
Appeal Decision

Site Visit made on 21 September 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/Z0116/W/21/3277804

195 Wordsworth Road, Bristol, BS7 0EF

- 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 Sam Andrews, Andrews Capital Ltd against the decision of Bristol City Council.
 - The application Ref 21/00551/F, dated 2 February 2021, was refused by notice dated 15 June 2021.
 - The development proposed is the change of use from dwelling house (C3a) to a small house in multiple occupation (C4).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling house (C3a) to a small house in multiple occupation (C4) at 195 Wordsworth Road, Bristol, BS7 0EF in accordance with the terms of the application, Ref 21/00551/F, dated 2 February 2021, 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: Drawing Numbers 3882.PL.01, 3871.PL.02 and 3882.PL.03 Rev B
 - 3) The development hereby permitted shall not be occupied until the bin and recycling storage facilities as shown on the approved plans have been provided and made available for use. The approved facilities shall thereafter be retained at all times for this use only.
 - 4) The development hereby permitted shall not be occupied until the cycle storage facilities as shown on the approved plans have been provided and made available for use. The approved facilities shall thereafter be retained at all times for this use only.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force. In light of this, I have sought the views of the main parties in writing and any comments received have been taken into consideration.

Main Issue

3. The main issue is whether the proposal would lead to a harmful concentration of houses in multiple occupation in the local area, with consequential harm to the living conditions of nearby occupiers through noise and disturbance.

Reasons

4. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) sets out the circumstances where the conversion of an existing dwelling to a house in multiple occupation (HMO) will not be permitted. These include where the development would result in levels of activity that cause excessive noise and disturbance to existing residents.
5. Further guidance is contained within the Supplementary Planning Document – Managing the development of houses in multiple occupation (2020) (the SPD). With particular relevance to this appeal, it describes the situations where the sandwiching of an existing residential property, or properties, by HMOs on both sides will not be acceptable. One of the situations where this will be unacceptable is where there are single HMO properties adjacent, opposite and to the rear of a single residential property. It is also stated that sandwiching situations apply irrespective of limited breaks in building line, such as a vehicular access or pedestrian access, apart from a separating road.
6. The appeal property comprises a semi-detached dwelling, located at the junction of Wordsworth Road and Bonnington Walk. The Council set out that 1 Bonnington Walk is an HMO and that the proposed development would sandwich 196 Wordsworth Road (No 196) between this existing HMO and the proposed, due to 1 Bonnington Road being adjacent to, and the proposed development opposite, No 196.
7. However, the guidance of the SPD states that sandwiching will apply to circumstances apart from where there is a separating road. In this case, the appeal site lies on the opposite side of Wordsworth Road from No 196 and as such there is a separating road. Moreover, while the Council refers to “existing harmful conditions of activity”, there is nothing before me that convinces me that the existing situation causes, or the addition of one additional HMO would result in, harmful living conditions for existing occupiers. This is particularly so given that the Council sets out that only 1% of the housing stock in the Lockleaze ward comprises licenced HMOs, and that there are only two existing HMOs within 100 metres of the appeal site.
8. Accordingly, I find that the proposal would not lead to a harmful concentration of houses in multiple occupation in the local area, with consequential harm to the living conditions of nearby occupiers through noise and disturbance. Thus, it accords with policy DM2 and the guidance of the SPD.

Other Matters

9. There is no evidence before me to show that the proposal would result in any additional pressure on on-street parking within the vicinity of the site. Additionally, there is nothing to suggest that there would be any adverse effect on the living conditions of adjoining occupiers through the lack of appropriate boundary treatments at the appeal site.

Conditions

10. In the interests of clarity, I have imposed a plans condition to define the extent of the permission. In the interests of the character and appearance of the area, I have imposed a condition in respect of the provision of waste storage facilities and their retention. However, I consider that the requirement to only store such materials in these facilities, as well as controlling when material is placed out for collection, to be overly onerous and have not included this. In the interests of sustainable travel, I have also included a condition in respect of cycle storage.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Martin Allen

INSPECTOR