
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/12/17

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 15.01.2018

Appeal Decision

Site visit made on 18/12/17

**by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 15.01.2018

Appeal Ref: APP/H6955/A/17/3188092

Site address: 61 Regent Street, Wrexham, LL11 1PF

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 Mark Wilkins of BluSky Developments Ltd against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2017/0674, dated 5 August 2017, was refused by notice dated 2 October 2017.
 - The development proposed is the "Conversion of existing commercial property into 5 bed HMO facility with communal space".
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Decision

1. The appeal is allowed and planning permission is granted for the "Conversion of existing commercial property into 5 bed HMO facility with communal space" at 61 Regent Street, Wrexham, LL11 1PF, in accordance with the terms of the application, Ref WRO P/2017/0674, dated 5 August 2017, and the plans submitted with it, subject to the conditions attached to the Schedule at the end of this decision.

Procedural Matter

2. The description of the proposed development differs on the planning application form to that stated on the Council's refusal notice. I consider the description as given on the planning application form and copied into the banner heading above is more accurate and it is on this basis that I have determined the appeal.

Main Issue

3. The main issue in this appeal is whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to the provision of external amenity space.

Reasons

4. The appeal property has historically been used as office accommodation and forms part of a terrace of mixed commercial uses. The front of the property faces onto Grosvenor Road, one of the main routes into Wrexham town centre which is located a short distance away. The rear of the property faces onto a communal parking area that is shared amongst the various business properties; this area is accessed off a short unclassified cul-de-sac known as Union Road. Six car parking spaces belonging
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to the appeal property are currently located within two separate blocks within the communal parking area; one area to the immediate rear of the property accommodates two cars whilst the other area a few metres away accommodates the rest. The site is located within the Grosvenor Road Conservation Area (CA).

5. Policy GDP1 of the adopted Wrexham Unitary Development Plan (UDP) sets out general development objectives and refers to a number of criteria that all development should adhere to; the Council draw particular attention to criteria (b) which states new development should take account of personal and community safety and security in the design and layout of development and public/private spaces. The Council provide little in the way of substantive evidence or explanation as to exactly how the proposed development would run contrary to criteria (b).
6. The proposed development would provide an enclosed amenity area to the side and rear of the property that would be used for drying purposes, and a bin and cycle store. The Council have not provided any adopted Local Planning Guidance (LPG) or other approved standards that relate to the provision of amenity space for the proposed development; in the absence of such standards there is no reasonable measure of what constitutes a substandard amenity area as referred to by the Council in its refusal notice. Nevertheless, along with their appeal bundle the Council provided a copy of an adopted LPG entitled 'Conversion of Dwellings to Houses In Multiple Occupation' and whilst strictly speaking related to the conversion of dwellings as opposed to business premises, nonetheless it gives an indication of the Council's aspirations in terms of provision of amenity space serving Houses in Multiple Occupation (HMO). It states that where proposals lack garden space, then space should be provided on the premises for drying clothes and for bins storage; the proposed development would provide for drying and bin storage areas.
7. Based on my observations whilst on site visit and in the absence of any minimum standards set by the Council, I consider the amenity space being proposed at the property as indicated on amended plan¹ to be adequate to serve the needs of future occupants. In terms of the wider amenity/recreational needs of future occupants of the development I consider these would be adequately met bearing in mind the site's location within a built up area of Wrexham where numerous public open spaces and parks are within a reasonable walking distance.
8. I therefore conclude the proposed development would provide acceptable living conditions for future occupiers with particular regard to the provision of external amenity space and as a consequence would not run contrary to policy GDP1 of the UDP.

Other Matters

9. Third parties have raised concerns in terms of the impact of the proposed development on the CA. The Act² requires that I have special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The existing front façade of the property comprises aluminium framed windows that extend to ground level within a bay beside which stands an aluminium front door; timber sash windows are found to the first floor. The ground floor windows would be replaced with timber sash windows with the lower brick plinth being reinstated; the door would also be timber and appear traditional in appearance; these features reflect a number of properties in the

¹ As indicated on amended drawing Ref. 775/L (9) 01Rev. A

² The Planning (Listed Buildings and Conservation Areas) Act 1990

immediate vicinity of the appeal site. The replacement of the aluminium framed features and the reinstatement of the brick plinth to the front of the property enhance the character and appearance of not only the appeal property, but also the wider CA.

10. The rear of the property faces onto a car park area beyond which can be found modern development located outside of the CA. White aluminium windows and a door to the rear of the property are proposed to replace those currently existing. Bearing in mind the limited views to the rear of the property and the fact that it is seen in the context of a number of modern buildings and other properties within the terrace that use contemporary materials, I do not consider the proposed replacement windows and door to the rear would materially change the character or appearance of the CA when viewed in its totality, and therefore any effect would be neutral upon the CA; consequently local heritage interests would be preserved.
11. Concerns have been raised in terms of the level of parking provision to serve the site and the existing nature of parking on the site. Currently the site provides 6 car parking spaces to the rear, however, as a result of the proposed development this would be reduced down to 5. The Council's planning report states that based on the application of Local Planning Guidance Note No. 16 'Parking Standards' (LPGN 16), the existing use of the site would require 7 car parking spaces, in comparison to the proposed development which requires 3 spaces if the beds were singly occupied or 5 if doubly occupied which would result in a reduction in parking demand over the current use of the property.
12. Notwithstanding third party concerns as to how parking activity on the site has operated in the past, given the fact the proposed use would require less parking spaces than that existing if the standards in LPGN16 were applied, and that the site's location within a built up area within a reasonable walking distance of the town centre and public transport facilities is likely to encourage a more sustainable approach to travelling by future occupants of the proposed development, I consider that the parking requirements generated by the proposed development could be adequately met.
13. The Council planning report highlights that cars may on occasion be blocked into the overall car park to the rear of the property that serves a number of properties, but that ultimately this is a private issue related to the management of the car park; I have no reason to take a different view. In addition, bearing in mind the high level of existing traffic regulation in the area as referred to by the Council's Highway Officer, the potential for indiscriminate on-street parking is highly likely to be low. The Council's Highway Officer concludes that parking provision is acceptable and raises no objections to the proposed development on highway grounds; there is no substantive reason for me to take a contrary view.
14. Third parties raise concerns in terms of the proposed use being incompatible with the business nature of adjacent properties, however within built up areas close to town centres such arrangements are not unusual. In addition concerns are raised that any future occupants would in some way have a detrimental impact on the users of existing businesses. There is no substantive evidence before me to demonstrate that the use of the property as a house in multiple occupation as opposed to a business use, would be likely to result in any harm to the interests of nearby business users or have any detrimental impact on the local community or economy of the Wrexham area.

15. Reference has also been made that if the development were permitted it would set a precedent for similar development, however, there is no substantive evidence that this would be the case, and in any event each application is considered on its own merits
16. My attention has been drawn to the current business use of the property and extent of marketing undertaken for an alternative business use, however, I am not aware of any provision within the UDP that requires such an exercise for an alternative use to be carried out at the appeal property.
17. In support of their view that the proposed development is not providing adequate amenity space a third party has drawn my attention to a document entitled 'Local Planning Guidance 21 (Space around dwellings)'. This document has not been relied upon by the Council in their arguments, nor am I aware of its full contents and whether or not the type of development as proposed specifically forms part of the guidance given, therefore I have attributed it very limited weight in my determination of the appeal; in any event, as referred to earlier, I am satisfied the provision of amenity space serving the proposed development is adequate. Concerns were raised that the area fronting onto Grosvenor Road would be utilised for private amenity purposes, however, any amenity provision is to be made at the rear of the property.
18. Other matters raised also refer to detriment to the residential amenities of future occupants of the scheme due to activity associated with existing businesses and security concerns; however the lack of substantive evidence on these matters leads me to find that none of these specific matters or any others raised justifies withholding permission.

