
Appeal Decision

Site visit made on 13 August 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/Z0116/W/19/3227529

79 East Street, Bedminster, Bristol BS3 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 Ms R Skema (R2G Properties Ltd) against the decision of Bristol City Council.
 - The application Ref 18/06702/F, dated 23 December 2018, was refused by notice dated 3 April 2019.
 - The development proposed is a conversion of first floor to two one-bedroom one person flats with provision of refuse and cycle storage and installation of new windows.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the existing first floor of the appeal building as a two-bedroom flat. However, in their appeal statement the appellant says that it is actually a self-contained studio and was never changed to a three-bedroom flat as shown in a separate application (LPA Ref: 18/03742/F). I was unable to verify the layout of the first floor of the building at my site visit as works to convert this area had already commenced. Conscious as I am that internal layouts may be altered without planning permission, to remove any ambiguity, I have removed any reference to the size of the flat prior to the proposed works for the description of development above and I deal with this matter further in my reasoning below.

Main Issues

3. The main issues are the effect of the proposal on:
 - the housing mix within the Bedminster East area; and
 - the living conditions of future occupiers of the flats having regard to size.

Reasons

Housing mix

4. The appeal property is a three storey mixed use building on the corner of East Street and Mill Lane. The ground floor is occupied by a hot food takeaway with the two floors above used as residential flats. The appeal proposal is limited to the first floor of the building, the lobby area off Mill Lane and the windows of

the building. Of note, the second floor is subject to a separate planning permission (LPA Ref: 18/03742/F) converting the existing two-bedroom flat into two one-bedroom flats. The site falls within the Bedminster East Low Super Output Area (LSOA), Bedminster Conservation Area (CA), Bedminster Local Centre and the East Street Primary Shopping Area.

5. The Council have identified that the current mix of housing within the Bedminster East LSOA comprises predominantly of one-bedroom households, representing approximately 45% of housing stock. The context of the Bedminster East LSOA is such that the current housing mix is considered a harmful imbalance, contributing towards social exclusion through the predominance of more transient types of accommodation. The appeal proposal seeks to create two additional one-bedroom households by subdividing the existing first floor flat. Combined with planning permission 18/03742/F, the appeal proposal would result in a total of four one-bedroom flats within the appeal property.
6. Policy DM2 of the Site Allocations and Development Management Policies (2014) (SADMP) of the Bristol Local Plan states, amongst other things, that residential sub-divisions will not be permitted where proposed development would contribute towards a harmful concentration of such uses by reducing the choice of homes in the area. The proposed sub-division would further contribute to what is already considered a dominant and harmful percentage of one-bedroom households within the Bedminster East LSOA. Furthermore, the evidence before me demonstrates that the first floor of the appeal building has the potential to be used as a one, two or three-bedroom property. Therefore, it could be used for family sized accommodation at present without the need for planning permission. It would therefore contribute towards rebalancing the housing mix within the Bedminster East area, whereas the proposed sub-division would lose this potential altogether.
7. The proposed sub-division would provide for a higher residential density within the Local Centre, make efficient use of previously developed land for which there is policy support, and would benefit from local facilities and public transport. However, these considerations do not outweigh the harm the proposal represents to the housing mix of the Bedminster East area. The case has been made that the first floor accommodation would not be appropriate as family sized accommodation. However, the concept of family sized accommodation can cater for a wide range of people, with different demographics and housing needs. The preservation of the first floor ensures that the flat may be used as family sized accommodation into the future, and that the offering of housing choice within the Bedminster East area is broad enough to meet the various needs of the community.
8. The appeal proposal therefore conflicts with Policy BCS18 of the Bristol Development Framework Core Strategy (2011) (BDFCS) and Policy DM2 of the SADMP 2011 of the Bristol Local Plan which collectively encourage a diverse mix of housing options in response to local need and to support balanced communities.

Living conditions

9. The size of the proposed first floor flats each comply with the national "Technical Housing Standards". This standard was accepted by the Council as part of the second floor permission 18/03742/F. The Council state in their

delegated report that a larger size standard has been adopted by the Council, and that the size of the proposed first floor flats would therefore conflict with Policy BCS18 of the BDFCS and Policy DM29 of the SADMP. However, the evidence before me does not demonstrate that such a standard has been formally adopted by the Council, nor does it explain why it is justified in this case in terms of living conditions.

10. I note that the Council justify the acceptance of the "Technical Housing Standards" under 18/03742/F on the basis that a three-bedroom flat on the first floor was shown and that the sub-division of the second floor was necessary for "scheme viability". However, in my judgement this justification concludes on the appropriateness of the housing mix proposed and not on the quality or functionality of the proposed "Technical Housing Standards" to meet the needs of future occupiers. As the internal design and layout for both floors is the same and has already been accepted by the Council for the second floor, I consider that the application of the "Technical Housing Standard" for the first floor is acceptable on this occasion.
11. Accordingly, I am satisfied that the size of the proposed flats would meet the needs of future occupiers and would achieve appropriate living conditions. The proposal therefore complies in this regard with Policies BCS18 and BCS21 of the BDFCS, and Policy DM29 of the SADMP of the Bristol Local Plan. These policies seek, amongst other things, to ensure residential development provides sufficient space for everyday activities and appropriate space standards to meet the changing needs of occupants through quality design.

Other Matters

12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of conservation areas. The appeal property is located within the Bedminster CA which is characterised as part of a historic route out of Bristol. The route is lined with a continual terrace of shops and pubs comprising of some quality buildings and townscape. The appeal property is identified as a "character building" within the Bedminster CA Character Appraisal positively contributing towards the historic setting of the CA. The proposal seeks to preserve the conservation value of the appeal property by reinstating the residential use of the property, and repairing the external façade of the building. The only external changes to the building proposed are the replacement windows which are considered to be in keeping with the character and appearance of the building. I am therefore satisfied that the proposal would preserve the character and appearance of the CA.

Conclusion

13. Although I have found no harm to the living conditions of future occupiers of the flats, in respect of the effect on housing mix in the Bedminster East area I have found harm and for this reason the appeal is dismissed.

J Gibson

INSPECTOR