

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 APPEAL AT
6 ALBANY TERRACE WREXHAM LL11 2NH**

COUNCIL'S STATEMENT OF CASE

PLANNING REF: P/2017/0505

PINS REF: 3187089

1.0 THE SITE

- 1.1 The appeal site is the end property in a terrace of 6 located to the rear of properties fronting Rhosddu Road.

2.0 PROPOSAL

- 2.1 The appeal proposal is for two storey side and first floor rear extension to an existing 4 bedroom house in multiple occupation (HMO). Together with internal alterations the development will create a 6 bedroom HMO.

3.0 LOCAL PLANNING POLICY

- 3.1 The following policies of the Wrexham Unitary Development Plan are considered relevant:
- GDP1: Development Objectives
 - T8: Parking
- 3.2 In addition to the above, supplementary planning guidance found in Local Planning Guidance Notes are relevant:
- Local Planning Guidance Note 16: Parking.
 - Local Planning Guidance Note 21: Space around Dwellings

6.0 THE COUNCIL'S CASE

Amenity

- 6.1 The extension will not project further rearwards than an existing two storey outrigger and accords with the separation distances recommended by LPG21. The Council therefore has no concerns that it will harm the standard of amenity afforded to the occupiers of neighbouring properties by way of loss of light, privacy or by being overbearing.
- 6.2 The proposals will intensify the occupation of the site. However it does not necessarily follow that this will give rise to additional noise or disturbance. It is ultimately for the landlord to ensure that tenants do not behave in an anti-social manner when residing at the property.

Design

- 6.3 The extension is in keeping with the appearance of the existing dwelling. The front elevation has been set back from that of the dwelling and the roof is also lower. This will give it a subsidiary appearance that will ensure it does not detract from the character of the terrace of 6 dwellings that the application property is part of.

Parking

- 6.4 The property currently benefits from a driveway/hard surfaced area alongside that is capable of accommodating 2 vehicles. The vehicles would have to park in tandem and whilst this is not ideal for a HMO, it nevertheless means that parking is available for occupiers. The provision of 2 spaces accords with the LPG16 maximum for a 4 bed HMO.
- 6.5 The LPG16 maximum parking provision for the HMO as extended would be 3 spaces. The proximity of the site to the town centre, services and public transport means that it would not be necessary to insist upon the maximum parking provision in this instance. However this must be balanced against the loss of parking provision in this case.
- 6.6 The extension would occupy the site of the existing driveway. The submitted plan shows the provision of parking in a garden area to the front of the property. The plan also shows a vehicle parked on what appears to be communal roadway, despite forming part of the application site. The parking area is only 4.4m wide so is not large enough to accommodate a vehicle without it obstructing the roadway behind it. It is also unclear whether the appellant can in fact rely on the third parking space given that it potentially obstructs pedestrian access to neighbouring dwellings.
- 6.7 In light of the above the Council is concerned that the proposal has the potential to displace onsite parking. This is unlikely to result in vehicles parking on adopted highways and therefore will not give rise to significant highway safety issues. However it does have the potential to give rise parking on the private roads leading to/from the site and in turn to accessibility problems to other properties in the vicinity. For that reason the proposals do not accord with policy GDP1(d) and T8.

Other Matters

- 6.8 Concerns have been expressed by objectors that the proposals do not leave sufficient room for access to the rear of Albany Terrace. The owners/occupiers of adjoining dwellings claim to benefit from rights of access across the site however this is a private matter outside of the scope of planning control.

7.0 CONCLUSION

- 7.1 The development makes insufficient provision for parking within the curtilage of the site. This has the potential to result in parking and access problems in the vicinity of the site. The development is therefore contrary to policies GDP1(d) and T8 of the Wrexham UDP. The Council respectfully requests the appeal be dismissed.

Suggested list of conditions in the event of the appeal being allowed:

Condition 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.

Condition 2

The development shall be carried out in accordance with the following plans:

- i) Drawing no. AT/PD/05 Block Plan
- ii) Drawing no. AT/PD/04 Elevations as Proposed
- iii) Drawing no. AT/PD/02 First Floor as Proposed
- iv) Drawing no. AT/PD/02 Ground Floor as Proposed

Reasons

To define the scope of the planning permission.