
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 15/03/19

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17.04.2019

Appeal Decision

Site visit made on 15/03/19

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17.04.2019

Appeal Ref: APP/G6935/A/19/3219788

Site address: 5 Eveswell Park Road, Newport NP19 8GS

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 Mr Michal Zvala against the decision of Newport City Council.
 - The application Ref 18/0283, dated 2/04/2018, was refused by notice dated 5/07/2018.
 - The development proposed is change of use from 5 bed single dwelling to 5 bed House in Multiple Occupation (HMO).
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from 5 bed single dwelling to 5 bed HMO at 5 Eveswell Park Road, Newport NP19 8GS in accordance with the terms of the application, Ref 18/0283, dated 2/04/2018, and the plans submitted with it, subject to the conditions in the schedule below.

Main Issue

2. This is the effect of the proposal on highway safety.

Reasons

3. No. 5 Eveswell Park Road is a large semi-detached property near the junction of St Johns Road and a short distance from Batchelor Road and its junction with St Johns Road. The site is situated to the east of the City Centre and north of Chepstow Road (B4237). The location of the appeal site can be regarded as sustainable situated close to shops, services, areas of employment, community and recreational facilities for walking, cycling and located near to bus stops serving the city centre.
 4. The Council indicates that there would be a shortfall of 3 parking spaces as a result of the proposed development which would increase the on-street parking demand to the detriment of highway safety in relation to the free flow of traffic.
 5. The Council's Supplementary Planning Guidance (SPG): Parking Standards was adopted in 2015 and indicates that the existing five-bedroom property would generate a demand for 3 off-street parking spaces whilst the proposal would require a maximum of 6 spaces (1 parking space per bedroom and 1 visitor parking space).
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6. The existing property and the proposed development provide no off-street parking and the parking demand would be accommodated on the street. Eveswell Park Road and surrounding streets have no parking restrictions in place and the majority of residents park their vehicles on the street with the exception of a few off-road driveways and garages.
7. The appellant has provided a parking survey showing the parking demand on local streets within 200m from the appeal site. This survey was undertaken at 05:00hrs on Thursday 8/03/2018 and at 01:00hrs Saturday 10/03/2018. The survey was undertaken at a time prior to the AM peak hour flow of traffic and after the PM peak hour flow on a weekday. The appellant's report contends that this coincides with the times when on-street parking demand would be at its highest.
8. The appellant's survey report notes that in all there were 23 parking spaces available on Eveswell Park Road on the first survey date/time and 24 spaces available on the second survey date/time. In the study area incorporating other streets the survey noted that there were 32 available spaces and 45 spaces for parking on the first and second survey date. The report allows for 1 car space to equal 6m in length which seeks to address the Council's criticism of earlier surveys which used a 5m length for each theoretical space.
9. In terms of accessibility the survey report notes that parking standards should consider access to public transport, walking and cycling distances to employment, congestion and availability of public and private car parking areas, employment patterns in the catchment and car-pooling. The survey indicates that 30% of residents in the ward area travel by sustainable modes of transport. The survey assumes that car ownership levels would be 39% for this type of development which translate to a parking demand of 3 on-street spaces and would therefore not exceed the parking requirement for the existing dwelling.
10. The appellant has provided an extensive set of photographs of the parking pressures in the area during the daytime and at night. The Council point out that a full assessment of the parking availability has been carried out and indicate that parking availability is at a premium. Ward Councillors and residents also indicate that the proposal would lead to parking problems and highway safety concerns due to the gradient of the road, the parking pressure for on-street spaces from the school and Church nearby. The Council contends that parked vehicles mount the pavement to the detriment of pedestrian safety and that this proposal would make the situation worse. The Council also asserts that vehicles parked near the road junction would lead to conflict with vehicles manoeuvring in or out of a space and the free flow of traffic.
11. The Council has provided 3 photographs of parked vehicles near the site taken during the evening. I note that parking pressure is high in the area, however, the appellant's evidence is detailed and comprehensive. The Council's photographic record shows available parking spaces on Eveswell Park Road to the east of the site sufficient to cater for the parking demand of the development. I also note that the Council has applied the maximum parking provision in this case without noting the accessibility of the site to shops, services and community facilities and local bus stops and the on-site provision for secure cycle storage. As noted in the appellant's submission some reduction in the parking requirement for the development would be expected in this situation as indicated in the SPG on parking standards.
12. Having viewed the site and the surrounding area and noted the proximity of the school and Church, the predominance of on-street parking in the area, I am satisfied that the

appellant's evidence corroborates with the extensive photographic record and my site assessment that the parking demand from this development would be catered for adequately by on-street parking without detriment to pedestrian and highway safety. In addition, I am not convinced that the parking requirement for the development would be as high as that advocated by the Council given that there would be lower car ownership levels for this type of development and that the site is accessible to public transport and services by walking and provides facilities for cycle storage.

13. I therefore consider that the proposed development would not conflict with Newport Local Development Plan Policies GP2, GP4, H8 and the SPG Parking Standards in so far as these relate to the issue of highway safety.

14. I conclude that the proposal would not harm highway safety.

Other matters

15. Residents and Councillors have raised issues relating to noise, anti-social behaviour, fire safety and means of escape, sewerage, waste management, impact on residential amenity, the over-concentration of HMOs in the area, the type of persons occupying the property, the loss of a family home, issues of precedent, and concern that the living room would be converted later-on to an additional bedsit.

16. I note these concerns, but these matters do not form part of the Council's reasons for refusing the application and I am satisfied that the Council's own assessment on these matters have been examined thoroughly such that they do not outweigh my conclusion on the main determining issue. I consider it prudent in the circumstances to restrict the proposed number of bedrooms as a planning condition.

Conclusions

17. The proposal complies with the development plan and the appeal should be allowed.

18. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

19. I have considered the Council's list of suggested conditions and the appellant's response to them. I shall impose the standard conditions on implementation, the approved plans and a maximum number of bedrooms permitted to define the scope of the development in line with paragraphs 5.14 and 5.30-5.31 of Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. I shall impose a condition on waste management to ensure an appropriate scheme is agreed with the Council, and a condition on ensuring that the cycle storage is implemented. This condition should not come as a surprise to the parties given that cycle storage is shown on the approved plan. The reasons for imposing the conditions are set out below.

Schedule of conditions APP/G6935/A/19/3219788

- 1) The development shall begin not later than five years from the date of this decision.
- 2) The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) Proposed Floor Plan (Untitled) (Received 3

April 2018), Block Plan (Received 3 April 2018), Waste Storage Areas (Received 3 April 2018).

- 3) The number of bedrooms the subject of this permission shall not exceed 5 at any one time.
- 4) Notwithstanding the details of bin and recycling storage shown on the approved plan, the development hereby permitted shall not be occupied until details of a scheme for bin storage and recycling have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved scheme has been implemented. The bin storage/recycling shall be retained for such purposes for the lifetime of the development.
- 5) The development hereby permitted shall not be occupied until the cycle storage is installed in accordance with the approved plan. The cycle storage shall be retained for such purposes for the lifetime of the development.

Reasons for conditions APP/G6935/A/19/3219788

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To define the scope of the planning permission.
3. To define the scope of the planning permission and in the interests of highway safety and residential amenity in accordance with Policies GP2 and GP4 of the Newport Local Development Plan.
4. In the interests of the living conditions of existing residents and future occupants of the development in accordance with Policy GP2 of the Newport Local Development Plan.
5. In the interests of the living conditions of future occupants of the development and to promote sustainable modes of transport other than by the private car in accordance with Policy GP4 of the Newport Local Development Plan.

Iwan Lloyd

INSPECTOR