
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 13/06/17

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

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 20.06.2017

Appeal Decision

Site visit made on 13/06/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers
Date: 20.06.2017

Appeal Ref: APP/B6855/A/17/3170653

Site address: 26 Pinewood Road, Uplands, Swansea SA2 0LT

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 Sharon Davies against the decision of City and County of Swansea Council.
 - The application Ref 2016/1249, dated 19 June 2016, was refused by notice dated 10 November 2016.
 - The development proposed is Change of use from residential (Class C3) to HMO for 4 people (Class C4).
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use from residential (Class C3) to HMO for 4 people (Class C4) at 26 Pinewood Road, Uplands, Swansea SA2 0LT, in accordance with the terms of the application, Ref 2016/1249, dated 19 June 2016, subject to the following 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; Site Plan/Block Plan; Proposed Floor Plans.

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. 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 double fronted terraced property situated on Pinewood Road, a street of established residential character in the Uplands area of Swansea. Dwellings
-

on the north side of the street feature modest front yard areas set up from street level, many of which have been planted or landscaped.

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 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. The proposal would result in the conversion of a ground floor reception room to a fourth bedroom. Given that the existing dwelling features 3 bedrooms and could be occupied by a family, the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Whilst the conversion of the reception room to a bedroom may lead to curtains being regularly drawn within the bay window, the visual effect of this would be minor.
7. Citing anecdotal evidence of problems arising from the appeal property and HMOs nearby, residents have raised concerns that the lifestyle of future occupants would not only lead to an increase in nuisance, noise or disturbance, but also antisocial behaviour, waste and litter. Such amenity issues would not, however, arise exclusively from an HMO use, but could also be generated by a dwelling in C3 use. Further, I saw little evidence of a proliferation of litter or unsightly waste storage on Pinewood Road during my site visit. Consequently I find that the proposal would not result in unacceptable amenity impacts, including from nuisance, noise or disturbance.
8. Residents contend that a local increase in HMOs has resulted in cumulative impacts that have altered the nature of the area and risk the integrity of the community. It is submitted that there are 4 licensed HMOs in Pinewood Road and 31 within 100 metres of the appeal site, excluding the Beck House university residence. On my site visit I saw evidence of HMOs locally, particularly on Hawthorne Avenue. I do not dispute the submitted figures, nor that a significant concentration of HMOs may alter the character of an area and impact on the viability of local services or access to family housing. Nonetheless, the submitted figures indicate that the proportion of HMOs on Pinewood Road would remain modest. Little convincing evidence has been provided to substantiate the view that the concentration of the HMOs in the wider area has materially harmed the sustainability of the community.
9. A number of representations raise concerns that the proposal would further reduce the ability to park cars on the street. Although on-street parking was available during my site visit, photographic evidence has been supplied which shows high demand after work hours. Spill-over from a nearby day nursery has also been cited as contributing to parking pressures. Nonetheless, whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users. Although streets in the vicinity are steep, the site is sustainably located, being close to bus stops and, for most future occupants, within walking distance of the nearby district centre. Irrespective of the absence of a legal agreement restricting car ownership for future residents, I find that the proposal would not materially harm the safety of highway users.

10. I recognise the strength of feeling amongst local residents. But whilst I understand these concerns, there is a need to ensure that communities are balanced and that lower cost and flexible housing needs are met. I conclude that the appeal proposal would provide accommodation suitable for people studying or working nearby and, for the reasons given above, would accord with the amenity and highway safety objectives of UDP policy HC5.

Other Matters

11. Representations have questioned the need for the proposal. Whilst I saw that some nearby HMOs appear unoccupied this does not substantiate a lack of demand for similar accommodation. Purpose built student accommodation in the city centre may well fulfil a particular need or demand, but I must determine the appeal based on its own merits, which is what I have proceeded to do.
12. Various comments have been made about the motivations of the appellant and how the HMO might be managed in the future. Concerns have also been raised about the effect of the proposal on house prices. These matters have little or no relevance to planning merits and I afford them very limited weight.
13. 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.

Conditions

14. Other than the standard plans and time limit conditions, which are necessary in the interests of proper planning, other conditions have been suggested to which I have had regard.
15. A condition to secure on-site cycle parking would theoretically facilitate the use of sustainable transport, but as one resident has noted, there is no rear access to the property and little opportunity to provide cycle parking at the front. Bikes would thus need to be taken through, or kept inside, the building, requiring their transport up 10 steps via a narrow path. The practicalities of this would, in my view, negate any potential benefits. In any case, due to the specific circumstances of this proposal I have found that no harmful effects on highway safety would arise and the location would facilitate other sustainable travel options.

Conclusion

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

Paul Selby

INSPECTOR