



Appeal Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/F0114/W/21/3272644

24 Broadway, Widcombe, Bath BA2 4JA

- 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 Nathan Thevathasan against the decision of Bath and North East Somerset Council.
 - The application Ref 20/02727/FUL, dated 30 July 2020, was refused by notice dated 23 October 2020.
 - The development proposed is the change of use from a three bed dwelling house (C3) to a five bed House in Multiple Occupation (C4).
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from a three bed dwelling house (C3) to a five bed House in Multiple Occupation (C4) at 24 Broadway, Widcombe, Bath BA2 4JA in accordance with the terms of the application, Ref 20/02727/FUL, dated 30 July 2020, 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 drawings: Site Location Plan (Stanfords 1:1250), Site Plan (Stanfords 1:200) and Floor Plans as Proposed 1002 Rev B.
 - 3) The development hereby permitted shall not be first occupied until details of secure covered bicycle storage for at least 2no. bicycles has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter for the storage of bicycles only.
 - 4) The development hereby permitted shall not be first occupied until parking for at least 1 vehicle has been provided on site. The parking area shall be set out in accordance with the approved details prior to the first occupation of the development hereby permitted, kept clear of obstruction and retained thereafter for the parking of a vehicle only.

Applications for costs

2. An application for costs was made by Mr Thevathasan against Bath and North East Somerset Council. This application is the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to comments, where received, from the main parties in regard to this. There have been no fundamental changes relevant to the main issues in this appeal.
4. The proposed change of use from a Class C3 dwelling to a Class C4 House in Multiple Occupation (HMO) with 6 or fewer occupants would, under normal circumstances, not require the benefit of planning permission, being permissible under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, an Article 4 Direction to remove this entitlement in the city of Bath took effect in July 2013 and remains in place.

Main Issue

5. The main issue is whether or not the proposed conversion would result in the unacceptable loss of a single-family dwelling.

Reasons

6. The Article 4 Direction does not mean that the change of use proposed would be unacceptable, but that the Council retains control over the number and standard of small Houses in Multiple Occupation (HMOs) being created within the city. By way of a planning application each case can then be dealt with on its own merits.
7. The Houses in Multiple Occupation in Bath Supplementary Planning Document (2013) (SPD) sets out the Council's approach to the distribution and dispersal of HMOs. It encourages an appropriately balanced housing mix, supporting a wide variety of households in all areas. The SPD establishes a two-stage test: firstly, requiring an assessment of whether a building is within 50 metres of a Census Output Area in which HMO properties represent more than 10% of the households; and, secondly, requiring assessment of whether the density of HMOs within a 100 metre radius exceeds the threshold of 10%. The Council and the appellant agree that, given that the site fails the first test but meets the second test, the change of use of this property meets the requirements of the SPD. The appellant has also provided information detailing that an HMO within the 100 metre buffer has since been removed from the Council's list of licensed HMOs which further reduces the percentage. This has not been disputed by the Council.
8. I acknowledge the Council's concern that whilst the proposal meets the requirements of the HMO SPD, they consider that, given how close the area is to exceeding the density of HMOs within a 100 metre radius (9.6% including the proposed development) that it would result in an unacceptable loss of a single family dwelling.; however, no evidence has been provided that would indicate that there are particular issues in this area with regard to single-family housing provision. Given that the density of HMOs within 100 metres of the

appeal site would remain below 10% it is my view that the proposed development would not harm the balance and mix of housing types in the area.

9. In conclusion, the proposal would not therefore result in an overconcentration of HMOs for the area and would not therefore be detrimental to the mix, size and type of accommodation available. Accordingly, it would not result in the unacceptable loss of a family dwelling. The proposed development would therefore accord with Policy H2 of the Bath and North East Somerset Placemaking Plan (July 2017) and the guidance contained within the SPD, which seek amongst other things, to avoid high concentrations of HMOs in order to secure a variety of high quality housing types.

Other Matters

10. In regard to concerns that have been expressed on the change of use giving rise to an increase in levels of rubbish and disturbance from noise, there is limited evidence to suggest that this would be the case when considering the contextually small increase in the occupation of the property and limited change in the way it would be used for five individual occupants. It is a semi-detached property of substantial construction, sat in a good sized plot and it would be eminently possible to accommodate sufficient refuse storage.
11. In terms of car parking, it would appear that it is possible to park clear of the street and there seemed to be capacity on the street at the time of my visit. Also, I note that the appeal site is in an accessible location, reasonably close to services and that the Council's highway advisors have not objected.

Conditions

12. I have taken on board the Council's suggested conditions and imposed the following, having regard to clarity, enforceability and Planning Practice Guidance. It is necessary for clarity and enforcement purposes to impose a condition in respect of both the standard time limit and the approved plans. I also consider it necessary to impose conditions in respect of vehicular parking and bicycle storage in the interest of highway safety and in order to ensure the bicycle storage is provided. It would be sufficient for details thereof to be agreed and implemented prior to the first occupation of the proposed development.

Conclusion

13. I have considered all other relevant material considerations and found that there is no compelling reason to make a decision otherwise than in accordance with the development plan. The appeal should therefore be allowed for the reasons given and subject to the conditions imposed.

Tamsin Law

INSPECTOR