Conditions

19. I have considered the conditions suggested by the Council, given my decision to allow the appeal. In doing so I have had regard to the tests for conditions set out in Circular 016/2014: *The Use of Planning Conditions for Development Management*; all the tests must be satisfied.
20. I agree that suggested condition 1 is necessary in regards to the imposition of the five year time limit. Suggested condition 2 requires that the number of rooms be restricted to 5 with 1 occupant per room, with the reason given for imposing the condition being in the interests of nearby amenity and highway safety; the Council have provided little in the way of explanation as to the actual harm in regard to these matters. Bearing in mind the proposed development would meet the parking requirements as per the Council's adopted parking standards and the site's location in a highly sustainable place, I do not consider in the absence of the suggested condition that there is likely to be any significant additional parking demand that would lead to a highway danger over and above, either that which may occur if the rooms were occupied by single persons, or the existing use of the site. The Council refer to detriment to nearby 'amenity' although this is not quantified or explained; I have seen no substantive evidence that justifies the imposition of the suggested condition for this reason. For the above reasons I consider the condition is unnecessary and therefore fails to meet one of the tests set out in Circular 016/2014. However even if I were to accept the condition was necessary for the reasons given by the Council, I am not satisfied the suggested condition is enforceable as it is likely in practice to be impossible to detect or to prove a contravention; the suggested condition would therefore also fail to satisfy the test of enforceability as referred to in Circular 016/2014.

21. Suggested condition 3 refers to the car parking as shown on the submitted drawings to be laid out, surfaced and drained prior to its first use and thereafter retained exclusively for those purposes; subject to slight amendment in the interests of precision it is necessary in the interests of highway safety.
22. Suggested condition 4 seeks to convert an additional car parking space as indicated on the submitted drawings to allow for a larger amenity area and thereafter retain the amenity area for such purposes. Bearing in mind my earlier findings, the enlarged amenity area is not justified or necessary, however, the retention of the amenity area as indicated on the revised drawings is necessary in order to provide a satisfactory level of amenity space; I have reworded the condition accordingly.
23. Suggested condition 5 seeks to restrict deliveries related to the implementation of the permission to between standard working hours Monday to Friday, a shorter working day on a Saturday, and not at all on Sundays or Bank Holidays with the reason cited as being in the interests of the amenities of occupiers of nearby properties. This condition lacks justification especially when the majority of properties in close proximity and likely to be most affected are overwhelmingly commercial in nature. I do not consider it is necessary nor reasonable to restrict deliveries as per the suggested condition.
24. Suggested condition number 6 seeks to restrict the area to the front of the property from being used for the storage of bins or any other 'ancillary use' related to the development hereby permitted. I appreciate the need to restrict the storage of bins in the interests of the character and appearance of the CA, however the Council have provided no detailed explanation as to the nature of the harm that other ancillary uses related to the use of the property would involve and how these are likely to be detrimental to the visual amenities or character of the CA. To my mind, apart possibly from the storage of bins, due to its restricted area and the change in levels, the area to the front of the property is highly unlikely to be utilised in any way that would be likely to be detrimental to the interests referred to. I consider the condition is only justified and necessary with regard to restricting bin storage only; I have reworded the condition accordingly.
25. Conditions 7 & 8 requiring details for new door furniture to be submitted for the approval of the local planning authority and the works to the proposed elevations to being carried out in accordance with the submitted drawings are both necessary in the interests of safeguarding the character and appearance of the CA.
26. Condition 9 requires further details for the means of enclosure to the rear amenity area and demarcation of that area and its retention thereafter. Subject to slight amendment in the interests of precision, the condition is necessary in the interests of the character and appearance of the CA and to provide a satisfactory level of amenity space.

Conclusion

27. For the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
28. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the WBFG Act. In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its

contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Declan Beggan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The vehicular parking and turning areas shown on approved drawing no 775/L (9) 01 Rev A shall be laid out, surfaced and drained prior to first use of the development. These areas shall thereafter be permanently retained and kept free of any obstruction and made available for the parking and turning of motor vehicles at all times.
3. The amenity area indicated on drawing no 775/L (9) 01 Rev A shall be provided prior to the development being brought into use and thereafter retained for such purposes.
4. The area to the front of the property shall not be used for the storage of bins.
5. Details of all new door furniture shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the details as are approved.
6. The proposed elevation works to the building shall be carried out in accordance with the approved drawings 775/A (2) 01 Rev A and 775/L (2) 02 Rev B.
7. Details of any means of enclosure / demarcation of the amenity area including drying areas, cycle parking and bin storage shall be submitted in writing for the further approval of the Local Planning Authority, prior to the first use of the area and retained thereafter. Works shall be implemented in accordance with a timescale to be agreed as part of the submitted details.