

PLANNING & DEVELOPMENT COMMITTEE

11 April 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/1428/10 (JE)
APPLICANT: Mr Ford
DEVELOPMENT: Change of use from a C3 dwelling house to a C4 house in multiple occupancy (HMO) (5 bedrooms) and demolish old porch area at rear.
LOCATION: 35 GYNOR PLACE, YNYS-HIR, PORTH, CF39 0NR
DATE REGISTERED: 19/12/2023
ELECTORAL DIVISION: Tylorstown and Ynyshir

RECOMMENDATION: APPROVE

REASONS: The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more objections have been received.

APPLICATION DETAILS

Full planning permission is sought for the change of use of an existing residential dwelling (Use Class C3) to a 5-bedroom house in multiple occupation (Use Class C4) at 35 Gynor Place, Ynyshir, Porth.

The conversion would be undertaken mainly through a number of internal alterations with no major external works to the property required or proposed, just the demolition of a porch to the rear of the property. The resulting house in multiple occupation (HMO) would accommodate 1no. bedroom, living/dining room, kitchen, bathroom, W.C. and entrance hallway at ground floor level, and 4no. bedrooms at first floor level. No off-street parking provision is proposed.

Primary access would be gained off Gynor Place to the front with additional secondary access from the service lane to the rear. The garden areas to the front and rear of the property would be retained for use as amenity space.

SITE APPRAISAL

The application property is a traditional mid terrace dwelling located within a residential area of Ynyshir. It occupies a valley side position set above the majority of Ynyshir to the east. The property is significantly elevated above, and set back from the highway to the front by a large garden area. To the rear is an enclosed, smaller amenity space bounded on both sides by neighbouring properties. A service lane is located to the rear which is elevated above the property, at approximately eaves level.

The surrounding area is predominantly residential in nature comprising a mix of terrace, semi-detached and detached dwellings.

PLANNING HISTORY

There are no recent planning applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as a notice displayed at the site.

5no. letters of objection have been received from neighbouring occupiers following consultation. The points raised have been summarised below:

- Nuisance or disturbance.
- Rear lane access to car driveways.
- There would be a conveyor belt of different characters moving into the property, year in, year out. Living completely different lifestyles to everybody in the street and the surrounding community. This would not be harmonious in any sense of the word and would be to extreme detriment to existing resident's current peaceful and safe ways of life.
- This proposal offers no car parking spaces. The end result could be an additional 5+ more cars added to the street. This is unacceptable due to the fact that on street parking in this area is already full and the road fronting the property is extremely narrow.
- Concern associated with the proposed layout which has been noted by the Council's Public Health team as not meeting the required floorspace to attain a licence from them.
- The street has a history of rodent infestations and by converting 35 Gynor Place into a HMO there would be a significant increase in waste produced in comparison to an traditional family household, exacerbating the existing rodent situation.
- Concerns that the property owner does not live locally and therefore will not be readily available to deal with any situations as they arise such as boiler problems, fire alarm system malfunctions or noise disturbance, etc.

- To allow an application that would exacerbate highway safety problems in the area would be irresponsible and contrary to the requirements of Local Development Plan Policy AW5.
- Contrary to the requirements of Local Development Plan Policy CS1.2, which requires a high quality of affordable housing.
- Supplementary Planning Guidance: HMOs sets out that applications would be refused where living rooms or kitchens would be located directly adjacent to upstairs bedrooms of neighbouring houses. As the application provides a ground floor bedroom adjacent to the living room or kitchen of the neighbouring home it would be logical to assume this would certainly not comply with the guidance.

CONSULTATION

Transportation Section: No objection raised.

Public Health and Protection: No objection raised although conditions recommended in relation to construction hours, noise, dust and waste. It is also noted that the proposed HMO would need to be licensed in accordance with the Council's separate Additional Licensing Scheme.

Flood Risk Management (Drainage): No objection.

Dwr Cymru/ Welsh Water: No objection although condition recommended in relation to surface water drainage.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Ynyshir but is not allocated for any specific purpose.

