



Appeal Decision

Site visit made on 25 March 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 6 May 2022

Appeal Ref: APP/F0114/W/21/3285695

Saffron Court, Flat 30, Snow Hill, Walcot, Bath BA1 6DF

- 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 Shi Hua against the decision of Bath and North East Somerset Council.
 - The application Ref 21/02552/FUL, dated 27 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as 'A change of use from a 3 bedrooms dwelling (class C3) to a 3 bedrooms HMO (Class C4)'.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a 3 bedrooms dwelling (class C3) to a 3 bedrooms HMO (Class C4) at Saffron Court, Flat 30, Snow Hill, Walcot, Bath, BA1 6DF in accordance with the terms of the application, Ref 21/02552/FUL, dated 27 May 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:
 - Site Location Plan (Ref No. TQRQM21147100535364, Dated 27 May 2021);
 - Site Plan (Ref No. TQRQM21147095957509, Dated 27 May 2021); and
 - Proposed Floor Plan (Dated 3 June 2021)

Preliminary Matters

2. Since the determination of the original planning application, the Council has revised its Houses in Multiple Occupation Supplementary Planning Document (SPD), with the latest iteration being adopted in January 2022. The revised SPD has been amended to reflect recent evidence and commentary received through a review process. The guidance is therefore up to date and establishes the approach that should be taken in considering the distribution and dispersal of HMOs within Bath and the wider district.

Main Issues

3. The main issues are:

- the effect of the proposal on the mix and balance of housing in the area; and
- the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

Mix and Balance of Housing

4. The appeal property is a 3-bedroom flat within a large, purpose-built, block of flats. Saffron Court is served by private parking spaces and communal waste collection areas.
5. Policy H2 of the Bath and North East Somerset Placemaking Plan, adopted 2017, (PP) relates specifically to HMOs. The Policy sets out various criteria for determination of applications to a HMO use, including seeking to prevent further changes of use where they would not support a balanced community. More detailed guidance associated with PP Policy H2 is provided within the Council's Houses in Multiple Occupation Supplementary Planning Document, adopted 2022 (SPD).
6. Relevant to this 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 10% threshold test was already established in earlier versions of the SPD, albeit it only applied to specific identified census output areas as opposed to the whole district. In any event, the 10% threshold was and remains applicable to the appeal scheme.
7. Fundamental to the Council's refusal of the proposal was its identification that it would result in 11.9% of properties within 100m of the appeal site being in HMO use. However, the Council now identifies that based on its most recent available evidence (October 2021), should the appeal scheme be allowed, some 6% of properties within 100m of the site would be HMOs. Accordingly, the 10% threshold would not be breached and the Council has acknowledged that the appeal scheme is in line with its adopted policy. I find no reason to disagree with the Council's latest view.
8. Having regard to the updated standards applied by the Council, the proposed development would not result in an overconcentration of HMOs. It therefore would not result in a harmful effect on the mix and balance of housing in the area, including size, type, and affordability of accommodation.
9. Consequently, the development would accord with Policy CP10 of the Bath and North East Somerset Core Strategy (adopted 2014), PP Policy H2 (adopted 2017), and the HMO SPD (adopted 2022). Together the policies and associated guidance seek to avoid high concentrations of HMOs in order to secure a choice of high-quality housing types, to help support balanced and mixed communities.

Living Conditions

10. The Council's original concerns related to potential cumulative impacts on the amenity of neighbouring properties associated with an overconcentration of HMOs in the area. The Council's delegated report indicates that these concerns

were primarily related to potential noise and disturbance issues. However, the Council has subsequently confirmed that the proposed development would not result in an impact on residential amenity that would justify refusal of the application. This is due to the latest available evidence of HMO numbers in the area.

11. No compelling evidence has been provided to indicate that the proposal would unacceptably affect the living conditions of neighbouring residents, particularly in terms of noise or disturbance.
12. The proposed development would therefore accord with PP Policies H2 and Policy D6. Together these Policies, amongst other matters, seek to ensure that development proposals do not cause significant harm to the amenity of existing neighbouring occupiers.
13. With regards to PP Policy D6, it is noted that this policy was not listed on the Council's decision notice. However, the associated delegated report stated that the proposal was considered contrary to Policy D6, whilst impacts on the amenity of surrounding properties was cited as a reason for refusal on the original decision notice.

Other Matters

14. I note the concerns that have been raised by a local resident, including impacts on parking and the quality of living conditions for future occupiers. However, there is no substantial evidence before me to demonstrate that the appeal proposal would give rise to such harmful impacts. The proposal would appear to provide acceptable living conditions for potential future residents and no concerns have been raised by the Council in relation to this. Similarly, the Council has deemed that the proposal would not result in demonstrable adverse impacts on highway safety or parking conditions.
15. The appeal property is located within both the Bath Conservation Area (BCA) and Bath World Heritage Site (BWHS). The appeal scheme does not incorporate any external alterations and the Council did not raise concerns with the impact of the development on the character and appearance of the BCA or its impact on the BWHS. Based on the evidence before me, the proposal would preserve, the character and appearance of the BCA. Likewise, the outstanding universal value of the BWHS would be preserved.

Conditions

16. The Council has recommended a range of conditions. I have considered the suggested conditions and amended as necessary in the interests of precision and clarity, as well as to comply with advice in the Planning Practice Guidance.
17. A condition requiring compliance with approved drawings is necessary and reasonable in the interests of clarity.
18. I do not consider that the LPA's suggested condition relating to a waste strategy for the proposed development is necessary or reasonable. It is evident that waste collection services/facilities for the Saffron Court estate are already in place. Whilst the property would potentially be occupied by members of different households, it would remain a three-bedroom property within a large block of flats. It is therefore unlikely to significantly change the waste requirements at the site.

19. Similarly, I do not consider a condition requiring the provision of bicycle storage to be necessary or reasonable. Again, the proposed development is unlikely to result in a significantly greater number of occupiers to warrant the provision of bicycle storage specifically for this flat. In addition, the site is in a highly sustainable location with good access to facilities, services, and a range of transport options.

Conclusion

20. For the reasons outlined above and having regard to the development plan, as a whole, and all other material considerations, the appeal should be allowed.

Lewis Condé

INSPECTOR