



Appeal Decision

Site visit made on 26 June 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/Z0116/W/19/3243144

31 Chatsworth Road, Brislington, Bristol, BS4 3EX

- 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 Barry Davies against the decision of Bristol City Council.
 - The application Ref: 19/01140/F dated 6 March 2019, was refused by notice dated 14 June 2019.
 - The development proposed is described as 'The existing use of the building is a 6-bedroom House in Multiplication with 6 Bathrooms and 3 Communal rooms. The proposed use of the property is a 7-bedroom House in Multiple occupation with 6 Bathrooms and 2 Communal rooms. The proposal is to change the communal room at the rear of the first floor from a living room back to a bedroom, this would therefore have no detrimental impact on the privacy of the neighbouring properties. This would also leave more than adequate amounts of communal space for existing tenants - far in excess of those laid out with the HMO requirements. There is a bus stop with 100 metres of the property and cycle storage has been provided too encourage cycle use. The property is also in easy walking distance of the city centre and local employers. There would be no structural works required and only changes furniture would new required.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the appeal stage, the appellant submitted an updated drawing indicating the existing and proposed cycle and refuse storage arrangements as well as photographs of an erected cycle store within the rear garden. The drawing does not show any details of the refuse or cycle storage other than its position.
3. Given the proximity of the bin store to the neighbouring property and the lack of details provided. I am not satisfied that other parties would not be prejudiced by my taking the amended plan into account in my determination of this appeal. I am therefore considering the appeal on the drawings on which the Council made its decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of neighbouring occupiers in respect of noise and disturbance; and

- whether or not the proposed development provides satisfactory cycle and refuse storage.

Reasons

Living conditions

5. The appeal property is a 6-bedroom House in Multiple Occupation (HMO). It is located towards the far end of a residential cul-de-sac of modestly sized terraced properties, the majority of which appear to be in use as single dwellings or family housing. Chatsworth Road is a relatively narrow cul-de-sac and terminates at the far end with a high brick wall, which makes the street feel quite enclosed.
6. The proposed development would increase the size of the HMO by converting a communal living room into an additional bedroom, to create a 7-bedroom HMO. The additional occupant would be accommodated within an existing room of the property that is currently not used as a bedroom. This is within the existing building and the new occupant would use the existing facilities of the house and the same access as current residents.
7. The additional activity associated with one additional occupant would, by itself, be modest. However, it is necessary to consider the cumulative impact of the increased number of residents on site. Given the modest size of the appeal property, its close proximity to adjoining neighbours and its location within an enclosed cul-de-sac, the cumulative activity generated by 7 unrelated individuals living independent lives, along with their visitors, and their comings and goings would result in significant levels of activity associated with the property. This would give rise to a level of general noise and disturbance at an intensity that would be disruptive, particularly to the occupiers of the adjoining properties.
8. Concerns about the level of noise arising from the existing use have been raised by one direct adjacent neighbour, including disturbance during night-time hours. However, I also acknowledge the lack of complaints received either by the managing agent for the HMO or the Council's environmental health team in relation to noise disturbance; and that no comment was made in respect of the planning application by the other adjoining neighbour. Nevertheless, whilst I accept that noise disturbance is not limited to occupants of HMOs and that it can arise from any residence, particularly in terraced dwellings such as the appeal property, I consider that the increased occupancy by 7 unrelated individuals would lead to a level of general noise that would cause material harm to the living conditions of adjoining neighbours, a consideration which carries considerable weight against the proposal.
9. My attention has been drawn to an appeal¹ at 18 Stanley Road where a change of use from a 6 person HMO to a 7 person HMO was allowed on appeal. I note the Inspector's findings that the occupancy did not result in an intensification of use so as to become of a different character and cause harm to local residents. On the limited details of this scheme provided to me, I note that this appeal related to a larger property which benefits from a deeper front garden and boundary walls separating it from adjoining properties. This is a more spacious arrangement in relation to neighbouring properties to that in the scheme

¹ APP/Z0116/A/13/2192971

before me and on this basis, I do not find that it is directly comparable. Furthermore, I do not have details of the wider character of Stanley Road, but the cul-de-sac location of the scheme before me would enable any noise and disturbance to be trapped and intensified within the street. I therefore give this other development limited weight.

10. I conclude that the proposed development would harm the living conditions of neighbouring occupiers in respect of noise and disturbance. It would therefore conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (SADMP) which together require new development to safeguard the amenity of existing development and does not permit the intensification of existing HMOs where this would cause excessive noise and disturbance to residents.

Cycle and refuse storage

11. The proposed development is an intensification of the HMO increasing occupancy from 6 to 7. Policy DM2 of the SADMP sets out that the intensification of existing HMOs will not be permitted where it would harm residential amenity or the character of the locality as a result of inadequate storage for recycling/refuse or cycles. Appendix 2 of the SADMP sets out that 3 cycle parking spaces per four or more bedroom dwellings including HMOs should be provided.
12. The appellant has indicated that cycle storage would be within the rear garden and I observed on site that a shed has been installed for that purpose. It is indicated that this would provide storage for 5 bicycles. This would be in excess of the Council's cycle parking standards.
13. Access to the rear garden and shed is through the shared entrance hall to the property and the communal kitchen and ground floor lounge. This is an inconvenient and impractical arrangement, especially when occupants are using the communal space for cooking or relaxing as well as during inclement weather when the bicycles being moved through the house may be muddy. Furthermore, with the conversion of one of the upper floor lounges into a bedroom, this would add to the number of users of the ground floor lounge, adding to any congestion within this space arising from people using the space and bicycles being carried through it. As such, whilst the shed within the rear garden provides both secure and enough storage space, it is unsatisfactory due to access to this space.
14. The refuse and recycling storage serving the existing HMO is at the front of the property within the narrow front garden. The appellant has indicated that a 6 person HMO is limited to one set of bins. With the increase in occupation, a further set of bins would be available for the property and this could address residents' concerns about overflowing recycling bins which has caused littering within the street. However, I observed during my site visit that there were already a number of bins and recycling boxes within this space and that these occupied much of the front garden area. I am doubtful that a further set of bins could be satisfactorily accommodated within the space and be fully accessible to occupants and for collection.
15. The appellant has referred me to a number of examples of approved large HMOs with front garden bin storage. However, from the information provided

to me, these properties appear to have a more spacious front garden area with space to accommodate a number of bins. On that basis, they are not comparable to the appeal scheme before me.

16. I conclude that the proposed development would not provide satisfactory cycle and refuse storage. It would therefore conflict with Policies BCS10, BCS13 and BCS15 of the CS and Policies DM2, DM23 and DM32 of the SADMP. These policies together require the intensification of HMOs to provide adequate cycle in order to encourage travel by means other than the private car to provide more sustainable means of travel to help tackle climate change, and to provide satisfactory arrangements for the required amount of refuse and recycling storage.

Conclusion

17. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR