



## Appeal Decision

Site Visit made on 20 July 2021

**by R E Jones BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2021**

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### **Appeal Ref: APP/P0119/W/21/3272909 25 Northville Road, Filton BS7 0RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Andrews Capital Ltd against South Gloucestershire Council.
  - The application Ref P21/00420/F, is dated 27 January 2021.
  - The development proposed is change of use from dwelling (C3) to a house in multiple occupation (HMO) for up to 7 person (sui generis).
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### **Decision**

1. The appeal is allowed, and planning permission is granted for change of use from dwelling (C3) to a house in multiple occupation (HMO) for up to 7 persons (sui generis) at 25 Northville Road, Filton, Bristol BS7 0RG in accordance with the terms of application Ref P21/00420/F, dated 27 January 2021, and subject to the conditions in the attached schedule.

### **Preliminary Matters**

2. There has been agreement between the main parties to alter the development description on the application form to remove reference to a rear addition built under permitted development rights. Therefore, in the banner heading and decision above, I have used the development description in the appeal form, albeit with superfluous information removed.

### **Background Main Issues**

3. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The application has nevertheless been reported to a Planning Committee, where members motioned that it be recommended for refusal. The Council's appeal submission includes a summary of their concerns which relate to parking and highway safety, harm to local living conditions and the detrimental impact of a further HMO on the character of the area, including its housing mix. There were also further concerns submitted by third parties.
4. Therefore, having regard to this background, the main issues in this appeal are: (i) the effect of the proposed parking arrangement on local highway safety; and (ii) the effect of the proposed development on the character of the area, with particular regard to local amenity, the mix of housing and the need for a balanced community.

## Reasons

### *Parking*

5. The appeal site comprises a semi-detached property located in a residential area comprising medium density housing. I note from the evidence that the property is already in use as a 6 person HMO (Class C4). On this basis the proposal would result in one additional occupier at the property.
6. Policy PSP16 of the Policies, Sites and Places Plan (2017) (the PSPP) states that for HMOs a minimum of 0.5 car parking space<sup>1</sup> per bedroom should be provided. This can be allocated within the curtilage, or alternatively through the submission of evidence of the availability of on street parking during the evenings and weekends. The Council's Highways advisers have indicated the proposal would require 3 parking spaces. Therefore, with one space allocated on the property's driveway, the consequent likely demand for on-street car parking spaces is two.
7. The appellant's parking survey indicates that there were in the region of 50 available on-street parking spaces within 200m of the site. However, the Council rejected those spaces available on Eden Grove and Filton Road as they were not within 200m walking distance. Therefore, with those spaces discounted, the survey shows, around 20 spaces on Northville Road/Park Road on two weekday evenings and one weekend morning. In the absence of any compelling evidence to the contrary, I have no reason to dispute those findings.
8. During my lunchtime site visit, I observed that the availability of on-street parking was consistent with the general pattern outlined by the survey. Therefore, with the proposal generating an additional demand for 2 on-street parking spaces the balance of evidence indicates that these could be provided by existing on-street parking along local streets and within a short walk of the appeal site. The proposal would not, therefore, adversely affect existing parking conditions to the extent that it would render parking opportunities unattainable for future residents.
9. There are concerns that all seven occupiers of the proposed HMO could own cars, resulting in additional parking pressure and congestion along Northville Road. I acknowledge that this could be a possibility. However, it is more likely that some occupiers would be without a car given the proximity to local public transport services along Gloucester Road and the likelihood that the future occupants would have low incomes. But, even if every occupier were to own a car the parking survey and my assessment of the conditions in the locality indicate that there would be sufficient on-street parking availability nearby.
10. The Council's concerns set out that the effects of increased parking pressure in the vicinity would be detrimental to local highway safety. I can appreciate that should future users of the proposed development choose to park in those areas where there is already high parking stress this could compound competition for on-street spaces and could cause inconvenience and frustration. Moreover, I saw during my site visit that on-street parking along Northville Road, has the effect of reducing the width of the carriageway making it somewhat restrictive for larger vehicles, although not to the extent that it would block the road.

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<sup>1</sup> Rounded up to the nearest whole number

11. However, such inconvenience cannot necessarily be equated to material harm to highway safety of a magnitude that would warrant withholding permission. Also, I have not been presented with any evidence as to how the minor increase in future residents, choosing to park on surrounding streets would lead to any harm to highway safety or any unacceptable levels of congestion. Furthermore, I have been given no reason to indicate that the availability of on-street parking would necessarily lead to residents of the HMO, to choose or be forced to park illegally or dangerously, particularly in light of the evidence of availability of on-street parking in the vicinity. Therefore, there is no substantive evidence to suggest that the proposal would result in any material harm to highway safety.
12. There are concerns that additional parked cars on the road would harm pedestrian safety. However, where I saw that cars were parked partly on the road and the footway, there was sufficient room for pedestrians to walk without having to step onto the road. In the event that parked cars are obstructing footways, the local roads are relatively straight, while carrying traffic at low speeds. As such pedestrians would have sufficient time to step out onto the road to negotiate parked cars safely, before stepping back onto the footway.
13. I acknowledge the criticism of the parking surveys by neighbours who suggest that, because of the prevailing Covid-19 pandemic, the surveys portray an unnatural picture. However, conversely, it is possible that an increase in home working may actually result in more cars remaining at worker's houses during the day. In any case, my own observations, at a time when businesses are now operating normally, are consistent with the parking survey, hence supporting its credibility.
14. Taking all of the above factors into account, I conclude that the proposed parking arrangements could be acceptably accommodated on the site and on-street. Consequently, the development would not have a harmful effect on highway safety. As such the proposal would accord with policy CS8 of the Core Strategy<sup>2</sup> which requires car parking to not compromise highway safety, and to provide cycle parking facilities, and PSP39 of the PSPP which requires parking to be provided in accordance with the Council's standards set out in Policy PSP16, referred to above.

