



Appeal Decision

Site visit made on 19 April 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022.

Appeal Ref: APP/Z0116/W/21/3288790

20 Mount Pleasant Terrace, Southville, Bristol BS3 1LF

- 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 R Thickett against the decision of Bristol City Council.
 - The application Ref 21/03934/F, dated 30 June 2021, was refused by notice dated 10 November 2021.
 - The development is described as proposed change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw on my visit that the building is already in occupation as a C4 House in Multiple Occupation (HMO) and I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 16 and 18 Mount Pleasant Terrace, with regard to noise and disturbance.

Reasons

4. The appeal site consists of the ground and first floors of this residential building, which previously formed a single-family two-bedroom dwelling. It is within a row of terraced properties and Nos 16 and 18 are within the same terrace.
5. Although not an adopted Development Plan policy, the Council's Supplementary Planning Document 'Managing the Development of Houses in Multiple Occupation' (the SPD), adopted 2020, sets out circumstances where the creation of HMOs is unlikely to accord with the Development Plan.
6. The SPD includes a Neighbourhood Level assessment in respect of the number of HMOs within a 100-metre radius of the site. It is common ground that the number of HMOs does not exceed the SPD's 10% threshold in this respect. Many HMOs locally are smaller properties with fewer than five occupants and the area remains predominantly one of family accommodation.
7. However, the SPD also advises that sandwiching can intensify impacts on individual households even if few HMOs exist locally. It has a Street Level assessment whereby if up to three single residential properties are sandwiched between two single HMOs, this is likely to result in a harmful concentration of

HMOs. It is agreed by the main parties that two properties, Nos 16 and 18, are sandwiched between No 14 (an existing HMO) and the appeal site, which breaches the SPD's Street Level requirement.

8. In terms of its specific impact, as a dwelling it could potentially be occupied by more people than as a three-person HMO. Nevertheless, it seems to me that a family occupying a single dwelling is more likely to carry out day-to-day activities together. This contrasts with HMO use, where three individuals would be likely to have their own separate routines, with their associated comings and goings. As a result, the HMO use generates more traffic, people, visitors and deliveries than would reasonably be expected from a single-family home, with an increase in general activity, noise and disturbance.
9. Both Nos 16 and 18 are close to two HMOs as a result of the appeal scheme. No 18 has its front windows close to No 20's entrance door, with little scope for screening or mitigation. HMO use also results in a more intensive use of the relatively small rear yard, which is immediately adjacent to that at No 18. Whilst separate legislation exists to address any anti-social behaviour, this would not prevent the noise and disruption associated with the normal use of the property as an HMO.
10. The proximity of the nearby busy North Street means there is already a degree of noise locally, though this primarily affects properties closer to it than the appeal site. Although the Council's Environmental Protection and Transport Development Management consultees did not object, the aim of the Council's planning policy framework is also to control the cumulative effects of such proposals. Without such control, which would be undermined where I to allow the appeal, the cumulative effects of a concentration of HMOs would have a significant impact on the quality and characteristics of the area, further harming living conditions locally, including for Nos 16 and 18.
11. Therefore, the development has a significantly harmful effect on the living conditions of the occupiers of 16 and 18 Mount Pleasant Terrace, with regard to noise and disturbance. As such, it is contrary to Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies (BLP), adopted 2014, and the aims of the SPD, which seek to control HMOs where they would harm living conditions or contribute to a harmful concentration of such uses.

Planning Balance

12. Evidence has been provided demonstrating that the population of Bristol is projected to grow by more than the national average. With a large and growing student population, I do not doubt that housing affordability is an important issue. I also note the requirement of Core Strategy Policy BCS18 (adopted 2011) for a mix of housing tenures, types and sizes.
13. Furthermore, there is no dispute that the Council has not delivered the necessary level of housing required under the Housing Delivery Test. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing additional housing to assist the Council in addressing its undersupply, as set out in paragraph 11 of the National Planning Policy Framework (the Framework).

14. The proposal would help to meet the need for shared accommodation, making a positive contribution to the supply of housing in the area. The site is well located for services and facilities, and future occupants would make positive social and economic contributions. No concerns have been raised by the Council in respect of flooding, parking, or the living conditions of occupiers of the HMO. The occupiers of Nos 16 or 18 did not make representations about the scheme.
15. However, for the reasons I set out above, the proposal would be contrary to BLP Policy DM2 and the Development Plan as a whole, which is consistent with the Framework's requirement that new development must have a high standard of living conditions.
16. The site is within the Bedminster Conservation Area (CA). It is agreed by the main parties that the development has no adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site and its surroundings, I concur with that view. Accordingly, the proposal would preserve the CA's character and appearance, and this is neutral in the planning balance.
17. However, whilst acknowledging the benefits identified above, their effects are limited because of the size of the HMO. They are also counter-balanced by the loss of the family dwelling, which would have contributed to housing affordability, mix and choice locally.
18. An appeal decision¹ at Whiteladies Road, Clifton, for a six-bed HMO, has been brought to my attention, where the Council did not argue the sandwiching effect. However, unlike the proposal before me, the Clifton scheme did not result in the loss of an existing dwelling and so is not directly comparable.
19. Given the harm that I have identified to Nos 16 and 18 in respect of noise and disturbance, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

20. For the reasons given above, having regard to the Development Plan and all other material considerations, including the Framework, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

¹ Reference APP/Z0116/W/20/3260047