



Appeal Decision

Site Visit made on 31 March 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/Z0116/W/20/3259749

12 Lodge Causeway, BRISTOL, BS16 3HY

- 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 Kasa Real Estate Ltd against the decision of Bristol City Council.
- The application Ref 19/06076/F, dated 8 November 2019, was refused by notice dated 11 May 2020.
- The development proposed is for the change of Use from existing family dwellinghouse (C3) to a House of Multiple Occupation (HMO) with 8 bed-spaces (sui generis), incorporating a single-storey rear extension and all associated works.

Decision

1. The appeal is allowed and planning permission is granted for the change of Use from existing family dwellinghouse (C3) to a House of Multiple Occupation (HMO) with 8 bed-spaces (sui generis), incorporating a single-storey rear extension and all associated works, at 12 Lodge Causeway, BRISTOL, BS16 3HY in accordance with the terms of the application, Ref 19/06076/F, dated 8 November 2019, and the plans submitted with it, 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:
 - 101 - Location plan, received 17 December 2019
 - 201 - Existing site plan, received 17 December 2019
 - 202 - Proposed site plan, received 17 December 2019
 - 301 - Existing plans, received 17 December 2019
 - 302A - Proposed plans, received 17 December 2019
 - 303A - Proposed ground floor plan, received 17 December 2019
 - 304A - Proposed first floor plan, received 17 December 2019
 - 305A - Proposed loft level plan, received 17 December 2019
 - 401A - Existing elevations, received 17 December 2019
 - 402A - Proposed elevations, received 17 December 2019
 - 501A - Proposed section, received 17 December 2019
 - 502A - Proposed site section, received 17 December 2019
 - 503A - Proposed cycle storage, received 17 December 2019

504A - Proposed refuse storage, received 17 December 2019

- 3) Prior to the occupation of the bedrooms within the HMO hereby approved the refuse store and area/facilities allocated for storing of recyclable materials, shall be completed in accordance with the approved plans and details. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings within the application site.
- 4) Prior to the occupation of the bedrooms within the HMO hereby approved the cycle parking provision shown on the approved plans shall have been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 5) The commencement of building works for the rear extension aspect of this development hereby approved shall not begin until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing prior to the construction of the extension. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development of this extension shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Applications for costs

2. An application for costs is made by Kasa Real Estate Ltd against Bristol City Council. This costs application is set out with a separate decision.

Main Issues

3. The main issues are (1) whether the proposed development would provide acceptable living conditions for future occupiers and (2) whether the proposal would result in highway congestion or safety issues.

Reasons

4. The appellant has provided evidence that a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) for a Change of Use from C3 dwellinghouse to C4 'small' HMO was granted on May 14, 2020. Subsequently, the property has been converted to a HMO with 6 bed-spaces, with all rooms let and occupied. On this basis, the property is no longer a single family dwellinghouse. However, the proposal under this appeal would result in an 8 bedroom HMO.

Living Conditions

5. The development would include two of the proposed bedrooms being in the loft of this house (Bedrooms 7 and 8). Being in the loft I recognise that these rooms could get very warm, but from the details before me there would be

windows which would allow for sufficient ventilation. The house is set back from the road, which would help mitigate traffic noise at night, which I have no detailed evidence to suggest would be a significant issue for future occupants when the windows are open.

6. Bedroom 8 would have a low ceiling for a portion of this room, but there would still remain an acceptable area of this room which would have a sufficiently high ceiling so not to impinge significantly on the usable space available for occupants. Furthermore, this bedroom would also only have rooflights, but I would not consider this as uncommon for loft rooms. These windows would provide light and ventilation, together with some degree of outlook. Overall, I would consider that Bedroom 8 would be to an acceptable living standard for future occupants.
7. I have considered the proposed internal layout with all the bedrooms, with all appearing of a suitable size and shape, with sufficient levels of outlook and light from windows.
8. Overall, on this main issue the development would provide acceptable amenity levels for the future occupiers and their living conditions, therefore being in accordance with Bristol Core Strategy (2011) Policies BCS18 and BCS21; and Site Allocations and Development Management (2014) Policy DM2. These policies require development to provide sufficient space for everyday activities and meet appropriate space standards, with a high-quality environment for future occupiers, amongst other things.

Parking Provision

9. As confirmed by the appellant, the building has consent to become a smaller HMO with six bedrooms. The proposal would result in two additional bedrooms. There is no off-street parking at this address. With the parking restrictions to this part of Lodge Causeway by No 12 it could be that occupiers or visitors would park in nearby streets, where I observed high levels of existing on-street parking.
10. Whilst the proposed development would result in two additional bedrooms and so possibly more parking need, I do note that this is a particularly accessible location, adjacent to Fishponds Road with multiple bus routes and shops/services, for example. I also accept the appellant's arguments that occupiers of a HMO such as that proposed would likely have a lower rate of car ownership than most other types of dwelling. On this basis the proposed 8-bedroom HMO would not result in a significantly higher level of on-street parking pressure from that of the existing situation.
11. Whilst there is already a high level of on-street parking in the area, the additional parked vehicle(s) from this development would not result in discernible highway safety issues or severe impacts to the highway network in the area. From my own observations, the slight increase in parking space requirements as a result of this development could be accommodated locally on surrounding streets if required, without resulting in severe highway issues or any safety impacts. As such, the proposals are in broad accordance with Bristol Core Strategy (2011) Policy BCS10; and Site Allocations and Development Management (2014) Policies DM2 and DM23. These policies require that shared housing should not harm residential amenity by reason of resultant on-street parking, amongst other things.

Other Matters

12. The change to a 6 bedroom HMO has already occurred, with the change from a large single house. As such, this appeal scheme would not result in the loss of a family house and the need for HMOs in the wider area is not an issue that would lead to the dismissal of the appeal. The two additional bedrooms proposed over that in existence with the HMO would not result in the overdevelopment of the site, with there being sufficient space and amenities provided for all future occupants.
13. The proposed extensions/external alterations and the internal alterations are considered suitable in all regards, such as their external appearance and in terms of the effects to neighbour living conditions. The proposed development would not result in any significant increase in potential overlooking impacts from that of the existing situation.
14. There would be some loss of garden space with the development, but there is no detailed evidence to demonstrate that this would have a significant impact to biodiversity levels in the area, especially given the small areas concerned.
15. There is no substantive evidence to suggest that the proposed development would result in additional noise heard by neighbours from activity and the occupiers of No 12, such that it would result in significant disturbance for example.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
17. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added conditions to ensure that the waste storage and cycle parking are implemented on site and retained as shown on the plans submitted, in the interests of provision of suitable waste management and sustainable transport.
18. As confirmed by the Coal Authority and the submitted 'Coal Mining Risk Assessment' there is a risk from legacy coal mining works in the area to the stability of new development. As the proposal includes an extension then a condition for investigative works and potentially remediation is required.
19. I have not included the condition recommended by the Council with regards noise insulation. The property already has a Certificate of Lawfulness for a six bedroom HMO which has been implemented.
20. There is no necessity for a condition highlighting the issue of possible contaminated land as it is apparent that the chance of any contamination is low.

Conclusion

21. For the reasons given I conclude that the appeal should succeed, subject to the conditions set out above.

Mr Steven Rennie

INSPECTOR

