



Penderfyniad ar Apêl

Ymweliad safle a wnaed ar 01/03/12

gan Emyr Jones BSc(Hons) CEng
MICE MCMI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12/03/12

Appeal Decision

Site visit made on 01/03/12

by Emyr Jones BSc(Hons) CEng MICE
MCMI

an Inspector appointed by the Welsh Ministers

Date: 12/03/12

Appeal Ref: APP/D6820/A/11/2166870

Site address: 5 Llanbadarn Road, Aberystwyth SY23 1EJ

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 Mid Wales Housing Association Ltd. against the decision of Ceredigion County Council.
 - The application Ref A110762, dated 19 September 2011, was refused by notice dated 11 November 2011.
 - The development proposed is a change of use from single residential unit into three self contained flats/bedsits.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a single residential unit into three self contained flats at 5 Llanbadarn Road, Aberystwyth in accordance with the terms of the application, Ref A110762, dated 19 September 2011, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) Before any flats are first occupied, the walls and floors shall be acoustically insulated in accordance with details previously submitted to and approved in writing by the local planning authority.
 - 3) Before any flats are first occupied, a screened refuse store shall be erected in accordance with details previously submitted to and approved in writing by the local planning authority.

Main Issues

2. I consider the main issues in this case to be:
 - (a) Whether the proposal would result in the unacceptable loss of a house which could be occupied by a single household;
 - (b) The effect of the proposal on the character and appearance of the Aberystwyth Conservation Area; and,
 - (c) The effect of the proposal on the living conditions of neighbouring residential occupiers.

Reasons

3. The statutory development plan is the *Dyfed Structure Plan*, but there is no suggestion that the proposal conflicts with it. Although the stopped *Ceredigion Unitary Development Plan* (UDP) has not been adopted, the Proposed Modifications Version is as a result of an UDP Inquiry and, apart from the parts which are the subject of a Welsh Government Direction, I am able to give it significant weight.
4. No 5 Llanbadarn Road is a 3-storey mid terrace property with at least eight rooms, including a kitchen, lounge, bathroom and 4 bedrooms. This is the type of large residential unit that stopped UDP policy H3.1 is generally supportive of its conversion to flats. Whilst the proposed units are described as flats/bedsits, they would be self contained with their own kitchens and bath/shower rooms, such that the proposal does not relate to a house in multiple occupation. Subject to satisfying the detailed criteria, there is no conflict with policy H3.1 and the proposal would not result in the unacceptable loss of a house which could be occupied by a single household.
5. The Council suggests that the introduction of flats would be harmful to the character of the area and the living conditions of neighbouring residential occupiers. However, this part of Llanbadarn Road is characterised by residential use, including flats at Nos. 6, 9 and 10. The proposal would retain the property in such use and would not result in a disproportionate amount of flats as compared to other types of dwelling. The external appearance would remain unaltered and I conclude that the character and appearance of the Aberystwyth Conservation Area would be preserved. No explanation is given to support the allegation that introducing 3 further flats would harm residential living conditions and I have no reason to believe that it would.
6. Additional concerns are raised in relation to the lack of a screened refuse storage area and parking provision. Nonetheless, there is sufficient room to provide a screened refuse storage area to the rear of the property and a shared passageway between Nos. 5 and 6 would enable refuse to be put out for collection without having to take it through the ground floor flat.
7. No 5 currently lacks any parking provision and, given its size, could be occupied by a single household with as many, if not more, cars than those that would be available to the occupiers of the proposed flats. The proposal would not, therefore, be likely to result in significant parking problems as compared to the retention of No 5 as a single unit. Furthermore, the site is within walking distance of the wide range of employment opportunities, shops and services available in Aberystwyth, as well as the bus and railway stations, such that the occupiers of the flats need not be dependant on private cars.
8. Conditions relating to soundproofing and refuse storage are necessary to satisfy policy H3.1, protect residential living conditions and ensure that refuse is properly stored. Circular 35/95 on *The Use of Conditions in Planning Permissions* states that conditions requiring development to be carried out in complete accordance with the approved plans often fail the test of need by requiring more than is needed to deal with the problem they are designed to solve. There is no evidence that such a condition is required to solve any particular problem and I will not impose one.
9. For the reasons given above I conclude that the appeal should be allowed.

E Jones

Inspector