
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/03/17

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26.04.2017

Appeal Decision

Site visit made on 14/03/17

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26.04.2017

Appeal Ref: APP/H6955/A/17/3166641

Site address: 10 Earle Street, Wrexham LL13 7DH

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 Roderick McLean against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2016/0707, dated 14/07/2016, was refused by notice dated 5/12/2016.
 - The development proposed is change of use from C3 to C4 as per new regulations 25th February.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 to C4 as per new regulations 25th February at 10 Earle Street, Wrexham LL13 7DH in accordance with the terms of the application, Ref WRO P/2016/0707, dated 14/07/2016, 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 and documents: Site Plan (scale 1:1250) and block plan (scale 1:200) marked with (Wrexham County Borough Council date stamp 22/07/2016); Proposed ground and first floorplans marked with (Wrexham County Borough Council date stamp 22/07/2016).

Main Issue

2. The main issue in this case is the effect of the proposal on the amenity and character of the area, having regard to planning policies and the objectives of maintaining sustainable and balanced communities.

Reasons

3. The appeal property is an end of terrace dwelling with a small front garden and rear yard set in a residential area to the south of the town centre. The proposal would be to provide a fourth bedroom and additional bathroom to facilitate occupancy for up to 6 tenants as a house in multiple occupation (HMO) who are unrelated but share the communal facilities. The property is situated in the town where there is a range of
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employment, community, transport and shopping facilities recognised as an accessible sustainable location where development is normally permitted unless there are significant material considerations that would indicate a decision to the contrary.

4. The Council and residents refer to an over concentration of HMOs in the area that will undermine the social fabric of the area and the amenity of existing residents. This concern is set out in Policy H4 (d) of the Wrexham Unitary Development Plan and the Local Planning Guidance Note No. 5 *Conversion of dwellings to houses in multiple occupation*.
5. The planning report to Planning Committee dated 7/11/2016 sets out the figures in relation to the density of HMOs in the area. The appellant relies on these as a case in favour of the proposal in demonstrating that the percentage of HMOs would rise with this proposal from 7.5% to 8.5% concentration. The policy or the published guidance note does not set out the tipping point as to when HMO concentration will be considered less favourably. There is no yardstick to gauge when such concentration of HMO uses will undermine the social fabric of the area and harm the amenity of existing residents. In the absence of such thresholds it cannot be deduced when that point has been reached and when the policy would be breached. It cannot be reasonably concluded that this proposal would conflict with Policy H4. Less than 10% concentration of HMOs in the area is a low number by any measure for quantifying harm through statistical analysis.
6. The physical layout of the property and its yard permit space for bin storage. Concerns that tenants could cause problems of noise, anti-social and disruptive behaviour is a factor related to the particular occupants of the property and not the use. Planning controls are concerned with the use of land rather than the identity of the user. However, there are other measures outside of planning controls available to tackle persistent nuisance and disruptive behaviour. I also note the concerns about parking pressure although the Council's planning report demonstrates that the demand for parking would not change as a result of the proposal when compared with the lawful use as a dwelling house. There is no technical objection from the Highway officer and there is recognition that the site is in a sustainable location.
7. I note that legislation was brought in to manage the impact of HMOs on an area, but the regulatory change was to ensure that planning permission would be required for such development. Where planning permission is required and sought the determination must be made in accordance with the development plan unless material considerations indicate otherwise. I consider the development complies with the development plan, there would be no precedent set given this conclusion. I appreciate the concerns of residents and Councillors but none turn me away from my conclusion on the main issue.
8. I conclude that the proposal would not harm the amenity and character of the area, having regard to planning policies and the objectives of maintaining sustainable and balanced communities. The proposal would accord with UDP Policy H4. The proposal would make a small contribution to meeting housing need for either students or other single persons within the town.
9. 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 Well-Being of Future Generations (Wales) Act 2015 (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 in section 8 of the WBFG Act.

10. Having regard to all matters raised I find that the balance of considerations indicates that permission should be granted. The standard implementation and plans conditions are imposed. These are necessary to ensure that the development is carried out in accordance with the plans and documents submitted and sets out when development must begin before the expiration of the planning permission.

Iwan Lloyd

INSPECTOR