



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 26/07/13

Site visit made on 26/07/13

gan Kay Sheffield BA(Hons) DipTP
MRTPI

by Kay Sheffield BA(Hons) DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 21/08/13

Date: 21/08/13

Appeal Ref: APP/R6830/A/13/2198157

Site address: 19 West Parade, Rhyl, Denbighshire, LL18 1HE

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 Harker Leisure Limited against the decision of Denbighshire County Council.
 - The application Ref 45/2012/1329/PF, dated 9 October 2012, was refused by notice dated 17 January 2013.
 - The development proposed is the change of use of existing dwelling to create three apartments and the construction of two dormers in the rear elevation.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In refusing the application the Council cited the Denbighshire Unitary Development Plan which was replaced by the Denbighshire Local Development Plan (LDP) on 4 June 2013. As the LDP came into force prior to the submission of statements the parties have addressed the change in policy in their submissions and I have had regard to the relevant policies of the LDP in determining the appeal.

Main Issue

3. The main issue is the effect of the development on the living conditions of future occupants with regard to the standard of the accommodation proposed.

Reasons

4. The appeal site lies within Rhyl Town Centre and Rhyl Central Conservation Area and is located in an area where there is a mix of commercial uses, many of which have residential use on the upper floors. The appeal property is a four storey mid-terrace with an amusement arcade on the ground floor and a single residential unit on the upper floors comprising of general living accommodation and seven bedrooms. There is pedestrian and vehicular access to the rear of the site from where entrance to the unit is derived via an external staircase and across the flat roof to the existing ground floor extension which also provides open amenity space.
5. The proposal to subdivide the upper floors of the building would create a two bedroom unit on the first floor and one bedroom units on the second and third floors with the

study denoted on the submitted floor plans for the third floor flat being on the second floor. The existing amenity space would be shared by all three units and the entrance route to the building would remain unchanged. Internal and external alterations would be required to facilitate the change of use and externally would include the removal of an existing staircase and first floor conservatory, minor alterations to window openings, the insertion of roof lights to the front elevation and two dormers on the rear roof plane.

6. The Council has raised no objection to the principle of subdividing the upper floors of the appeal property and accepts that in terms of floorspace the scheme would comply with the standards set out in its Supplementary Planning Guidance: Residential Space Standards (the SPG). However, the Council does have concerns regarding the standard of the accommodation which would be created and considers that the layout and size of the top floor unit with a study on the floor below would be unacceptable.
7. I share the Council's concerns in respect of the proposed study particularly in relation to the lack of natural light or ventilation to the room. I consider this would make it unsuitable as a study or for any other use it may be put to as part of the living accommodation, such as a bedroom. The use of the room would not only be difficult to control but without it the unit would not meet the required space standards. On this basis I consider that the development would provide a poor quality of accommodation which would be contrary to Policy BS 7 of the LDP and the guidance in the SPG as well as the aims of the Rhyl Going Forward Strategy which although supporting the sub-division of existing premises into self-contained flats seek to prevent the creation of further poor quality accommodation in Rhyl.
8. Whilst the Council also cited the West Rhyl Regeneration Strategy, evidence submitted by the appellant shows the site to fall outside the boundary of the regeneration area and without any clarification from the Council I am unsure of the relevance of this document to the appeal and therefore have attributed no weight to it. The appellant has drawn my attention to the Council's Supplementary Planning Guidance Note 27: West Rhyl Regeneration Area, March 2013 (the SPG). Whilst the site falls within the regeneration area defined in the SPG and supports the conversion of large properties, it nevertheless has similar aims to the policies and guidance already taken into account in assessing the appeal.
9. I am aware the Council considers the property suitable for conversion to two units and that the appellant would be happy to implement such a scheme. However, no details of this proposed revision have been submitted. Moreover I am required to determine the appeal on the plans before me and am therefore unable to consider such an amendment.
10. The Council considers that the proposal would not have an adverse impact on the Rhyl Central Conservation Area and as I have no reason to disagree I therefore conclude that the development would not harm the character or appearance of the Rhyl Central Conservation Area. Whilst this carries some weight in favour of the appeal it does not overcome the concerns already identified in respect of the appeal.
11. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

Kay Sheffield

Inspector