



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/04/19

gan **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23.05.2019

Appeal Decision

Site visit made on 26/04/19

by **P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 23.05.2019

Appeal Ref: APP/B6855/A/19/3222389

Site address: 214 St Helens Avenue, 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 Ms Yujuan Zhang against the decision of City and County of Swansea Council.
 - The application Ref 2018/2395/FUL, dated 9 November 2018, was refused by notice dated 24 January 2019.
 - The development proposed is a change of use from a dwelling house to an HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined, the Swansea Local Development Plan (LDP) has been adopted. This replaces the former Unitary Development Plan and now forms the development plan for the purposes of the appeal. I have determined the proposal on this basis.

Main Issue

3. This is the effect of the proposal on the character and amenity of the area, having regard to local planning policy that seeks to foster cohesive and balanced communities.

Reasons

4. The appeal property is situated at the eastern end of St Helens Avenue, a long street which has a dense, predominantly residential character. There is clearly a high concentration of Houses in Multiple Occupation (HMOs) in the street generally, as evidenced by refuse and cycle storage in some front gardens which results in untidy and cluttered frontages. Other indicators include letting agency signboards, some housing disrepair, and significant on-street parking congestion. From my own observations, the existing concentration of HMOs in the vicinity of the appeal site is having a negative influence on the physical environment.
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5. LDP Policy H 9 places the proposal in an HMO Management Area which have been identified in order to tackle existing community sustainability and cohesion issues that have resulted from HMO concentrations. The policy stipulates that HMO conversion proposals will only be permitted if it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs. This threshold is based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of research undertaken by Welsh Government. It aims to ensure that future HMO provision is sustainably managed by establishing a point above which any further concentration or intensification in a particular area will be deemed to be harmful. In this case, the Council calculates that the proposal would result in 47% of properties within a 50m radius being HMOs, thus significantly breaching the policy threshold. In these circumstances, and having regard to the area's context, I find that the proposal would exacerbate the negative effects that I have described and would harmfully add to an existing high concentration of HMOs. This would be in direct conflict with Policy H 9.
6. The proposal would satisfy other criteria of Policy H 9 and it is in an accessible and sustainable location for housing of this nature. Nonetheless, it would fundamentally undermine the Council's objectives to foster balanced and cohesive communities. The supporting text to Policy H 9 (2.5.97) recognises that there may be specific material circumstances and/or exceptional circumstances that apply to a particular proposal which could demonstrably outweigh the outcome of the 'threshold test'. However, I have no comprehensive assessment or substantive supporting evidence to justify a decision not in accordance with the development plan in this case.
7. I acknowledge that other HMO proposals have been approved in Swansea, some on appeal. However, the policy context for those decisions was materially different. The LDP is informed by an up to date evidence base that was subject to examination and was found to be sound. It therefore forms a robust basis for decision making at the present time.
8. In reaching my decision I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
9. For the above reasons, the appeal is dismissed.

P J Davies

INSPECTOR