



Report of the Head of Planning and City Regeneration

Planning Committee – 4 September 2018

Planning Appeal Decision Item Report

**Planning Application Reference: 2018/0161/FUL
Planning Appeal Reference: APP/B6855/A/18/3200196**

Change of use from residential dwelling house (Class C3) to six bedroom HMO (Class C4)

199 St Helens Avenue, Brynmill, Swansea, SA1 4NE

1.0 Background

- 1.1 A planning application was received by the Council on 26th January 2018 proposing a change of use of the dwelling into a six bedroom HMO.
- 1.2 The application was recommended for approval subject to conditions by officers, although given there was a call in request received, and receipt of a petition in excess of 30 signatures, it was required to be reported to the next planning committee for decision. The application was presented by officers at the 6th March 2018 Planning Committee.
- 1.3 At the committee meeting Members did not accept the officer recommendation citing concerns relating specifically to the proposal to change the property to a HMO having regard to its impact upon the character of the area and social cohesion in the area.
- 1.4 The application was refused by the Council by decision notice dated 13th March 2018 for the following reason:

The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helen's Avenue 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 24th April 2018.
- 2.2 The appeal was considered by an independent Planning Inspector appointed by the Welsh Ministers and was allowed on 26th July 2018. A copy of the appeal decision is appended to this report.
- 2.3 The inspector considered that the main issue in this appeal was whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities.

3.0 Planning Assessment

- 3.1 In the decision report the inspector noted the research document in connection with HMOs which identified problems and the general concerns about over concentration of HMOs across parts of the City. He noted that the Council's concerns that this concentration is linked to the physical deprivation of the ward and the seasonality of demand for local services, however, confirmed that this was not supported by evidence of any specific harm. Without a threshold the inspector focuses on the scheme before him and noted similar decisions at King Edwards Road and Alexandra Terrace.
- 3.2 In respect of the percentage of HMOs in the street the inspector set out the estimate that this would increase from 41.12% to 41.58% and considered this to be a negligible impact on the ratio of HMOs to dwellinghouses in the street. He noted the concerns raised in the petition about issues of antisocial behaviour and other problems along with an effect on social cohesion but stated "*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*".
- 3.3 Whilst not a reason for refusal in response to issues raised in connection with parking pressures the inspector noted that the site lies in a sustainable location where many services are within easy walking distance with good transport to others and that the scheme accords with the adopted Parking Standards SPG.

4.0 Conclusion

- 4.1 This decision by the Planning Inspectorate reinforces the recommendations made by officers in that there is difficulty in refusing an application for a HMO where there is little or no evidence to clearly set out that a single HMO would impact upon the character of the area to a harmful degree. The absence of a criteria based approach and specific evidence of the harm in terms of concentrations or intensification of HMOs in particular areas ensues that each application must be determined on its own merits.

5.0 Recommendation

- 5.1 The appeal decision be noted.

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