
Appeal Decision

Site visit made on 30 November 2016

by Olivia Spencer BA BSc DipArch RIBA

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

Decision date: 04 January 2017

Appeal Ref: APP/P0119/W/16/3158056

43 Jekyll Close, Stoke Gifford BS16 1UX

- 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 Bill Park and Mr Chris Groves against the decision of South Gloucestershire Council.
 - The application Ref PT16/2665/F, dated 11 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is to increase an 8no. student HMO (Sui Generis) to a 9no. student HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
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Decision

1. The appeal is allowed and planning permission is granted for the increase of an 8no. student HMO (Sui Generis) to a 9no. student HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 43 Jekyll Close, Stoke Gifford BS16 1UX in accordance with the terms of the application, Ref PT16/2665/F, dated 11 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the Proposed Floor Plan received by the Council on 24 May 2016, and shall provide no more than 9 bedrooms.
 - 3) Prior to the occupation of the building as a 9 bedroom HMO, 9no. cycle parking spaces shall be provided within the Wall Dock Shelter shown on drawings received by the Council on 11 May 2016. The 9no. cycle parking spaces shall thereafter be kept available for the parking of bicycles.

Application for costs

2. An application for costs was made by Mr Bill Park and Mr Chris Groves against South Gloucestershire Council. This application is the subject of a separate Decision.
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Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal property forms part of a series of terraces lining a spacious and well treed green route running approximately north south through the Stoke Park development. It has a small terrace facing this route, with a garage, accessed from the shared court to the rear, separated from the house by an enclosed yard that currently accommodates waste and bicycle storage. The house is an end terrace building with a front door in the flank wall opening onto the street.
5. Permission was granted in March 2016 for use of the dwelling as an 8 person House in Multiple Occupation (HMO). The appeal proposal seeks to increase this to 9 including division of the living room to create a further bedroom. The Council acknowledge that the space provision within the house would be sufficient to meet the requirements of the HMO licencing regime and that the area between the dwelling and the garage could physically accommodate the necessary storage for recycling and waste bins together with a 9 bike parking rack.
6. Occupiers would need to bring their waste out of the house and through the gate into the side area for storage, where it would be concealed from public view by the high fence. In this respect there would be no change to the current arrangement. Whilst the proposal would result in an additional bedroom and thus an increase in waste generated, I saw at my site visit that a 2nd wheelie bin has been provided and that the 2 bins fitted neatly in between the cycle rack and the street front fence without impeding the swing of the gate. The recycling storage bins occupied the equivalent space adjacent to the gate to the parking court.
7. Whilst the Council suggest that the recycling receptacles 'may' need to be spread beyond the storage place in order to function effectively or efficiently, I have seen no evidence to indicate that this is the case. Nor have I seen any evidence to suggest that the proposed additional bedroom would result in a significantly different way of using them. I have no reason to conclude therefore that the accessibility and convenience of either the waste or cycle storage facilities would be significantly reduced.
8. Having seen the photographs submitted I sympathise with the concerns of local residents and the Parish Council in respect of rubbish on the highway not just in front of the appeal property but also elsewhere in the area. Whether occupiers of buildings make proper and responsible use of the waste storage facilities provided is however a matter for owners and managers of the site, and other authorities.
9. I conclude that the proposal would provide waste and cycle storage within the enclosed side area sufficient to protect the character and appearance of the area and the amenities of nearby residents. As such I find no conflict with Policies CS1, CS17 and CS25 of the South Gloucestershire Local Plan Core Strategy 2013 or with Policy H5 of the South Gloucestershire Local Plan 2006. These policies require that sufficient space is provided for the sorting and

storage of waste materials, and that the character and appearance of the area is protected. In view of this conclusion I find no conflict with Policy CS4A which reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework.

Other considerations

10. The effect of the provision of HMOs on the balance of the community is wider issue that goes beyond the appeal before me which seeks an extra one person in an existing HMO. And whilst I note that the capacity of this HMO has been increased incrementally in the recent past, any application for further increase would be subject to consideration on its own merits.
11. Future occupiers of the HMO will have access to the Metrobus route and the University of the West of England campus is easily accessible on foot and by bicycle. Cycle storage would be provided on site. Further whilst car parking on adjacent streets may at times be congested, I have no reason to disagree with the conclusion of the Council's professional officers that any extra demand arising from the proposal could be accommodated.
12. Neither of these issues is sufficient therefore to outweigh the considerations that led to my conclusion on the main issue.

Conditions

13. A condition requiring compliance with the application plan is necessary for certainty. Provision of a 9th cycle store is necessary in to promote sustainable transport choices in accordance with National and Development Plan policy.

Conclusion

14. For the reasons given and having had regard to all issues raised, I conclude that the appeal should be allowed.

Olivia Spencer

INSPECTOR