

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **4TH OCTOBER 2017**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **APPEAL BY MRS HANNAH FARGHER, LIMELIGHT AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION AT 24 THE BRACKENS, BUCKLEY CH7 2RB**

1.00 APPLICATION NUMBER

1.01 055579

2.00 APPLICANT

2.01 Mrs Hannah Fargher, Limelight

3.00 SITE

3.01 24 The Brackens, Buckley CH7 2RB

4.00 APPLICATION VALID DATE

4.01 13 June 2016

5.00 PURPOSE OF REPORT

5.01 To inform Members of the Inspector's decision on the appeal against the refusal of the above application. The application was refused against officer recommendation by Members at Planning Committee following a site visit. The appeal was dealt with at an Informal Hearing and was **ALLOWED**. An application of costs was made by the appellant which was refused. The Inspector was Richard Duggan.

6.00 REPORT

6.01 Background

This application was refused on 25 November 2017 on the basis the proposal would be out of keeping with the locality, increased risk to highway safety for local residents, compromise access for emergency service vehicles and adversely affecting the amenity of neighbouring occupiers.

6.02 Issue

The Inspector considered the main issues are the effect of the development on the character and appearance on the area, the living conditions of neighbours, and on highway safety.

6.03 Character and appearance

The Inspector noted the concerns of the Council that the increased use of the property would exacerbate late night activities, pressures on parking and a general increase in activity. Such matters were already considered to have resulted from the existing HMO and changed the quiet character of a family orientated neighbourhood.

The Inspector expressed there was no evidence to indicate that the introduction of the HMO had led to a detrimental change in the character of the area.

The Inspector also expressed they did not consider that the increase in parking area to the front of the premises would harm the appearance of the street. He concluded therefore that there was no material harm to the character and appearance of the area and the proposal did not conflict with Policies GEN1 and D1.

6.04 Living Conditions

The Inspector noted that occupation of a HMO can be different from that of a family dwelling where many activities are combined or shared.

The Inspector observed that the Council had a general position that occupiers of HMO's create noise and disturbance above that of other residents. The Inspector noted that there were no recorded complaints made to the police or environmental health about noise or anti-social behaviour from occupiers of the property.

The Inspector therefore concluded that was no technical evidence or substantive basis to conclude that the provision of this HMO would result in a loss of amenity to residents and therefore the proposal would not conflict with Policies GEN1 and D1 of the UDP.

6.05 Highways Safety

The Council raised concerns regarding on-street parking pressures in the area which result in cars parking partly on the pavement, which would be intensified by the development. The Council considered this would give rise to inability of emergency vehicles to access the supported living accommodation nearby.

The Inspector explained that he saw cars parked on pavements and

noted car's had to pull in to give way to other vehicles when passing. He also noted that the level of car ownership associated with 7 separate occupiers has the potential to be higher than a 6 bedroom family home and that the number of visitors could increase. The Inspector highlighted that the Highways Authority did not object to the proposal and he had no reason to conclude differently with the imposition of necessary conditions. The Inspector concluded that the proposal would not exacerbate on street-parking or increase vehicular movements to the extent that highway safety or the free-flow of traffic is materially harmed. The proposal does not therefore conflict with Policy AC13.

Other Matters

- 6.06 The Inspector noted residents' concerns regarding the transient nature of occupants but explained these are not material planning considerations.

COSTS DECISION

- 7.00 An application for costs was submitted on the grounds that the Council failed to show any substantive reason why the application should be refused. It was the appellant's opinion that the Council failed to produce evidence to support their decision and that the decision was based on unsubstantiated local opinion that was unsupported by professional advice. Therefore unnecessary costs had been incurred by the appellant in pursuing the appeal.

- 7.01 The Council's response set out that elected local members had set out their views based on local knowledge. Members were able to articulate in their statement and at the hearing that their decision to refuse the application was influenced by anecdotal evidence, by means of residents directly expressing their views to members and through the consultation process. These views were articulated by residents at the Planning Committee meeting and related to the agreed main reasons of character and appearance, living conditions and highways concerns and this was the evidence on which they based their concerns.

- 7.02 The Inspector noted that although the Committee's decision was taken contrary to professional and technical advice, its reasons for doing so were based on reasonable planning grounds. The Inspector emphasised that he was broadly satisfied that the Council's assessment was set in the context of the development plan and not wholly based on objections raised by local residents and made reference to both the written and oral evidence setting out the Council's full considerations.

8.00 CONCLUSION

- 8.01 The three main reasons for refusal which formed the main issues were all found to be compliant with current UDP Policy. In each case there was no technical evidence or substantive basis on which the Inspector could agree conflict with the relevant UDP policies.
- 8.02 With regards to the cost decision the Inspector gave considerable weight to the context of the appeal being set within the development plan and how written and oral evidence showed the application was not wholly refused on consideration of local objection.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer:

Telephone:

Email: