



Appeal Decision

Site visit made on 23 November 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/P0119/W/22/3295988

18 Braemar Avenue, Filton BS7 0TB

- 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 of Redland Capital Ltd against the decision of South Gloucestershire Council.
 - The application Ref P21/06787/F, dated 20 October 2021, was refused by notice dated 8 March 2022.
 - The development proposed was originally described as change of use from a small house in multiple occupation for 3-6 people (C4) to a large house in multiple occupation for up to 7 people (sui generis), including extension to existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a small house in multiple occupation for 3-6 people (C4) to a large house in multiple occupation for up to 7 people (sui generis) at 18 Braemar Avenue, Filton BS7 0TB in accordance with the terms of application Ref P21/06787/F, dated 20 October 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: 3968.PL.01, 3968.PL.02 Rev B, 3968.PL.03, 3968.PL.04 Rev A.
 - 3) The off-street parking provision, bin store and cycle storage shall be provided prior to the first use of the property as a 7-person house in multiple occupation and retained for those purposes thereafter.

Application for Costs

2. An application for costs was made by Mr Sam Andrews of Redland Capital Ltd against South Gloucestershire Council. That application is the subject of a separate decision.

Procedural Matter

3. Before the Council refused planning permission, the proposed development was altered by the omission of the extension to the garage. I have therefore taken the description of the development from the Council's decision notice in my own decision above, in the interest of accuracy. However, in doing so, I have removed the superfluous reference to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Main Issue

4. The suitability of the site for the proposal, having regard to the development plan's approach to the provision of houses in multiple occupation.

Reasons

5. Braemar Avenue is a street of semidetached dwellings. No 18 is a small house in multiple occupation (HMO) able to accommodate six discrete occupiers. A change of use is sought to change the site to a large HMO for up to seven occupants. The development would not increase the number of HMOs in the locality but would result in a net gain of one potential occupant at the property.
6. To assist in the management of the provision of HMOs, the Council published its HMO Supplementary Planning Document (SPD) last year. It guides us that if a proposal would result in HMOs representing more than 10% of the housing stock within a 'locality', or 20% of households within a 100-metre radius, it is unlikely to result in 'mixed communities' and may result in HMOs becoming concentrated to the detriment of the character and amenities for the area. The SPD defines a 'locality' as the relevant Census Output Area (COA). Reading the SPD as a whole, and given the innate difficulties in recording unlicensed HMOs, I consider that these assessments intend to specifically address licensed HMOs.
7. The appellant's evidence shows that, if No 18 is included, licensed HMOs come to comprise around 4.7% of the housing stock in a 100m radius. In mapping the data, the appellant has taken the centre point as the middle of No 18 and has not included properties where only garden spaces, not the houses themselves, encroach upon the search area. In the absence of a set methodology within the SPD, I find this to be a logical and fair way to make this assessment. The census data before me suggests that approximately 6.3% of the housing stock within the applicable COA would come to comprise licensed HMOs.
8. As a seven-bedroom HMO, the scheme is also expected, pursuant to Policy PSP16 of the Policies, Sites and Places Plan (adopted 2017) (PSPP), to provide parking spaces for four motor vehicles. This need not be entirely on the site, if there is appropriate evidence of the availability of street parking during evenings and weekends. The front yard of No 18 contains parking for three vehicles. The appellant's Parking Survey examined parking capacity during the evening and the weekend and clearly shows that Braemar Avenue can sufficiently absorb the additional parking requirement without detriment to highway safety nor the capacity of the highway network.
9. Whilst I note the concerns of elected members, Filton Town Council and local residents about other, unlicensed HMOs in the locality, and the effects of such, the appellant's evidence is consistent with what I saw on my visit to the site and wider vicinity. Along Braemar Avenue I observed a quiet and well-kept mid urban street scene of what appeared to be predominantly family homes. There was negligible aural or visual evidence, such as litter, noise or parking congestion, one would expect in an area with an imbalance towards HMOs.
10. I therefore conclude that the site would be suitable for the proposal, having regard to the development plan's approach to the provision of HMOs. The proposal would accord with Policies PSP8, PSP16 and PSP39 of the PSPP insofar as they seek to provide mixed and balanced communities, ensure highway safety and protect the amenity of residents and the local area. The scheme would also accord with the National Planning Policy Framework in these regards.

Other Matters

11. I recognise the other concerns raised by interested parties relating to matters of design, noise and other forms of potential disturbance. However, as the scheme would in effect add one additional occupant to what is an established HMO, any additional impact of the proposal would be minimal in these respects.

Conditions and Conclusion

12. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty. A condition is also necessary to ensure delivery and retention of necessary parking and bin and cycle storage.
13. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeal.

Matthew Jones
INSPECTOR