
Appeal Decision

Site visit made on 15 November 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 7 December 2016

Appeal Ref: APP/Z0116/W/16/3157436

4 Mortimer Road, Clifton, Bristol BS8 4EX

- 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 Jasbir Baryah against the decision of Bristol City Council.
 - The application Ref 15/06371/F, dated 10 December 2015, was refused by notice dated 10 March 2016.
 - The development proposed is the change of use of dwelling into two maisonettes.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would result in unacceptable harm to the mix and balance of accommodation in the area.

Reasons

3. The appeal relates to a three-storey terraced house within an established residential area. It is proposed to convert the existing single dwelling to form two maisonettes.
 4. Policy BCS18 of the Bristol Development Framework Core Strategy (CS), states that all new residential development should maintain a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities. To achieve this, development should aim, amongst other things, to contribute to the diversity of housing in the local area and help redress any housing imbalance that exists. Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies (DMP) states that proposals for the sub-division of existing dwellings to flats will not be permitted where the development would create or contribute to a harmful concentration of uses by reducing the choice of homes in the area by changing the housing mix.
 5. Both policies are consistent with paragraph 50 of the National Planning Policy Framework (the Framework) which sets out that local planning authorities should plan for a mix of housing and create sustainable, inclusive and mixed communities.
 6. The Council state that the appeal site is situated within the Clifton College Lower Level Super Output Area (LSOA) which has a proportion of flats to houses at 81% flats and 19% houses. No evidence is provided by the
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appellant to contest these figures, which demonstrate a very high concentration of flats within the LSOA.

7. These are also the figures cited at a previous appeal for the change of use of the same dwelling into two self-contained flats, which was dismissed in 2011¹. In that case, the previous Inspector found that the current proportion of flats in the area had resulted in an undesirable degree of preponderance of flats over family houses, and that the proposed development would unacceptably exacerbate this imbalance. This therefore represents a significant material consideration to which I have attached considerable weight.
8. The appellant has cited two subsequent approvals as the material changes that have occurred since the 2011 decision. I note however, that the appeal decision² at No 9 Ashgrove Road relates to a property which had already been divided into two flats and a maisonette and as such would not have resulted in the loss of a single family house. In that case the Inspector considered there to be little practical difference between a maisonette with 2 good sized bedrooms and 1 small bedroom and no garden access, to a flat with 2 good sized bedrooms and no garden access. This contrasts with the appeal currently before me where there is a significant practical difference between two maisonettes and a single family house with garden access, which could attract both young families and families with older children.
9. The second relates to an approval by the Council³ for the conversion of a single dwelling into four self-contained flats at No 13 All Saints Road. The Council has explained that this application was considered acceptable as it was concluded that the accommodation created would be suitable for families due to the size and form of accommodation proposed and the availability of outdoor space to some flats. Whilst in this regard the two proposed maisonettes would provide a good level of internal floor space and off-street car parking, I share the Council's concerns that internal layout over multiple levels and restricted headroom at second floor level would make the accommodation unattractive for families.
10. In the absence of details of the internal configuration of No 13 All Saints Road, I cannot be certain that those similar constraints apply. In any case, each proposal must be judged on its own merits on the basis of the development plan and all other material considerations, and this is what I have done in this case.
11. Whilst the appellant contends that the modest increase of two maisonettes is not significant enough to cause detrimental harm to the mix and balance of accommodation in the area, this is not by itself a good argument in favour of permission; such permissions could be granted too often, thereby contributing to the cumulative increase in the number and density of such accommodation. More significantly, an incremental increase would run contrary to the criterion of CS Policy BCS18 which requires development to help to redress any housing imbalance that exists in the local area.
12. As per the previous appeal, the representation before me emphasises the desirability of promoting the family orientated character of the area. Whilst

¹ Appeal Ref: APP/Z0116/A/11/2159276

² Appeal Ref: APP/Z0116/W/15/3004911

³ Planning application Ref: 14/05108/F

there maybe demand for further maisonettes, no evidence has been provided by the appellant to suggest that there is no demand for a family dwelling in this location, which is very close to a primary school.

13. I acknowledge that the Council has not raised concern regarding harm to residential amenity or the character of the locality in relation to noise and disturbance, parking, physical alterations and storage facilities, so as to conflict with the first part (i) of DMP Policy DM2, and I find no reason to take a contrary position. However, the proposal would conflict with the second part (ii) of the policy in that it would contribute to a harmful concentration of such uses within the locality by reducing the choice of homes in the area by changing the housing mix.
14. I conclude therefore, that the proposed development would result in unacceptable harm to the mix and balance of accommodation in the area, contrary to CS Policy BCS18 and DMP Policy DM2 and paragraph 50 of the Framework.

Other Matters

15. The appeal site lies within the Clifton and Hotwells Conservation Area. However, the proposed development would not result in any change to the external appearance of the property, and would therefore preserve the character and the appearance of the Conservation Area, the desirability of which is fully anticipated by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

16. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

Inspector