#### *Character of the area*

15. Policy PSP39 of the PSPP states, amongst other things, that where permission is required for a HMO, it will be acceptable provided there is no harm to the character and amenity of the area. The policy cautions that such developments can nonetheless, if inappropriately located, become concentrated in a locality. This could lead to an increase in local congestion, result in on-street parking problems and undermine amenity and street character e.g. removal of front gardens and landscaping, to accommodate parking and bins on private amenity space.
16. The Council's HMO register indicates that there are four licenced HMOs on Northville Road. A further two large HMOs comprising seven and eight bedrooms respectively, were recently allowed at appeal<sup>3</sup>. The inclusion of the appeal proposal and those recently allowed appeals, would according to the

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<sup>2</sup> South Gloucestershire Local Plan: Core Strategy 2006-2027

<sup>3</sup> ref: APP/P0119/W/21/3268733 - 64 Northville Road; ref: APP/P0119/W/21/3267761, 58 Northville Road

appellant, result in 4.5% of properties in the street being licenced HMOs. A separate survey carried out by third parties indicates that this figure would be 16%, although it is not clear whether these are large (Class C4) or small scale (Class C3) HMO properties.

17. There is no guidance or policy in the submission documents that identifies what is an acceptable limit to maintain a balanced community and mix of housing. Therefore, even if I were to give more weight to the survey results presented by third parties, the provision of an additional HMO in the street does not result in an unacceptable imbalance in the local housing stock towards shared households and sub-divided houses.
18. The proposed bin and cycles storage structures would be modest in scale and positioned discretely behind the property's building line, whilst the existing front boundary would remain and continue to form part of a consistent line of similar enclosures running along this side of Northville Road. Taking these factors into account as well as the limited external alterations proposed, I find that the proposal would not alter the character of the street to any unacceptable degree.
19. I acknowledge the concerns raised about noise, litter, lack of upkeep and anti-social behaviour from other residents; however, these comments are anecdotal and do not provide evidence that such behaviour would occur at the appeal site. Ultimately, I have no firm basis to conclude that anti-social behaviour is a likely consequence of the proposed HMO use, and certainly no evidence that it is significantly more likely to occur with seven occupants as opposed to six, or a family occupying a dwelling house. Moreover, I have no evidence before me from the Council's Environmental Health team or the Police that indicates any issues of noise or anti-social behaviour arising from existing HMO properties on Northville Road. Accordingly, these factors do not weigh strongly against the proposal.
20. For the above reasons, I conclude that the proposal would cause no harm to the character and amenity of the area and does not result in an unacceptable change to the local housing mix or to the balance of the community. Consequently, and in this regard, it accords with Policy PSP39 of the PSPP and Policy CS17 of the Core Strategy, which in part, aim to ensure that HMOs and the subdivision of dwellings do not adversely affect the character of the area or prejudice the amenity of neighbours. The proposal would also accord with the National Planning Policy Framework, where it meets the objective of creating mixed and balanced communities, in addition to protecting an area's character.

### **Other Matters**

21. Future occupiers would have access to an area of external amenity space at the rear of the property. This comprises a functional area that is large enough for activities such as outdoor seating. There is also a spacious open plan kitchen/dinner/lounge covering a large part of the property's ground floor. I am satisfied that these internal and external areas would provide acceptable communal space for the future occupiers.
22. There are concerns relating to the effect of a rear dormer roof extension upon nearby living conditions and the appearance of the dwelling. However, according to the Council, that addition was built under permitted development

rights. Given that I have no alternative evidence to the contrary, I have no reason to dispute the Council on this matter.

23. Third parties have referred to the unkempt nature of gardens in the vicinity, but that would be a matter for individual owners and occupiers of properties to address. There are also concerns that the proposal would set an undesirable precedent for further HMOs in the area. Nevertheless, I have not been aware of any forthcoming proposals. In any event each case should be determined on its own merits.
24. The matters raised relating to students not paying council tax and the practices of HMO landlords are not matters for consideration in this appeal.

### **Conditions**

25. I have imposed a standard condition relating to a time limit for the commencement of development. A schedule of plans condition is also included in the interest of certainty.
26. In order to ensure that refuse and recycling facilities are adequate and appropriately sited it is necessary that they are implemented prior to occupation and retained in accordance with the submitted drawings. This condition is necessary to ensure those facilities are acceptably stored and kept clear of the highway. I have also imposed a condition requiring that the bicycle parking facilities detailed on the submitted drawings are implemented before the occupation of the approved HMO. This will ensure that alternative modes of transport such as bicycles can be effectively stored at the site.

### **Conclusion**

27. For the reasons given, and having had regard to all matters raised, the appeal is allowed.

*RE Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and following drawings: site location plan; existing floor plans; existing elevations (Rev A); proposed block plan (Rev C); proposed elevations (Rev F); and proposed floor plans (Rev E).
3. Prior to the first occupation of the HMO hereby approved, the refuse and recycling stores shall be provided in accordance with the approved drawings. Once provided, the bin storage facilities shall be thereafter retained for that purpose.
4. Prior to the first occupation of the HMO hereby approved, the cycle parking provision shall be provided in accordance with the approved drawings and must be made available for the future occupants and shall be thereafter retained for that purpose.

**\*\*\*End of Schedule\*\*\***