



Appeal Decision

Site visit made on 25 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Appeal Ref: APP/L3245/W/18/3218369

11 Ferrers Road, Oswestry SY11 2EY

- 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 Mr Arran Pritchard on behalf of Pritchard Property (Lloyds) Ltd against the decision of Shropshire Council.
 - The application Ref 18/04738/FUL, dated 12 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is the Conversion Of Dwelling (Use Class C3) To House In Multiple Occupation (HMO) (Use Class Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the appearance of the area, including the setting of the Oswestry Conservation Area (the CA); the effect on the living conditions of the occupants of neighbouring residential properties, with regard to public health; and, whether the proposal would provide adequate living conditions for future occupants, with regard to outdoor amenity space.

Reasons

Appearance

3. Ferrers Road is a predominantly residential road comprising a mix of property styles and sizes, including two and three-storey, semi-detached, detached and terrace dwellings. Properties are positioned close to the road and have a mix of hard and soft boundary treatments. Whilst there is variety in house styles, there is some consistency in their architecture with gable elements, red brick, pitched roofs and bay windows being common features. Overall, the Road has a pleasant suburban appearance.
4. The CA abuts the northern boundary of the site. Whilst not within the CA, the appeal building continues the architectural rhythm of the adjacent terrace properties within the CA, which continues along the road. Therefore, the appeal property makes an important contribution to the setting of the CA.
5. The occupation of the building by 11 people would require a number of waste receptacles. The appellant states that a 1100 litre storage bin would be used in addition to the usual local authority bins. The submitted drawing indicates a

bin storage area. However, this appears to be significantly inadequate in size to meet the needs of the occupants of the building. There is no indication on the drawings submitted as to where all of these bins would be stored, particularly as most of the rear amenity space would be used for parking.

6. I have had regard to the appellant's contention, supported by the evidence regarding HMOs in Wrexham, that the number of cars used by the occupants of the building would be far less than the Council's requirement of 10 parking spaces. However, the Council makes a compelling argument that Wrexham is a considerably larger town than Oswestry, offering a larger range of services and facilities than Oswestry and therefore the need for private cars would likely be less. Furthermore, there is already a high demand for on-street parking on Ferrers Road, which I observed during my site visit in the early afternoon of a weekday. Whilst this was only a snap-shot in time, there is no evidence to suggest that it was not representative of the general parking situation.
7. Therefore, notwithstanding the appeal site's accessibility to the town centre, based on the evidence before me, a reduction in the number of parking spaces proposed would be harmful to highway safety. I note that the red edged area on the location plan excludes the eastern corner of what is depicted on the site plan, which includes approximately two car parking spaces. Therefore, it is not certain whether the proposed parking spaces can even be provided. Accordingly, it is reasonable to conclude that bins would likely be stored at the front of the property, which would significantly detract from the appearance of the streetscene and the adjacent CA, particularly given the potential size and number of them. Given the limited space available to the rear of the property, were I minded to allow the appeal, I am not satisfied that an appropriately worded condition could secure adequate bin storage without significant harm to the appearance of the streetscene and the setting of the CA.
8. The proposed 11 en-suites would require adequate plumbing, including waste pipes. The appellant confirms that these could be installed internally, thus having no harmful effect on the external appearance of the building. The only other external alterations to the building would be to swap the position of a door and window in the south elevation (referred to as the west elevation on the submitted drawings) and the replacement of a door for a window on the east elevation (referred to as the south elevation). Both of these elevations would not be seen from the public domain and unlikely to be seen from the CA. Accordingly, I find that these alterations would not harm the appearance of the area or the setting of the CA.
9. I have had regard to the Local Highway Authority's suggestion that the access should be widened to enable simultaneous entry and exit of vehicles. Such works would require the removal of part of the front boundary wall. There is a variety of boundary treatments and access widths along the road. I do not consider that the loss of part of the wall would have a harmful effect on the appearance of the streetscene or the setting of the CA.
10. I find therefore that by reason of the lack of information demonstrating that adequate bin storage could be provided, the proposal would have a significantly harmful effect on the appearance of the streetscene and the setting of the CA. It would detract from the setting of the CA and thus fail to preserve or enhance the appearance of this designated area, to which I attach considerable importance and weight. While the harm to the significance of the CA would be

less than substantial in this case, it has not demonstrated that there are public benefits that would outweigh this harm.

11. I therefore conclude that the proposal would be contrary to Policies CS6 and CS17 of the Shropshire Adopted Core Strategy (CS) 2011, which, amongst other matters, seek to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and does not adversely affect the visual values of these assets. It would also be contrary to Policy MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015, which seeks to ensure that proposals avoid harm to heritage assets, including their settings. Furthermore, it would fail to accord with the design objectives of the National Planning Policy Framework.

Living Conditions of Neighbouring Residents

12. Due to the lack of evidence regarding the provision of adequate bin storage, it is possible that given the number of people residing at the property, the amount of waste generated could represent a realistic health hazard with the potential to attract pests and vermin. Such a hazard would have an unacceptable risk to the health and wellbeing of neighbouring residents, as well as the future occupants of the property.
13. I find therefore that the proposal would significantly harm the living conditions of the occupants of neighbouring residential properties. As such, the proposal would be contrary to Policy CS6 of the CS, which seeks to ensure that development contributes to the health and wellbeing of communities. It would also fail to accord with the guidance set out in the Shropshire Type and Affordability of Housing (SPD) 2012, which seeks to ensure that development provides good quality housing and avoids detrimental impacts on neighbours.

Living Conditions of Future Occupants

14. The existing rear amenity space would be used for the proposed car parking and bin store. The only remaining usable area for private amenity space would therefore be the front garden. However, the height of the front boundary enables clear views into the garden and therefore affords it no privacy. I have had regard to the erection of a boundary treatment to ensure that there is suitable privacy. However, the height of a suitable wall or fence would likely be significantly harmful to the streetscene and the setting of the CA. Furthermore, the size of the front garden is insufficient to meet the needs of 11 occupants.
15. It is proposed that a drying area would be provided within the rear yard. However, given that the rear area would be used for car parking and the bin store it is unlikely that there would be sufficient space to provide a drying area for 11 people. Therefore, the drying of clothes could only realistically take place in the front garden, which would further diminish the availability of private amenity space.
16. I acknowledge that the proposed rooms would exceed the minimum standards set out in Shropshire HMO Amenity Standards. The Council do not dispute this. However, this is a neutral effect and does not outweigh the harm as a result of the lack of adequate private amenity space.

17. I find therefore that the lack of sufficient private amenity space, in terms of both quality and quantity, would result in inadequate living conditions for the future occupants of the proposal. As such, it would be contrary to Policy CS6 of the CS, which seeks to ensure that development contributes to the health and wellbeing of communities. It would also fail to accord with the guidance set out in the SPD, which seeks to ensure that development provides satisfactory external amenity space for occupants and does not provide minimal outside amenity space.

Other Matters

18. In their reason for refusal, the Council refer to Policy CS11 of the CS. However, it has not been demonstrated how the proposal would conflict with this policy. Accordingly, I do not find that the proposal would be contrary to it.
19. The appellant has referred me to a planning permission granted by the Council for a HMO¹. However, I have not been presented with the details of this scheme and therefore cannot be certain that there are any direct comparisons with the proposal before me. Accordingly, I can only attribute this very limited weight.
20. I have had regard to the concerns raised regarding the size and suitability of the kitchens, fire safety, drainage and electricity consumption. However, these matters are covered under separate legislation and therefore have had no bearing on my consideration of the planning merits of the proposal.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ LPA Ref 13/02340/COU