

# INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

## PLANNING APPEAL DECISION

### CHANGE OF USE OF EXISTING DWELLING TO CREATE THREE APARTMENTS AND THE CONSTRUCTION OF TWO DORMERS IN THE REAR

#### 19 WEST PARADE, RHYL APPLICATION NO. 45/2012/1329/

#### 1. PURPOSE OF REPORT

1.1 This report attaches, for Members information, an appeal decision from the Planning Inspectorate relating to the Council's refusal of planning permission for the above development.

1.2 The item is presented to Members as the issue of subdivision of buildings to apartments / flats in Rhyl is one of current interest, and there are a number of pertinent conclusions in the appeal Inspector's decision letter which are material to Members and Officers considerations of similar proposals in the town.

#### 2. BACKGROUND

2.1 The planning appeal arose from the decision to refuse the application to create three self contained apartments in January 2013. The reason for refusal was as follows:

1. The proposed subdivision of no. 19 West Parade into 3 No. self contained dwellings, would result in an unacceptable intensification of residential use within an area already containing a high concentration of individual substandard accommodation. The proposed subdivision would unacceptably affect the amenity standards of future occupiers contrary to the provisions of Policy HSG 13 of the adopted Unitary Development Plan, residential space standards set out in SPG 7 Residential Space Standards, and the aims of the Rhyl Going Forward Strategy and the West Rhyl Regeneration Strategy.

2.2 The refusal decision was issued at the time the Denbighshire Unitary Development Plan was the operative plan, hence the reference in the reason for refusal to the relevant policies of that plan.

2.3 The timing of the submission of the appeal against the refusal meant the consideration of the merits of the proposals by the Planning Inspectorate was in the period following the adoption of the Local Development Plan on the 4<sup>th</sup> June 2013. Officers were therefore obliged to supplement the Council's Statement of Case on the appeal by referring to the relevant policies in the Local Development Plan. The Inspector's decision was framed in the context of the Local Development Plan policies.

### **3. POINTS OF INTEREST FROM THE APPEAL DECISION.**

- 3.1 Initially it is relevant to note that the Planning Inspector identified the main planning issue to be the effect of the development on the living conditions of future occupants with regard to the standard of the accommodation proposed.
- 3.2 The Inspector's decision turned on the inadequacy of the space standards and the detailing of the apartment proposed on the top floor unit, with a study on the second floor. The significance of this was that the room proposed for the study was not considered suitable for that use or any other because of the lack of natural light and ventilation, and without the space created by that room, the apartment could not meet the Council's adopted space standards. In the Inspector's interpretation, this would represent a poor quality of accommodation, contrary to Policy BSC 7 of the Local Development Plan, guidance in SPG 7 and the aims of the Rhyl Going Forward Strategy.
- 3.3 The appeal decision is useful in that it offers Inspectorate support for the application of floorspace standards as required by Policy BSC 7 and as detailed in SPG 7, to ensure proper amenity standards are achieved, to deliver a suitable standard of accommodation, all in general support of the Rhyl Going Forward Strategy.
- 3.4 The appeal decision does not provide commentary on the principle of converting the building into two apartments, which had been discussed with the applicant at application stage, and which Officers believe would be compliant with Policy BSC 7 and the space standards in SPG 7.

### **4. RECOMMENDATION**

- 4.1 That the Planning Committee notes the information report.

**GRAHAM H. BOASE**

**HEAD OF PLANNING & PUBLIC PROTECTION**