

# **Report of the Head of Planning and City Regeneration**

**Planning Committee – 7<sup>th</sup> March 2017**

## **PLANNING APPEAL DECISION ITEM REPORT**

**PLANNING APPLICATION REFERENCE: 2016/1316**

**PLANNING APPEAL REFERENCE: APP/B6855/A/16/3161603**

**105 Rhyddings Terrace Brynmill Swansea SA2 0DS**

**Retention of change of use from a 4 bedroom dwelling (Class C3) to a 5 bedroom HMO Use (Class C4) and alterations carried out to bay window and first floor windows in front elevation.**

### **1.0 Background**

- 1.1 A planning application was received by the Council on 4<sup>th</sup> July 2016 proposing the retention of a change of use of the property as a 5 bedroom HMO, Use Class C4 along with alterations carried out to the bay window and first floor windows in the front elevation.
- 1.2 The application was recommended for approval subject to conditions by officers and following a valid call in request and receipt of a petition of in excess of 30 signatures, was reported to Planning Committee on the 6<sup>th</sup> September 2016.
- 1.3 At the Committee meeting Members did not accept the officer recommendation citing concerns relating specifically to the proposals impact upon the character and social cohesion in the area.
- 1.4 The application was refused by the Council by decision notice dated 8<sup>th</sup> September 2017 for the following reason:

*The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Rhyddings Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*

### **2.0 Planning Appeal**

- 2.1 Following the decision of the Council to refuse planning permission the applicant appealed to the Planning Inspectorate ('PINS'). This appeal was lodged as a valid appeal on 9<sup>th</sup> November 2016.
- 2.2 The appeal was considered by an independent Planning Inspector appointed by the Welsh Ministers and was allowed on 10<sup>th</sup> February 2017. A copy of the appeal decision is appended to this report.

- 2.3 The inspector considered that the main issue in this appeal was the effect of the proposal on the character of the area by reason of the level of use of the property, having regard to the number of HMOs in the locality.

#### Character of the area

- 2.4 The inspector noted that the Council had specified that there were around 36% of dwellings in the street being in use as a HMO and also noted that a local resident estimated that 45% of all dwellings within 50 metres were HMOs. In this respect the inspector noted on his site visit that Rhyddings Terrace and other nearby streets accommodate a number of HMOs interspersed with single-household properties.

- 2.5 The concerns of Members and the local opposition was acknowledged by the inspector who stated:

*“...whilst I do not doubt that residents of the area may face the types of problems described in the submitted representations, it falls to me to establish the specific effects of the appeal development for the use of the property as a 5 bedroom HMO, in light of the local and national policy context.”*

- 2.6 The inspector further sets out that there is limited evidence to suggest that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. He referred to many of the environmental issues being cited not being exclusive to their use as HMOs. He further sets out that the appeal development has resulted in an increase in the number of bedrooms within the property but, in relation to the provision of 5 bedrooms identifies *“Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission”* thus making reference to the fact that occupiers of dwellinghouses can choose to increase their bedroom capacity without any need for planning permission.

- 2.7 The inspector refers to there being little evidence that the use of the property as a HMO, rather than a C3 dwelling, would in itself result in noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. He notes that the bedrooms appear large enough to accommodate double beds but notes that any substantial increase in occupation would require planning permission.

#### Visual amenity of the area

- 2.8 In relation to the exterior works to the property the inspector identified that the alterations to the front of the property have unbalanced the front elevation but considered these to be relatively modest changes to the appeal building. He found that the development does not unacceptably harm the character of the property or immediate area.

#### Highways and Parking

- 2.9 The inspector comments specifically on car ownership in that the car ownership level associated with 5 separate occupiers has the potential to be higher than a 4 bedroom property in C3 use. Whilst he saw significant competition for on-street parking he noted the existence of a resident's parking scheme which restricts each house to two permits. Given the parking restrictions and the proximity to bus services, shops and facilities he considered that the HMO would not lead to significant increase in parking demand.

### **3.0 Conclusion**

- 3.1 This decision by the Planning Inspectorate reinforces the view that there will be justifying the refusal of an application for a HMO where there is little or no evidence that a single HMO would impact upon the existing character of an area to a harmful degree. The inspector whilst acknowledging local concerns did set out an important point in that *“the appeal development would contribute to meeting the housing needs of the city”*.

### **4.0 Recommendation**

- 4.1 The appeal decision be noted.

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