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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 08/06/17

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

**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 19.06.2017**

## **Appeal Decision**

Site visit made on 08/06/17

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

**an Inspector appointed by the Welsh Ministers**  
**Date: 19.06.2017**

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**Appeal Ref: APP/B6855/A/17/3170117**

**Site address: 57 Ysgol Street, Port Tennant, Swansea SA1 8LG**

**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 Mrs Helen Ryan against the decision of City and County of Swansea Council.
  - The application Ref 2016/3406/FUL, dated 11 November 2016, was refused by notice dated 10 February 2017.
  - The development proposed is Change of use from residential dwelling (Class C3) to a HMO for 5 people (Class C4).
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### **Decision**

1. The appeal is allowed and planning permission is granted for the Change of use from residential dwelling (Class C3) to a HMO for 5 people (Class C4), in accordance with the terms of the application, Ref 2016/3406/FUL, dated 11 November 2016, subject to the conditions set out in the schedule to this decision letter.

### **Procedural Matter**

2. Notwithstanding the description of development on the application form, I have used that contained on the Decision Notice, which more accurately describes the proposal.

### **Main Issue**

3. This is the effect of the proposal on the living conditions of neighbouring residents, with particular regard to nuisance, noise and disturbance.

### **Reasons**

4. The appeal relates to a two storey mid-terraced dwelling located on a street of properties of similar scale and other buildings converted to residential use. To the front, the dwelling is set back from the street by a modest yard area. A lane running parallel with Ysgol Street provides rear access to a pedestrian gate and steel garage.
  5. The Council contends that the proximity of the proposed HMO use to neighbouring dwellings would result in a significant adverse impact and would be contrary to criterion (i) of policy HC5 of the Swansea Unitary Development Plan (UDP). As the
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UDP does not quantify what might constitute a significant adverse effect and there is currently no adopted Supplementary Planning Guidance on this matter, whether or not a proposal is harmful depends on planning judgement.

6. Other than the demolition of the existing garage, physical alterations would be limited, but 2 connected ground floor reception rooms would be separated and converted into bedrooms, raising the total number in the property to 5. Whilst these internal alterations would facilitate the proposed C4 use, the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family under the existing C3 use. Any nuisance, noise or disturbance arising from the proposed use, such as conversations taking place in the rear garden or inside, noise from TVs or stereos, doors slamming, occupants arriving or leaving, etc., would be similar in nature to those which might be generated by the existing use. As a consequence any resulting nuisance, noise or disturbance would not be unacceptable.
7. Residents have objected to the proposal on the basis that the number of HMOs in the street, which is estimated to amount to 7 in total, is changing the character of the area and has led to increased litter and anti-social behaviour. I do not dispute that significant concentrations of HMOs can alter the character of residential areas, although I note that the Council has not refused permission on this basis. Whilst only larger properties in this part of the city are subject to mandatory licensing, there is little visual evidence of any significant concentration of HMOs in the vicinity of the site, even taking into account the 2 recent permissions for HMOs on Ysgol Street (Refs 2016/3388/FUL and 2016/3617/FUL). Nor, from what I saw on my site visit, is there any visual indication of HMOs harming the established residential character of Ysgol Street. There is also sufficient space within the site for waste and recycling storage.
8. For the reasons given above, I conclude that the proposal would accord with the amenity objectives of UDP policy HC5.

### **Other Matters**

9. Much of Ysgol Street is not subject to a residents parking scheme and the street is used by a local bus route. A significant number of representations have raised concerns that the proposal would generate additional parking, and that this would further restrict the ability of residents to park their cars on the street, exacerbating unsafe parking on corners or pavements, impeding traffic flow and posing a risk to pedestrians, including children walking to school and people having to walk to their houses after nightfall. Whilst I saw ample opportunities for parking during my site visit in the middle of a weekday, a resident has supplied photos which show high demand at other times.
10. It is evident that parking is a significant concern for residents of Ysgol Street. I accept that the occupation of the property by 5 adults would have the potential to increase the number of vehicles associated with No 57. Nonetheless, taking into account the level of parking which could be generated by the existing dwelling, the specific effects of the appeal proposal on the street as a whole would not be significant. Irrespective of the local bus route there is little evidence of substantial traffic flows or unsafe vehicle speeds on the street. The site is sustainably located, being in walking or cycling distance of shops, public transport and the Swansea University Bay Campus. The proposed demolition of the rear garage would improve access to 1 off-street car parking space and the provision of 5 cycle parking spaces would facilitate alternative modes of transport. Subject to such facilities being secured by condition I am satisfied that the proposal would not result in harmful effects on parking or highway safety.

11. A resident has drawn my attention to the base maps on the submitted plans not being up-to-date. Nonetheless, having visited the site I am content that I have sufficient accurate information upon which to base my decision. Concerns have also been raised regarding the original notification letters, but I am satisfied that local residents have been given sufficient opportunity to comment. Matters relating to fire safety impacts fall under the ambit of other legislation. I afford these matters limited weight.
12. 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. This decision is in accordance with the Act's sustainable development principle though its contribution towards supporting safe, cohesive and resilient communities.

### **Conditions**

13. Other than the standard plans condition, which is necessary in the interests of proper planning, conditions requiring the submission and approval of details for the rear car parking area and secure storage of 5 bicycles are necessary in the interests of sustainability and highway safety.

### **Conclusion**

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

*Paul Selby*

INSPECTOR

### **SCHEDULE OF 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: Location plan; Proposed ground and first floor plans.
- 3) The HMO shall not be occupied until facilities for the secure storage of five bicycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained for the lifetime of the use.
- 4) The HMO shall not be occupied until space has been laid out within the rear of the site for 1 car to be parked and that space shall thereafter be kept available for the parking of vehicles for the lifetime of the use.