
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/01/17

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 10.02.2017

Appeal Decision

Site visit made on 16/01/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 10.02.2017

Appeal Ref: APP/B6855/A/16/3161603

Site address: 105 Rhyddings Terrace, Brynmill, Swansea SA2 0DS

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 J.A. Rewbridge Development Services against the decision of City and County of Swansea Council.
 - The application Ref 2016/1316, dated 4 July 2016, was refused by notice dated 8 September 2016.
 - The development is described as: "Retention of change of use from a 4 bedroom dwelling Use Class C3(a) to a 5 bedroom HMO Use Class C4 and alterations carried out to bay window and first floor windows in front elevation".
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 4 bedroom dwelling Use Class C3(a) to a 5 bedroom HMO Use Class C4 and alterations carried out to bay window and first floor windows in front elevation at 105 Rhyddings Terrace, Brynmill, Swansea SA2 0DS, in accordance with the terms of the application, Ref 2016/1316, dated 4 July 2016, subject to the following conditions:
 - 1) The development shall be carried out in accordance with the following approved plans and documents: Site Block Plan; Previous and As Built Floor Plans and Elevations (06.16.105RT.D1 Revision A).
 - 2) Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

Procedural Matters

2. Notwithstanding the description of the development given on the planning application, the development has been completed and I have considered the appeal on the basis that it seeks retrospective planning permission for the change of use of the property, plus external alterations.
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Main Issue

3. The main issue is the effect of the proposal on the character and amenity of the area by reason of the level of use of the property, having regard to the number of houses in multiple occupation (HMOs) in the locality.

Reasons

4. The appeal relates to a two storey mid-terraced property situated within a dense, inner city area of predominantly terraced houses, located in proximity to Swansea University. The Council has provided statistics in relation to the concentration of HMOs in Swansea, and Uplands Ward in particular, and estimates that there are around 34 HMOs between Nos 81 and 172 Rhyddings Terrace, equivalent to around 36% of dwellings on this part of the street. A local resident estimates that 43% of all dwellings within 50 metres of No 105 are HMOs. It was evident from my site visit that Rhyddings Terrace and other nearby streets accommodate a number of HMOs, interspersed with single-household properties, and I have no reason to dispute the figures submitted by the Council and local resident.
5. The Council and others have raised concerns about the effects of a concentration of HMOs on securing a cohesive and sustainable community, local infrastructure and vacancy rates during the summer months. In this regard, my attention has been drawn to research on HMOs published by the Welsh Government and which pre-empted the creation of a new C4 Use for small HMOs in 2016. However, 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.
6. Policy HC5 of the City and County of Swansea Unitary Development Plan (UDP) seeks to ensure that, amongst other things, conversions to HMOs avoid significant adverse effects on residential amenity or contribute to a harmful concentration of HMOs in a particular area. The aims of this policy are consistent with paragraph 9.3.3 of Planning Policy Wales – Edition 9 (PPW), which says that the cumulative effects of conversion and adaptation should not be allowed to damage an area’s character or amenity. Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs.
7. The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission.
8. UDP policy HC5 also seeks to ensure that conversions to HMOs would not result in adverse effects on character and appearance, car parking and highway safety, and that appropriate refuse storage arrangements can be provided.

9. The appeal development has replaced twin first floor windows with a single window positioned centrally above a square ground floor bay. A smaller opening serving a bathroom has been inserted at first floor level. Whilst these alterations have somewhat unbalanced the front elevation, they represent relatively modest changes to the appeal building. Although many dwellings in Rhyddings Terrace share similar design features, such as single storey bay windows and pitched roofs, there is also a degree of variation in their appearance. I find that the development does not unacceptably harm the character and appearance of the property or immediate area.
10. The level of car ownership associated with 5 separate occupiers has the potential to be higher than a 4 bedroom property in C3 use. Whilst I saw that there is significant competition for on-street parking in the vicinity, a residents' parking scheme is in operation, which the Council has confirmed restricts each house to two permits. Given these parking restrictions and the proximity to bus services, shops and facilities, irrespective of the level of car ownership of previous residents I consider that the HMO would not lead to a significant increase in parking demand. Furthermore, I note that the Highways Authority has not objected to the proposal, subject to a condition to provide 5 secure cycle parking spaces. I agree that such a condition is necessary in the interests of highway safety and sustainability, and have imposed one to this effect.
11. Concerns have been raised about the front forecourt being used for the unsightly storage of refuse sacks. I do not dispute that this may have occurred in the past, although at the time of my site visit it was well-kept. Comments have been made regarding the likelihood of HMO tenants to recycle, but no evidence has been submitted to support this assertion, which in any case is beyond the scope of planning control. The forecourt would lend itself to the temporary storage of refuse and recycling bins prior to, or immediately after, collection, and a condition to secure appropriate storage within the rear garden would mitigate any harm to the character and appearance of the area from refuse being stored within the front garden.
12. Whilst I acknowledge the strength of feeling amongst local residents, the appeal development would contribute to meeting the housing needs of the city. For the reasons given above, I conclude that the appeal development would not harm the character and amenity of the area, and would thus be in accordance with the aims of UDP policy HC5 and the general thrust of PPW.

Other Matters

13. Local residents have raised concerns regarding the undertaking of a change of use and alterations for which there was no planning permission. However, the appellant is able to make a retrospective application to regularise the breach of planning control. Irrespective of the circumstances which led to this occurring, I have determined the appeal on the basis of the planning merits of the case.
14. I note the comments made regarding the construction impacts of the scheme, but the development has been completed. Representations have also raised concerns regarding the accuracy of the submitted information, but I am satisfied that I have sufficient accurate information before me to make my decision.
15. I have had regard to an appeal decision for a change of use to a 6 person HMO at 8 Alexandra Terrace (APP/B6855/A/16/3156916), which I saw on my site visit. Whilst there are similarities between the two schemes and the previous Inspector came to similar conclusions, the two developments appear to have material differences,

including in relation to the number of bedrooms and the nature of external alterations. I have proceeded to determine the appeal based on the merits of the specific case.

16. 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.

Conditions

17. Other than the standard plans condition, which is necessary in the interests of proper planning, a condition requiring the submission and approval of details for the storage of five bicycles and refuse within the rear garden is necessary in the interests of sustainability, highway safety and the character and appearance of the area.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Paul Selby

INSPECTOR