Policy CS1 - sets out criteria for achieving sustainable growth including: providing high quality, affordable accommodation that promotes diversity in the residential market and encouraging a strong, diverse economy.

Policy AW1 - sets out the criteria for new housing proposals.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution and flooding.

Policy NSA12 - permits housing development within the defined settlement boundaries where it can be demonstrated that the proposal meets set amenity, highway, design and contamination standards.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Houses in Multiple Occupation

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (Edition 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not

considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 18 - Transport

Welsh Government: Houses in Multiple Occupation - Practice Guidance.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

Full planning permission is sought for the change of use of the application property from a residential dwelling (Use Class C3) to a 5-bedroom house in multiple occupation (Use Class C4). This would provide living accommodation for up to 5 individuals to live together independently with shared basic facilities. It should also be noted that separate Building Regulations approval and a HMO Licence from the Council's Public Health and Protection Department would be required.

The application property is located within the settlement boundary and within an established residential area of Ynyshir, Porth. The property is located within close proximity to the local and neighbourhood centre of the village and Ynyshir Road which is a main bus route with services up and down the Valley. As such, the site is located within a sustainable location and is considered to comply with Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

It is noted that national planning policy details that the use of a property as a HMO could contribute to a change in the character of the surrounding neighbourhood. This is especially likely if the use of significant numbers of other dwellings in the area have been subject to similar conversions, leading to an over concentration of HMOs. The Welsh Government's Practice Guidance on HMOs acknowledges that over-concentrations in particular areas can lead to a loss of social cohesion, with higher levels of transient residents and fewer long-term households and established families, leading in the long term to a community, which is no longer balanced and self-

sustaining. Other consequences of over-concentrations include increased house prices and competition from landlords with a reduction in the number of family homes; increased litter, refuse and fly-tipping; disrepair; and on-street parking problems, amongst other issues.

With the above in mind, to secure mixed balanced communities, the Council has sought to limit HMOs to a certain percentage of all dwellings within specific areas. Supplementary Planning Guidance: Houses in Multiple Occupation includes a policy to limit HMOs in a 50m radius from an application site to 10%, other than in the Treforest ward where a limit of 20% is applied due to the high student population in that area. The SPG also seeks to restrict clusters of three or more HMOs adjacent to one another, the 'sandwiching' of traditional residential dwellings between HMOs, and details relevant standards a HMO should comply with in order to ensure its occupiers have an appropriate standard of living. In this instance, a review of the Council's list of registered HMOs reveals that there are no other HMOs within a 50m radius of the application site, and therefore, on the basis of the Council's records, there is no evidence to suggest that the granting of this planning application would lead to an over-concentration of HMOs in the locality or would be directly harmful to the social cohesion of the neighbourhood.

Further, turning to particular issues associated with HMOs, such as persistent anti-social behaviour, it is considered that these issues are able to be satisfactorily controlled by the Council's separate HMO licensing regime and the behaviour of occupiers of HMOs in other areas has no bearing on the behaviour of potential future occupiers of this property. Finally, whilst acknowledging other concerns that are commonly raised with HMOs such as waste and other visual blight, there is ample space within both the front and rear garden areas for the storage of refuse bins.

Taking the above into account, while the concerns of the objectors are noted, the principle of the proposal to convert the existing dwelling to a HMO is considered acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area

The proposal does not include any significant alterations to the external appearance of the property, just the removal of a porch, nor does it involve any construction work to increase the footprint. Consequently, the proposal would not have any impact upon the character and appearance of the application property or the wider area. The application is therefore considered acceptable in this regard.

Impact on residential amenity and privacy

The proposed conversion would not involve any extensions or physical alterations to the external appearance of the property. As such, it is not considered the change of use would result in any physical detriment to the nearest residential properties.

Whilst it is noted that the use of the property as a HMO for up to 5 individuals would result in the intensification of the use of the property, which is likely to result in some additional noise and disturbance, it is not considered that this would be to such an extent that it would be significantly above that which could occur if the dwelling was to remain as a single household. Furthermore, the application property is located on the main road through the village where it is considered a degree of noise and disturbance already occurs.

