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# Appeal Decision

Site visit made on 11 October 2016

**by Stephen Hawkins MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27<sup>th</sup> October 2016**

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**Appeal Ref: APP/Z0116/W/16/3154994**

**4a Russell Grove, Henleaze, Bristol BS6 7UE**

- 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 Richard Lloyd against the decision of Bristol City Council.
  - The application Ref 16/01472/F, dated 17 March 2016, was refused by notice dated 11 July 2016.
  - The development proposed is subdivision of first floor flat to two flats.
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## Decision

1. The appeal is allowed and planning permission is granted for subdivision of first floor flat to two flats at 4a Russell Grove, Henleaze, Bristol BS6 7UE in accordance with the terms of the application, Ref 16/01472/F, dated 17 March 2016, subject to the conditions in the schedule at the end of this decision.

## Main Issue

2. Whether the proposed flats would provide a suitable residential living environment, having regard to the adaptability of their internal living space to the changing life needs of the future occupiers.

## Reasons

3. 4 Russell Grove is a semi-detached building comprising a former office on the ground floor with a three-bedroom flat on the first floor, known as 4a. It is situated in a mainly residential area. The planning history of the property includes a prior approval<sup>1</sup> granted by the Council in July 2016 for the change of use of the office to two, one bedroom flats<sup>2</sup>. However, when I visited the ground floor was vacant.
4. Policy BCS18 of the adopted Bristol Core Strategy 2011(CS) requires all new residential development to, amongst other matters, provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.
5. The first floor flat would be subdivided to provide two, one bedroom flats. According to the Council, the two proposed flats would have gross internal floor areas (GIA) of approximately 38 square metres and 46 square metres. The floor area of both new flats would therefore exceed the 37 square metre

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<sup>1</sup> Under Part 3, Class O of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

<sup>2</sup> Council reference 16/01563/COU.

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minimum GIA for a one bedroom flat occupied by one person, specified at Table 1 of the Nationally Described Space Standard (the Standard)<sup>3</sup>. Nevertheless, the GIA of both flats would fall below the 50 square metre minimum size for one bedroom flats occupied by two people, set out in the Standard.

6. The GIA of one of the proposed flats would just fall short of the two person minimum size. Consequently, in addition to sufficient space for day-to-day activities, the size of this flat would afford future occupiers the internal space for a reasonable degree of flexibility with which they would be able to adapt to their changing living needs over time. This could include a change such as cohabiting with a partner, but it could also include other changes such as those required where an occupier's advancing age, physical impairment or ongoing illness requires the accommodation of walking aids or medical equipment.
7. The GIA of the other proposed flat would be of sufficient size to provide for day-to-day activities. Although it would be well below the two person minimum size, the flat would not be so small as to inevitably restrict its future occupiers from having scope to accommodate some changes to their living needs, including changes of the type described above, without necessarily having to move home. The range and scale of future changes which could be accommodated would be more limited than the larger of the two flats proposed. However, in practice this would not result in unacceptably harmful living conditions for the future occupiers.
8. Consequently, in my view both proposed flats would provide a suitable living environment for their future occupiers. The proposal would therefore accord with CS Policy BCS18. It would also accord with Policy DM2 of the Site Allocations and Development Management Policies Local Plan 2014, because the proposed flats would provide a good standard of accommodation by meeting the relevant requirements and standards of other Development Plan policies.

## **Conditions**

9. In addition to the standard commencement condition, I have imposed a condition which specifies the approved plans, in the interests of certainty. I have imposed a condition requiring the provision and retention of refuse and recycling storage facilities, in order to safeguard the character and appearance of the area and the living conditions of existing and future occupiers. To ensure that proper provision is made for sustainable modes of transport, I have imposed a condition requiring the provision and retention of cycle storage. I have also imposed a condition requiring the provision and retention of renewable energy equipment, to ensure that the development will mitigate and adapt to climate change. Where necessary, I have amended and consolidated the Council's suggested conditions to ensure that they meet the tests in paragraph 206 of the National Planning Policy Framework.
10. After liaising with both main parties, I have also added a condition regarding the retention of the obscured glass in one of the existing first floor windows. This is to safeguard the privacy of the occupiers of the adjoining residential property.

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<sup>3</sup> Technical Housing Standards-Nationally Described Space Standard DCLG March 2015

**Conclusion**

11. For the reasons given above I conclude that the appeal should be allowed.

*Stephen Hawkins*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-16/22/1; 2015-16/22-2; site location plan.
- 3) Neither of the flats hereby permitted shall be occupied until provision has been made within the site for refuse and recycling storage facilities for the flats in accordance with drawing no 2015-16/22/2. Thereafter, the refuse and recycling storage facilities shall be retained and kept available for use by the occupiers of the flats. No external storage of refuse or recycling shall take place outside of the storage facilities.
- 4) Neither of the flats hereby permitted shall be occupied until the cycle parking provision in respect of the flats shown on drawing no 2015-16/22/2 has been completed and made available for use by the occupiers of the flats. Thereafter, the cycle parking shall be retained for use by the occupiers of the flats for the parking of cycles only and shall be kept free of obstruction.
- 5) Neither of the flats hereby permitted shall be occupied until further details including the final roof layout, visual appearance, method of fixing, and technical specifications (including the output) of the renewable energy equipment specified in the approved Energy Strategy (prepared by Fenton Energy Ltd, dated 19th April 2016) have been submitted to and approved in writing by the Local Planning Authority, the renewable energy equipment has been installed in accordance with the approved details and it has been made fully operational. Thereafter, the renewable energy equipment shall be retained in situ in an operational condition at all times.
- 6) The obscure glazed window in the first floor side elevation, currently serving a bathroom, which would provide light to the kitchen area in one of the flats hereby permitted, shall be permanently retained with obscured glass and shall be fixed shut and permanently retained in that condition up to at least 1.7 metres above the internal floor level.