



Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 17/07/18

gan Hywel Wyn Jones BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 26/07/18

Appeal Decision

Site visit made on 17/07/18

by Hywel Wyn Jones BA (Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 26/07/18

Appeal Ref: APP/B6855/A/18/3200196

Site address: 199 St Helens Avenue, Brynmill, Swansea, SA1 4NE

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 Jones against the decision of the City and County of Swansea Council.
 - The application (ref: 2018/0161/FUL), dated 22 January 2018, was refused by notice dated 13 March 2018.
 - The development proposed is a change of use from residential dwelling house (Class C3) to six bedroom HMO (Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from residential dwelling house (Class C3) to six bedroom HMO (Class C4) at 199 St Helens Avenue, Brynmill, Swansea, SA1 4NE in accordance with the terms of the application (ref: 2018/0161/FUL), dated 22 January 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The appellant's name in the above banner heading is taken from the planning application form. The appeal form refers to the company name, G&E Properties.

Main Issue

3. The main issue is whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities.

Reasons

4. The appeal property is a three-storey terraced house within a primarily residential area close to a range of shops and other services. The properties in the street are generally well maintained. Several 'to let' and other signs indicate that some of the properties are in multi occupation or have been subdivided to flats. The Council advises that of the 214 residential properties in the street, 88 are registered as houses in multi occupation (HMOs).
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5. Policy HC5 of the City and County of Swansea Unitary Development Plan (UDP) (2008) is supportive of HMO use provided 5 criteria are satisfied. The Council takes issue with the second criterion which seeks to ensure that proposals do not contribute to a harmful concentration or intensification of HMOs in a particular area. This aim is consistent with the objectives of Planning Policy Wales Edition 9 to ensure that housing development, or the cumulative effects of development, does not damage an area's character and amenity.
6. The Council refers to research documents, including one commissioned by Welsh Government in April 2015, which identify the particular problems that can arise from an over-concentration of HMOs in residential areas. This work informed a recent amendment to the Use Classes Order which distinguishes between properties used as dwellinghouses (class C3) and those used as HMOs by up to 6 residents (C4).
7. I have noted the general concerns that the Council has raised with regard to the over-concentration of HMOs within parts of the City. Within the Uplands Ward it states that 49% of the population are students compared to the city wide figure of 13%, and suggests that the figure may be higher in parts of Brynmill closest to the University. It asserts that this concentration is linked to the physical deprivation in the ward and the seasonality of demand for local services. However, such general concerns are not supported by evidence of any specific harm, such as empirical details of local facilities that are harmed by the seasonality of demand. The Council has commenced work on producing supplementary planning guidance (SPG) which would seek to control HMOs as well as meeting the increase in demand for such accommodation. As it has yet to be adopted the Council does not refer to it in support of its case.
8. In terms of the scheme before me the officer's committee report acknowledged that there was no evidence to demonstrate that the scheme would lead to a harmful concentration of HMOs. Whilst the Council considers that it would be contrary to policy HC5 there is no threshold or other indicator in the policy relating to the cumulative effects of this type of development which would be breached by the proposal. In the absence of a transparent, evidence-based framework for dealing with the cumulative effects of HMOs I have focussed my attention on the merits of the scheme before me. In doing so I note that this is an approach adopted in recent appeal decisions¹ in nearby King Edward's Road and Alexandra Terrace to which the appellant has drawn my attention.
9. The impact of changing the use of the appeal property would have a negligible impact on the ratio of HMOs to dwellinghouses in the street². I concur with the officer's report on the application which stated that the scheme would not lead to an unacceptable harmful concentration of HMOs. I have noted the petition presented to the Council in objection to the planning application and accept that there will be incidents of anti-social behaviour and other problems related to HMOs that can have an effect on community cohesion. However, there is no evidence that the use of this building would be at odds with the relatively high density residential character of the street, which includes flats within an adjacent property.
10. The amplification to policy HC5 recognises the positive role HMOs play within the housing market, providing low-income groups and in particular students, with a source

¹ APP/B6855/A/16/3165057 & APP/B6855/A/16/3156916

² The Council estimates that the percentage of properties in the street used as HMOs would increase from 41.12% to 41.58%.

of affordable accommodation, as well as recognising the adverse effects of too many HMOs on the character of established residential areas.

11. On the main issue I conclude that the proposed development does not conflict with local and national policies to secure and maintain sustainable and inclusive mixed communities. Accordingly the scheme complies with policy HC5 of the UDP.

Other Matter

12. I have noted the concern raised in the petition over parking pressures, which is a consideration identified in criterion (iv) of policy HC5. Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others. The Council has confirmed that the scheme accords with its adopted Parking Standards SPG.

Conditions

13. I have considered the conditions suggested by the main parties in the light of the Circular 16/2014: The Use of Planning Conditions in Development Management. In addition to the standard conditions to control the commencement of works and to ensure that they are undertaken in accordance with the submitted details I agree that a condition to require cycle storage is reasonable to encourage non-car modes of transport. The potential increased demand for refuse storage means that a condition to require suitable provision is also necessary.

Conclusions

14. I have taken into account the other matters raised in objection to the scheme but none lead me away from my findings on the acceptability of the proposal.
15. 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.

Hywel Wyn Jones

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: location plan received on 22 January 2018, proposed ground floor plan, proposed first floor plan and proposed second floor plan received by the Local Planning Authority on 26 January 2018.
- 3) Details of facilities for the secure and undercover storage of six cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities 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.