council.
 - The application Ref P/2018/0773, dated 12 September 2018, was refused by notice dated 7 January 2019.
 - The development proposed is change of use from residential to House of Multiple Occupancy.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from residential to House of Multiple Occupancy at 33 Park Street, Wrexham, LL11 2NN in accordance with the terms of the application, Ref P/2018/0773, dated 12 September 2018, 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(3) of the Town and Country Planning Act 1990.
 - 2) The development shall be carried out in accordance with the following approved plans: WD.01, WD.02 and WD.03;

Reason: To define the scope of the planning permission.
 - 3) Prior to the first use of the development hereby permitted, cycle storage racks and a bin storage compound shall be provided in accordance with the details shown on approved plan WD.02. The facilities shall be retained in good condition for the lifetime of the development.

Reason: To ensure that the visual amenity of the area is maintained and to promote sustainable forms of transport in the town centre.
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Main Issues

2. The main issues in this case are the effects on on-street parking and the provision of private outdoor space for the amenity of future occupiers.

Reasons

3. Unitary Development Plan (UDP) Policy H4 is the key development plan policy for the sub-division of dwellings and sets out 4 criteria:

"a) sub-division is possible without major alterations, extensions, or additional new buildings which would significantly alter the character of the original dwelling; and

b) proposals accord with Policy GDP1; and

c) adequate private open space is available; and

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."

4. There is no dispute over criteria a) or d). Under criterion b) Policy GDP1 sets out general development objectives, including ensuring safe and convenient pedestrian and vehicular access, ensuring the safety and amenity of the public, and securing the development of sustainable communities, through the promotion of the economic, social and environmental well-being of the area. The Council's refusal also refers to UDP Policy T8 which requires the provision of vehicle parking spaces in accordance with the Council's current parking standards, whilst paying regard to the availability of public transport, the proximity of public car parking, the proximity to local services and facilities, and road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site.

Car Parking

5. Park Street is a narrow one-way road, which is particularly narrow over the part of its length on which the appeal property is situated. Most of the properties have no on-site parking, and occupants have to park their cars on the road or in a small car park at one end (which is shared with occupants of other roads). As a result, there is considerable pressure on the on-street parking space. Along the particularly narrow stretch past the appeal property, cars are parked along one side of the road leaving just enough width for cars to drive past them by using the footway on the opposite side. Although vehicle speeds are inevitably quite slow for this manoeuvre, it carries with it inherent risks to pedestrian and vehicular safety, and any development that led to increased traffic levels and pressures for on-street parking would increase those risks.
6. The proposal is to replace a 4 bedroom family dwelling with a house in multiple occupation (HMO) containing 5 bedrooms, some of which would be large enough to support couples, and a maximum occupancy of 8 people is indicated. The Council's refusal says that *"the proposed development does not make adequate provision for the parking of vehicles clear of the adjoining carriageway and will therefore increase problems of on-street parking in the vicinity"*. However, that does not necessarily follow. The key question is whether the proposed use would be likely to generate more car parking than the original use as a family dwelling.
7. The Council's published car parking standards (Local Planning Guidance Note 16 – Parking Standards) provide some guidance on this. For a 3-4 bedroom house the

guidance indicates a maximum parking requirement of 3 spaces. I note the plan titled "Existing Floor Plans" shows 5 bedrooms but the Appellant's Grounds of Appeal confirm the previous/existing use to be as a 3-4 bed house, and I consider that to be the more appropriate description. The corresponding parking requirement for an HMO with 8 bed spaces is 4 spaces, i.e. a slight increase.

8. These car parking standards are defined as the maximum requirement and do not necessarily reflect the numbers of cars likely to be generated by the 2 uses. The Council suggests that use of the property as a family house would be most likely to involve the use of 1-2 cars and that use as a 5 bedroom HMO would probably generate more private cars. However, the Appellant says car ownership would probably be quite low for people likely to occupy the proposed HMO, and he provides survey evidence based on over 300 HMO properties in Wrexham which indicates typical car ownership levels to be only 10-12%. If that were the case, the appeal proposal would be likely to involve only one car.
9. He also draws my attention to a survey carried out by the Council which also indicates relatively low levels of car ownership. Although I am unable to determine the average ownership figures from that, it does report that the highest demand found for car parking was 1 space for every 1½ bedrooms, which would be equivalent to 3 cars for the appeal proposal. The Council has not commented on its own survey data but has said the Appellant's unofficial survey cannot be relied upon.
10. The likelihood of car ownership would also depend on the locational convenience of the HMO. In this case, it is relatively close to the town centre, and the bus and railway stations are not far away. Thus, the property would be in a suitable location for tenants who rely on walking, cycling and public transport, a situation supported by Welsh Government policy which encourages reduced reliance on the private car.
11. Taking all of these factors into account, my conclusion is that the change of use to HMO would be likely to be no worse than neutral so far as private car use is concerned in comparison with use of the property as a family dwelling. I do not consider it would materially affect the present level of on-street parking or increase the risks to pedestrian and highway safety.

Private Amenity Space

12. Turning to the second main issue, the Council's Local Planning Guidance Note 5 (Houses in Multiple Occupation) says that HMOs should have a large enough private outdoor area to provide space for external drying areas, cycle parking and bin storage and to provide for the amenity of the future occupiers. It goes on to say that for an HMO accommodating 8 tenants it will normally seek a minimum private outdoor area of 32 m². In this case, the space in the back yard of the appeal property is reported to be 27 m². There is also a small area at the front of the property. However, that is not private space, as required.
13. The limited amount of private amenity space available also falls well short of the level normally considered acceptable for a family dwelling and is a feature of this densely developed urban area. However, there are public open spaces only a few hundred metres away, and the yard is adequate for clothes drying and the storage of bicycles and bins. Whilst it does not fully meet the standard sought by the Council's Guidance Note 5, I consider this shortcoming to be insufficient reason on its own to justify refusing the proposal. I conclude that the private outdoor amenity space provided would be adequate, despite its limited area.

Other Matters and Overall Conclusion

14. Several local residents and their representative have raised other matters of concern, including the transient nature of likely occupiers, the possibility of antisocial behaviour and problems with drainage. Whilst these are understandable concerns, the Licensing requirements for HMOs also provide an element of control, including a condition that the landlord is held accountable for antisocial behaviour. However, I have taken these matters into account as well as the need for housing stock to be varied in nature to meet the needs of everyone in society.
15. For the reasons given above I conclude that the appeal should be allowed, and I will apply 3 basic conditions as suggested by the Council which I consider to be necessary.
16. 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.

Clive Nield

Inspector