
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/11/17

**gan Clive Sproule BSc MSc MRTPI
MIEnvSci CEnv**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28/12/17

Appeal Decision

Site visit made on 21/11/17

**by Clive Sproule BSc MSc MRTPI
MIEnvSci CEnv**

an Inspector appointed by the Welsh Ministers

Date: 28/12/17

Appeal Ref: APP/H6955/A/17/3184514

Site address: 8 Albert Street, Wrexham LL13 8NT

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 Arran Pritchard against the decision of Wrexham County Borough Council.
 - The application Ref WRC P/2017/0611, dated 19/07/17, was refused by notice dated 15/09/17.
 - The development proposed is conversion of dwelling (Use Class C3) to house in multiple occupation (HMO - Use Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of dwelling (Use Class C3) to house in multiple occupation (HMO - Use Class C4) at 8 Albert Street, Wrexham LL13 8NT in accordance with the terms of the application, Ref WRC P/2017/0611, dated 19/07/17, and the plans submitted with it, subject to the following conditions:
 - 1) The development shall begin not later than five years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans:

Site location plan for 8 Albert Street Wrexham at 1:1250 scale

The drawing that provides plans of the Existing Ground Floor, the Existing First Floor, the Proposed Ground Floor, the Proposed First Floor, and the Proposed External Area.

Main Issue

2. Consideration of the Council's reason for refusal and the evidence in this case confirm the main issue to be the effect of the development proposed on the living conditions of local residents and highway safety in relation to on street parking activity.

Reasons

3. Wrexham Unitary Development Plan 1996-2011 ('UDP') Policy GDP1 provides General Development Principles that seek to ensure that, amongst other things: development
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would provide safe and convenient pedestrian and vehicular environments; and, safeguard the safety and amenity of the public and safeguard the environment. UDP Policy H4 is only permissive of the subdivision of existing dwellings where this could be done while providing sufficient private amenity space and there would not be an overconcentration of houses in multiple occupation.

4. Vehicle parking spaces are the subject of UDP Policy T8, which is permissive of development that would provide vehicle parking spaces either on-site or elsewhere in accordance with the Council's current parking standards. These standards are within Local Planning Guidance Note No.16 ('LPGN 16') – *Parking Standards*, which would seek a house of the size of no.8 to provide a maximum of three parking spaces. However, UDP Policy T8 notes that special regard will be had for the availability of public transport nearby, public car parking, proximity to local services and facilities, and road safety hazards and amenity considerations arising from on-street parking in the vicinity of the site. LPGN 5 - *Conversion of Dwellings to Houses In Multiple Occupation* notes that one parking space would normally be expected per two bedspaces.
5. The appeal site is a mid-terraced house in a street that includes other dwellings of this type. Albert Street and a number of other similar streets connect Kingsmills Road, which is a busy urban thoroughfare that has commercial and other development along it, with Greenbank Street. Off-street car parking opportunities are limited, which will cause many vehicle drivers and owners who live in these streets to rely on on-street parking to the front of the dwellings.
6. Unlike the streets that connect to Kingsmills Road, Greenbank Street has a considerable level of on-street parking that is not immediately outside the front elevation of a dwelling and this adds to the parking capacity in the locality. Despite this, domestic signage in these streets indicates that there are on-street parking pressures and the potential for additional parking activity is of considerable concern to many who have made representations in regard to the appeal proposal.
7. However, the Council's Service Manager Environment has highlighted that due to the location and nature of the proposed development, the appeal scheme would not be likely to result in greater on-street parking demand. The appellant's evidence supports that view. While doubts have been raised regarding the basis of the appellant's evidence, there is no convincing evidence that demonstrates the Service Manager Environment's assessment and conclusion on the possible impact is likely to be unreliable.
8. Consequently, it is not apparent that on-street parking would be likely to increase due to the appeal scheme. In this regard, the Council has failed to demonstrate that the appeal proposal would be unacceptably harmful to local living conditions or highway safety.

Other matters

9. The planning system addresses the use of land. Planning Policy Wales – 9th edition ('PPW') is clear that planning proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. This recognises that a planning permission is granted in relation to the land, rather than to the person who owns that land. Therefore, while concerns have been raised about the appellant's record as an operator of HMOs, that would be a matter for the licencing regime as the planning permission could be operated by any owner (or controller) of the land.

10. Reference has been made to the number of existing privately rented dwellings within Albert Street, and that the appeal proposal would add to this. The appeal proposal seeks a change of residential use class. However as an existing dwelling, no.8 could be rented without a need for planning permission.
11. A map on the first page of the Council Officer's report on the application confirmed: there to be licenced HMOs in the wider area, but no licenced HMOs within 50m of the appeal site; there to be no licenced HMOs on Albert Street or in the two neighbouring streets running parallel to it; and, that if the appeal proposal were to be allowed, there would be 9 HMOs within 100m of no.8 which would be 5.4% of that housing stock. Therefore, it is clear that the appeal proposal would not cause the character of the locality to change in regard to there being an excessive number of HMOs. Nor would it result in an unacceptable increase in the proportion of rented dwellings.
12. Application drawings confirm no.8 to have rear amenity space of sufficient size to enable cycle and bin storage, while also providing opportunities for the outdoor drying and airing of washing. As such, the appeal proposal would provide occupiers of the HMO with off-street refuse storage, and it has not been demonstrated that an increase in litter would be likely from the proposed use. Nor given the access to the rear yard and the number of individuals with refuse to dispose of, would the bins be likely to be left in the street.
13. As a HMO, no.8 would be subject to licencing that would address the potential for, and control of, noise and anti-social behaviour from people living within the HMO. PPW paragraph 1.2.4 is clear that the planning system should not be used to secure objectives achievable under other legislation. In this instance, there is no reason to doubt the effectiveness of the HMO licencing regime that the Council provides, and accordingly, this decision should not seek to duplicate those regulatory controls.¹
14. If this appeal were to be allowed, in addition to a condition that addresses the period for commencement, for the avoidance of doubt and to ensure an appropriate form of development, a condition would be imposed regarding the approved drawings.

Conclusion

15. For these reasons, the proposal would have an acceptable effect on highway safety and the living conditions of neighbours, and it would comply with UDP Policies GDP1, H4 and T8, and the relevant parts of PPW.
16. No matters have been found to outweigh the identified lack of harm and policy compliance. The proposal would result in social benefit through the provision of homes for people within a particular sector of the housing market. They would be in a location that would provide pedestrian access to the jobs, services and transport opportunities within the centre of Wrexham. Occupants of the rooms would contribute to the local economy and it has not been shown that the development would have anything other than a neutral impact on local culture. Accordingly, the appeal scheme would be a sustainable form of development and should be allowed.
17. 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.

¹ As described in the Council Officer's report on the planning application

Clive Sproule

INSPECTOR