



Appeal Decision

Site visit made on 11 March 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 28 March 2022

Appeal Ref: APP/Z0116/W/21/3287129

69 Alma Vale Road, Clifton, Bristol BS8 2HR

- 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 P Brown against the decision of Bristol City Council.
 - The application Ref 21/02032/F, dated 12 April 2021, was refused by notice dated 26 October 2021.
 - The development proposed is described as 'Change of use from a single 4 bedroom residential dwelling to a 4 person HMO'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is covered by an Article 4 Direction. This restricts permitted development rights for the change of use of a single dwellinghouse in Use Class C3, to a small house in multiple occupation (HMO) in Use Class C4.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the mix and balance of housing in the area.

Reasons

4. The appeal site is a mid-terrace, four-bedroom property located in an area predominantly in residential use. It is served by modest rear and front gardens. The appeal property appears to have undergone recent investment, with evidence of façade treatment. I also understand that until recently the property had been vacant for many years.
5. The site is located within an area that is well positioned to the University of Bristol and therefore has led to sustained demand for accommodation for students and young professionals, including HMOs. However, the size and configuration of the appeal dwelling, including both internal and external space would make it suitable for a family dwelling. Its location may not be among the most desirable for a family home within the city. Nonetheless, I still consider that it would be attractive for families and there is likely to be demand for such homes in the area. No substantive evidence has been provided to persuade me otherwise.
6. Policy BSC18 of the adopted Bristol Development Framework Core Strategy 2011 (Core Strategy) requires new development proposals to maintain, provide or contribute to a mix of housing tenures, types and sizes in order to support

the creation of mixed, balanced and inclusive communities. The policy, amongst other matters, seeks for development to help redress any existing housing imbalances. The policy is broadly consistent with Paragraph 62 of the National Planning Policy Framework (the Framework).

7. Policy DM2 of the adopted Site Allocations and Development Management Policies Local Plan 2014 (SADMP) details matters relating to residential sub-division, shared and specialist housing, including the development of HMOs. The policy aims to encourage balanced communities, including by preventing harmful concentrations of HMOs.
8. The Council's supplementary planning document 'Managing The Development of Houses in Multiple Occupation' (adopted November 2020) (SPD) provides further clarification to Policies DM2 and BSC18. The SPD sets out standards that HMO developments are expected to adhere to, in order to maintain balanced communities in the city, and to manage amenity and character impacts.
9. Of relevance to the appeal, the SPD seeks to prevent the intensification of HMOs where more than 10% of the dwelling stock, within a 100m radius of the area surrounding the application site, are already in HMO use. The SPD explains that the 10% threshold has been derived from analysis of concentrations of HMOs throughout Bristol's communities. In my judgement, the threshold identified provides a clear indication of when the extent of HMOs is likely to result in an imbalance in the city's housing stock and communities. As such, I consider it to be an important material consideration.
10. The main parties have identified slightly different numbers of HMOs within 100m of the appeal site. Based on the appellant's best-case scenario, there are 22 existing HMOs within 100m, which equates to 12.2% of dwellings. Accordingly, the 10% threshold identified in the SPD is already breached. Using the definition within the SPD, the community and choice of housing around the appeal property is therefore already imbalanced by the concentration of HMOs.
11. The appellant highlights that the appeal proposal would result in the level of HMOs within 100m of the site increasing to 12.8%. I recognise that this is only a marginal increase, but it would nevertheless reduce the choice of family homes in the area, exacerbate the existing conditions and undermine the objectives of policies, BSC18, DM2 and the SPD.
12. There may be greater demand for accommodation for students and younger adults in this specific area of the city. There may also be a greater shortfall of housing for this demographic, compared to family housing. However, the Council's planning policies and guidance are specifically concerned with addressing any imbalance in communities and housing mix, as well as the avoidance of harmful concentrations of HMOs.
13. To conclude, when compared to the standards applied by the LPA, the proposed development would exacerbate an existing overconcentration of HMOs in the area. As a result, the proposed change of use would have an adverse effect on the mix and balance of housing in the area. Consequently, the appeal proposal conflicts with Policy BCS18 of the Core Strategy, Policy DM2 of the SADMP, and guidance contained within the Council's SPD. Together amongst other matters, the policies and guidance seek to create sustainable, balanced and mixed communities and prevent harmful concentrations of HMOs.

Other Matters

14. The LPA has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11d of the Framework is therefore engaged, while Policies BSC18 and DM2 relating to the provision of housing are considered out-of-date. Despite this, I have still attributed some weight to the policies due to their general consistency with the aims of the Framework. The appeal scheme whilst allowing potentially more occupiers to share a property does not involve the supply of any additional new dwellings. The minor alterations to the property would also not entail significant construction work. The socio-economic benefits of the proposal are therefore limited. Overall, I consider that the adverse effects of the development, that have previously been outlined, would significantly and demonstrably outweigh the benefits of the appeal scheme.
15. The appellant has referred to two relatively recent appeal decisions to support the current scheme. I do not have the full details of these cases. However, the 68 Alma Vale Road appeal decision pre-dated the Council's SPD, as such, the policy context is now somewhat different. The context of the appeal at land to the rear of 85 Whiteladies Road was also somewhat different in that it involved a new build scheme; it therefore did not reduce the choice of homes in the area or involve the loss of a potential family dwelling. I therefore give these previous appeals little weight in my determination.
16. Concerns have been raised by third parties in relation to the impact of the proposal on the living conditions of neighbouring residents, particularly through increased noise, poor waste management, anti-social behaviour, and increased pressures on parking. However, there is no evidence before me to demonstrate that the appeal proposal would give rise to such harmful impacts. Furthermore, the Council has deemed that the proposal would provide an acceptable quality of accommodation for future occupiers, whilst not causing harm to the residential amenity of neighbours.
17. The site is located within the Whiteladies Road Conservation Area (CA). The appeal scheme does not incorporate any external alterations, except for the provision of a bin store to the front of the property and a bike store within the rear garden. The LPA did not raise concerns with the impact of the development on the character and appearance of the CA. Based on the evidence before me, including the observations I made on site, the proposal would not harm, and would therefore preserve, the character and appearance of the CA.

Conclusion

18. For the reasons outlined above and having regard to the development plan as a whole, and all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR