

Town and Country Planning Act 1990 Section 78 appeal

Local Planning Authority Statement of Case

**Appeal relating to change of use of dwelling to House in Multiple
Occupation at 33 Park Street, Wrexham, LL11 2NN**

**PINS Refs: APP/H6955/A/19/3220410
LPA Planning Refs: P/2018/0773**

1.0 INTRODUCTION

- 1.1 This document constitutes the local planning authority's statement of case in relation to the aforementioned appeal. The proposal is for the change of use of the dwelling (C3) to a House in Multiple Occupation (HMO) for up to 8 persons (*Sui Generis*).

2.0 LOCAL PLANNING CONTEXT

- 2.1 The relevant planning policy that the Council wish to rely upon has been included in the Questionnaire which has previously been provided to the Planning Inspectorate and the appellant.
- 2.2 For clarity, the following policies and supplementary planning guidance documents are considered relevant:

Wrexham Unitary Development Plan

PS2 – Strategic policy relating to general environmental considerations

GDP1 – General Development Principles

H6 – Houses in Multiple Occupation

T8 – Parking

Supplementary Planning Guidance

Local Planning Guidance Note 5 (LPG5) – Houses in Multiple Occupation

Local Planning Guidance Note 16 (LPG16) – Parking Standards

3.0 THE COUNCIL'S CASE

- 3.1 The Council resolved to refuse planning permission for reasons relating to insufficient amenity space and the likely exacerbation of parking congestion on Park Street and surrounding residential streets.

Amenity space

- 3.2 The appeal relates to a proposal for an 8-person HMO in five bedrooms. The Council's LPG5 states that any HMO with more than 7 inhabitants should have amenity space of 30m² with an additional 2m² for every extra person.
- 3.3 The amenity space in the back yard of 33 Park St is 27m² with further limited space in the front garden. However, the Council considers that this is not a suitable space for the 9 bin containers LPG5 states it should have as a minimum as well as bike parking or for residents to relax. Placing the likes of bike racks and permanent bin storage areas at the front of the property would be undesirable completely out of keeping with the street scene. The Council considers that the plans do not, as claimed by the appellant, clearly demonstrate that there is adequate bin space and cycle parking.

- 3.4 The appellant claims neighbouring houses have equally small yards for amenity areas. The Council does not consider that this is relevant. This appeal relates to a proposal to change the use of the dwelling to an intensified use. The suitability of the site should be considered on the basis of the proposal being considered. The proposal is to house up to 8 adult residents and the Council considered that the appeal ignores guidance on this matter.

Parking

- 3.5 Park Street is one of the narrowest streets in Wrexham. The one-way street is at its narrowest by 33 Park Street, where neighbouring occupier's cars are parked on one side of the road. To pass them it is necessary to mount the pavement.
- 3.6 The Council considers that the very nature of the layout of Park Street is such that the intensity of the use of any of the dwellings would result in an undesirable increase in traffic. To do so would potentially endanger residents emerging from their homes who effectively have no pavement. Concerns about the safety of children have previously been raised by the local ward Member by parents along this stretch of road.
- 3.7 The Council disagrees with the appellant's view that the existing lack of parking should effectively render the intensity of traffic generation along Park Street acceptable. Whilst it may very well be self-evident that the existing houses have inadequate parking, the Council considers that it will be highly likely that the provision of accommodation for up to 8 adults will result in a marked increasing in parking requirement along Park Street. Given the unique circumstances along Park Street, in the interest of safety, the Council considers that the amount of cars in the street should be limited where possible. Allowing a family home, where one might reasonably expect one or two cars to be in use, to become a home for eight unrelated adults, with the potential for far more vehicle movements, would potentially increase traffic and create further parking difficulties.
- 3.8 The Council considers that the transient nature of the HMO accommodation means that a HMO with no cars at the time of any parking/car ownership survey could have three or four vehicles within a new rental period of six months. Whilst the converse can also be true, the point the Council wish to make is that is that the appellant's own survey is not an official or impartial survey and cannot be relied upon as evidence.
- 3.9 The Council also considers that the convenient location of bus and rail services does not deter people in the town centre from owning cars. The inadequacy of Wrexham town centre's local bus services means that few people in work can rely on public transport for reliable and convenient services. Recent local bus service withdrawals from town centre routes are evidence of this.

- 3.10 The appellant references recent changes to Planning Policy Wales. Whilst the Council acknowledges the Welsh Government's desire to reduce dependency on the private motor vehicle and promote the use of sustainable public transport options in town centre locations, in this instance the localised parking congestion and substandard highway network around the application site is so considered so inadequate that the proposal is deemed inappropriate.

4.0 SUGGESTED CONDITIONS

- 4.1 Should the Inspector be minded to allow either appeal, the Council respectfully requests that consideration be given to the following conditions:

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.

Reason: To comply with Section 91(3) of the Town and Country Planning Act, 1990.

2. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered WD.01WD.02 and WD.03 and as contained within the application documentation.

Reason: To define the scope of the planning permission

3. Prior to the first use of the development hereby approved, cycle storage racks and a bin storage compound shall be provided in accordance with the details as shown on approved drawing no. WD.02. The facilities shall be retained in this condition for the lifetime of the development.

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

5.0 CONCLUSION

- 5.1 The Council considers that the proposal would represent an inappropriate and unsustainable form of development. The size of the existing dwelling, primarily its curtilage is insufficient to cater for the intensity of the proposed use and the local highway network is already highly constrained in terms of its width and existing parking demands and congestion. The Council therefore respectfully requests that the Inspector dismisses the appeal.