As such, while the comments raised by the objectors are acknowledged, it is not considered that the use of the property as a HMO would result in an unacceptable impact upon the residents of surrounding properties and the application complies with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Highway Safety

The Council's Highways and Transportation Section were notified during the consultation process in order to assess the impact of the development upon highway safety and parking provision. The below response was received:

Access

Access to the property would remain as existing via Gynor Place via a number of steps with the dwelling located at an elevated level to the carriageway. Gynor Place is a residential street with the majority of dwellings terraced with limited off-street car parking facilities served off the rear adopted service lane.

The carriageway fronting the proposed has a width which varies between 5m-6.5m. On-street car parking at this location narrows the available width of carriageway to single file traffic.

Parking

The submitted information indicates 4 bedrooms in the existing dwelling. In accordance with the Council's SPG governing off-street parking requirements, a 3+ bedroom dwelling within Parking Zone 3 has an off-street parking requirement of 3 spaces. There are currently no off-street parking spaces serving the dwelling, resulting in a shortfall of 3 spaces.

House conversions to HMOs have a requirement of 1 space per bedroom (maximum requirement of 3 spaces). As such, the proposed 5 no. bedroom HMO would have a maximum requirement of 5 spaces.

The proposed increases the off-street car parking demand from 3 to 5 spaces with none provided. However, the Council's adopted SPG advises that consideration will be given to the fact that residents of HMOs / flats often have lower car ownership than other types of households. There are also numerous local amenities and public

transport provision available within easy walking distance placing less reliance on the private motor vehicle as the primary mode of transport. As such, on-street demand would be similar to that of a private 3-bedroom residential dwelling.

Conclusion

The proposed HMO is located within easy walking distance of public transport and local amenities placing less reliance on the private motor vehicle as the primary mode of transport. In addition, it is not anticipated that the proposed 5 bedroom HMO would generate additional vehicular movements and on-street car parking to that of the existing 4-bedroom private dwelling. It is therefore considered the proposal is acceptable in highway safety terms.

Public Health and Protection

Members are advised that whilst the Public Health and Protection section did raise initial concern with regard the bedroom size and bathroom layout as noted by the objectors, following additional consultation, they confirmed that the layout actually meets the required, separate licence standards and that they have no objection to the proposed layout of the HMO and the level and size of the accommodation proposed within it. It was noted however that should permission be granted, there will be ancillary issues that will need to be considered as part of the separate licensing process.

Public Health and Protection also suggested a number of conditions in relation to construction hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that issues relating to construction can be more efficiently controlled by other legislation and the suggested conditions are not necessary. An appropriate informative note is considered to be sufficient in this instance.

Drainage

Dwr Cymru Welsh Water raised no objection to the proposal, but requested a condition be attached to any consent with regard to surface water drainage. However, in this instance the proposal would see no increase in the external footprint of the property or any works that would impact upon the current drainage arrangements. As such, it is considered that such a condition would be unreasonable and unnecessary.

Other points raised by the objectors not covered above

The objectors have raised concern that as the application proposes a ground floor bedroom within the HMO adjacent to the living room of the adjoining property the layout would not comply with the guidance set out within the Houses of Multiple Occupation Supplementary Planning Guidance. However the SPG advises that the subdivision of existing houses to HMOs will not be appropriate where living rooms or kitchens would be located directly adjacent to *upstairs bedrooms* of neighbouring houses, unless mitigating measures can be provided. As such, in this instance, the

proposed layout would comply with the guidance set out within the SPG with regard to neighbouring dwellings. Further, when considering the internal layout of the HMO itself with a bedroom adjacent to the living room, this is considered typical of such properties and as set out above, no objection has been raised by the Public Health and Protection team in this respect.

The nature of future occupiers was also raised within the objector's comments, however, this matter does not form material planning considerations and cannot be taken into account during the consideration of this application.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal is in keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with the surrounding land uses and would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or highway safety.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan numbers

- R854-03 A1 (Proposes GAs)
- R854-01 A4 (Location Plan)

and documents received by the Local Planning Authority on 20.12.23, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

