
Appeal Decision

Site visit made on 13 December 2016

by B Bowker Mplan MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/Z0116/W/16/3158809
68 Alma Vale Road, Clifton, Bristol BS8 2HR

- 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 Barry against the decision of Bristol City Council.
 - The application Ref 15/05948/F, dated 19 November 2015, was refused by notice dated 8 April 2016.
 - The development proposed is application for change of use from Use Class C3 (dwelling house) to Use Class 4 HMO (House in Multiple Occupation).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from Use Class C3 (dwelling house) to Use Class 4 HMO (House in Multiple Occupation), at 68 Alma Vale Road, Clifton, Bristol BS8 2HR, in accordance with the terms of the application Ref 15/05948/F, dated 19 November 2015, 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 following approved plans received by the Council on 4 December 2015: Site Plan, Block Plan, Ground Floor Plan, First Floor Plan, Second Floor Plan.
 - 3) All refuse and recyclable materials associated with the development shall either be stored within the front garden area of the property or internally within the building that forms part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway, collection point or pavement, except on the day of collection.
 - 4) The use hereby permitted shall not commence until the cycle parking provision within the premises has been completed and thereafter shall not be used for any purposes other than the parking of cycles.

Main Issues

2. The main issues are:
 - whether the proposed development would provide an appropriate housing mix;
 - whether the proposed development would provide satisfactory living conditions for future occupants, with particular reference to internal space, external space, and bicycle, refuse and recycling facilities; and,
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- The effect of the proposal on the living conditions of neighbouring occupants, with particular reference to anti-social behaviour and noise and disturbance.

Reasons

Housing mix

3. The appeal site is a four bedroom three storey mid terrace property located in an area predominantly residential in use. Planning permission is required for the proposal owing to an Article 4 Direction.
4. The site is located in the Clifton East Ward which as indicated by 2011 census data comprises 19.3% houses and 80.9% flats/shared housing. The Council's records identify that 6 out of 19 properties are licensed for use as Houses in Multiple Occupation (HMO) in the immediate area. A further 3 properties are served by more than one bin so are also considered by the Council to be in HMO use. Consequently, HMOs are adjudged to represent 53% of housing stock in the immediate area. However, I am not convinced that the presence of more than one bin is a robust and reliable method for identifying HMOs.
5. I agree with the appellant that the Council's use of a sub-Lower Super Output Area (LSOA) is not underpinned by any credible evidence. I have also carefully considered concerns raised by local residents regarding the proportion of HMO use in the area and the consequential effect it can have on community cohesion. I also understand that local residents are working towards producing a Supplementary Planning Guidance (SPG) document to help address this matter. However, in the absence of an adopted SPG, and as LSOA data was used to justify the Article 4 Direction, applying it to the appeal proposal is the most consistent and scientific approach before me to establish local housing mix.
6. The Council and appellant note that HMOs comprise 26% of housing stock in the Alma Road LSOA. In addition the appellant's analysis of census data indicates that HMOs represent 5.35% of housing in the Alma Road LSOA. This figure equates to roughly 1 in every 19 dwellings being a HMO, a proportion that would remain as such when accounting for the proposal. The appellant's analysis is uncontested, and in the absence of any evidence or reasoning to the contrary, it attracts great weight in favour of the appeal.
7. During my site visit, I saw the ground floor bathroom and kitchen. I also note comments made by Chappell and Matthews Residential Lettings regarding the unsuitability and lack of demand for the property as a family dwelling. Nonetheless, the Council consider that revisions to the property could create suitable family accommodation. Both arguments have merit. However, I do not have any evidence before me regarding the availability of family accommodation in the Alma Road LSOA, such as the breakdown of bedroom numbers per property in the LSOA. Moreover, owing to my reasoning above, the proposal would not have a harmful effect on the balance of housing mix in the local area.
8. Therefore, I conclude that the proposed development would provide an appropriate housing mix. Consequently, insofar as it relates to this matter, the proposal would accord with Core Strategy (CS) Policy BCS18 and Site Allocations, Development Management (SADM) Policy DM2. Combined, these policies require residential development to ensure a mix of tenures, types and

sizes to help support the creation of mixed, balanced and inclusive communities.

Future occupants

9. The Council calculate that the property's overall floor area is approximately 110 square metres whilst the appellant's total gross internal measurement is roughly 127 square metres. A 2014 Energy Performance Certificate for the property gives the property a gross internal area of 123 square metres. The Nationally Described Space Standard (NDSS) gross internal floor area minimum requirement for a three storey five bedroom dwelling is 116 square metres.
10. However, this requirement relates to 6 occupants and the proposal is intended to accommodate 5 occupants. Moreover, taking this factor into account and applying the Council's more conservative overall property measurement, I consider the proposal would provide an adequate amount of internal space for future occupants. In addition, based on the headspace drawings of the third floor bedrooms, the proposal demonstrates compliance with NDSS bedroom size requirements.
11. The plans also indicate storage areas, and although narrow in width, based on my site visit observations, the rear garden would have some amenity value to future occupants by providing a small area to sit out in. Whilst the use of the lounge as a bedroom is highlighted as a concern, it is not clear what harm would occur as a result. This aside, 'reception room two' would provide an adequate communal area for future occupants.
12. Based on my site observations, I am also satisfied that the method of cycle storage proposed could be accommodated within the rear garden shed and meet the Council's requirements. The front garden would also provide sufficient space for refuse and recycling storage which is an arrangement common at surrounding properties. Accordingly, suitably worded conditions could ensure acceptable cycle storage and refuse and recycling arrangements.
13. Therefore, I conclude that the proposal would provide satisfactory living conditions for future occupants, with particular reference to external and internal space, and bicycle, refuse and recycling facilities. Consequently, insofar as it relates to this matter, the proposal would accord with CS Policy BCS18 and SADM Policy DM2. Combined, these policies require residential development to provide sufficient space for everyday activities and adequate storage for recycling, refuse and cycles.

Neighbouring living conditions

14. Comments from local residents raise concern regarding litter, noise and disturbances in the area. However, based on crime report statistics and comments from the Council's Pollution Control Officer, I have no substantive evidence before me to indicate that this is the case. Nor can I rely on the Council's assumption that residents choose not to complain. In addition, the appellant states no complaints have been made regarding the property despite it being occupied by students since 2014. I note this matter is not refuted by the Council.
15. The Council's Community Cleansing Officer notes that a number of complaints have been made in the area regarding bins, recycling boxes and general rubbish. These issues are attributed to inadequate off street space for refuse

and recycling storage and the tendency of students' to not take full responsibility of waste disposal and recycling. However, as adequate off street space is available at the site, and based on my reasoning above, a suitably worded condition could ensure adequate use and storage of refuse and recycling facilities.

16. Therefore I conclude that the proposal would not have a harmful effect on the living conditions of neighbouring occupants, with particular reference to anti-social behaviour and noise and disturbance. Consequently the proposal meets the requirements of SADM Policy DM2 which seeks to ensure residential development does not harm the residential amenity of the locality and cause excessive noise and disturbance to residents.

Other matters

17. Based on the evidence before me, including the property's existing use and the walkable distance of services and public transport, dismissing the appeal on grounds of highway safety and vehicular parking capacity would not be justified.
18. I also note concerns regarding precedent. However, each application and appeal must be determined on its individual merits. Moreover, this decision would not prevent the Council resisting proposals that would lead to harm relating to any of the main issues above.

Conditions

19. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the conditions in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
20. A condition specifying the relevant drawings is necessary to provide certainty. A condition relating to waste and recycling is necessary based on my reasoning in paragraph 15. This condition would also ensure that these facilities do not have a harmful effect on the Whiteladies Road Conservation Area. A condition relating to cycle storage prior to commencement of the permitted use is necessary in the interests of sustainable transport. Based on additional comments received from the parties, I am satisfied that the proposed use has not commenced at the site and therefore this condition would be implementable.
21. The Planning Practice Guidance sets out that a condition restricting permitted development rights should only be used in exceptional circumstances; there is nothing before me to indicate such circumstances exist.

Conclusion

22. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR