



Appeal Decision

Site visit made on 14 February 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/Z0116/W/22/3309465

34 Lockleaze Road, Horfield, Bristol City, Bristol BS7 9RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Adamo Missiato, Missiato Design and Build Ltd against Bristol City Council.
 - The application Ref 22/04017/F, is dated 15 August 2022.
 - The development proposed is change of use from a dwelling house (C3a) to a large house in multiple occupation for up to 9 people (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwelling house (C3a) to a large house in multiple occupation for up to 9 people (sui generis) at 34 Lockleaze Road, Bristol City, Bristol BS7 9RR in accordance with the terms of the application, Ref 22/04017/F, dated 15 August 2022, 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: 4012.PL.01A, 4012.PL2.02, 4012.PL2.04.
 - 3) The development hereby permitted shall not be occupied until the bin and recycling storage facilities as shown on the approved plans have been provided and made available for use. The approved facilities shall thereafter be retained at all times for this use only.
 - 4) The development hereby permitted shall not be occupied until the cycle storage facilities as shown on the approved plans have been provided and made available for use. The approved facilities shall thereafter be retained at all times for this use only.

Preliminary Matters and Main Issues

2. As set out in the banner heading above, the Council failed to determine the application to which this appeal relates within the prescribed period. Since the appeal has been made, the Council has advised that had it been in a position to determine the application they would have approved the application, subject to planning conditions.
3. Notwithstanding, a number of interested parties have made representations during the planning application process, and a further representation during the

appeal process. A broad range of issues are raised, including living conditions of intended occupiers and occupiers of surrounding properties and highway safety impacts.

4. Accordingly, the main issues are:

- The effect of the proposed development on the living conditions of future occupiers and neighbouring occupiers, with particular regard to living space and noise; and
- The effect of the proposed development on highway safety.

Reasons

Living conditions

5. The appeal property is a large semi-detached 6 bedroom dwelling located within a residential area, fronting Lockleaze Road and backing onto Chedworth Road. The existing property features 6 bedrooms, with the proposed floorplans indicating that the existing ground floor study, lounge and dining rooms would be utilised as bedrooms resulting in a 9 bedroom house in multiple occupation (HMO).
6. The Council's Officer report (OR) has stated that each bedroom would comply with the space standards outlined within the Bristol City Council's HMO License Standard (LS), as well as the nationally described space standards. Furthermore, the OR states that the property will also have a sufficient number of bathrooms and toilets and internal communal living space to meet the LS. On the evidence before me, I see no reason to disagree with the Council.
7. Although I note the concerns raised regarding noise, and it has been put to me that the proposed development would further contribute to anecdotal noise and anti-social behaviour within the area, the existing use of the property, given it is a 6-bedroom dwelling, could be occupied by similar numbers, albeit as a single family. I have no substantive evidence before me that the use of the property as a 9-bedroom HMO would result in any materially different effects on noise than that from the existing use of the property.
8. Further concern has been raised by interested parties that previous alterations and extensions to the property have resulted in overshadowing and lack of privacy to neighbouring gardens. The proposed development the subject of the appeal before me does not propose any external alterations or extensions to the building. It follows that the proposed development would not result in an increase in any overshadowing or overlooking.
9. Consequently, I conclude that the proposed development would result in acceptable living conditions for future occupiers, with no significant additional harm to neighbouring occupiers. The proposed development would accord with Policy BCS21 and BCS23 of the Bristol Core Strategy (Adopted 2011) (CS) and policies DM2, DM27, DM29 and DM35 of the Site Allocations and Development Management Policies (2014) (DMP). These policies seek, amongst other things, to ensure that development protects living conditions of future and neighbouring occupiers.

Highway safety

10. The appeal property is located within walking distance of public transport links to wider services and facilities. Furthermore, the proposed development incorporates 4 parking spaces and a garden area including bicycle, refuse and recycling storage to the rear of the property.
11. The OR notes that the streets surrounding the appeal site don't currently experience any significant stress with regards to the availability of parking, although this is disputed by interested parties. I observed that additional parking was available to the front of the property, and there was further on-street parking available in close proximity to the appeal site.
12. Given the quantum of off-road parking, and the location of the appeal site providing good public transport links combined with cycle storage, I find that any additional pressure on on-street parking created by future occupiers of the proposed development would be limited, and given the existing levels of on-street parking, I have no evidence that the proposed development would create a reduction in traffic flow and increase congestion, as has been put to me.
13. Consequently, I conclude that the proposed development will not have a harmful effect on highway safety. The proposed development would therefore accord with CS policies BCS10 and BCS15 and DMP policies DM2, DM23 and DM32. These policies seek, amongst other things, to achieve sustainable travel patterns, maximising the opportunities for the use of walking, cycling and public transport, and ensure adequate storage for bicycles.

Other Matters

14. A number of other concerns have been raised by interested parties which are not shared by the Council, including matters of the proposed development resulting in 'sandwiching' of HMOs. The Managing the Development of Houses in Multiple Occupation Supplementary Planning Document (SPD) advises that 'sandwiching' occurs when a dwelling is sandwiched on both sides by HMO's potentially leading to a harmful concentration.
15. The SPD continues that sandwiching situations apply irrespective of limited breaks in building line, apart from separating roads. Therefore, even if 34 Chedworth Road is a HMO as has been put to me, as it is on the opposing side of a road, with no other HMO adjacent the appeal property, the proposed development would not result in 'sandwiching'. Furthermore, the Council's OR states that the percentage of HMOs within 100 metres of the site is 2.11%, below the 10% desirable threshold advised within the SPD, and I have no substantive evidence that indicates anything to the contrary.
16. Further concerns raised include those relating to works already carried out, including alterations to the property as well as soft and hard landscaping works, matters relating to future maintenance, and concerns due to increasing numbers of students attending nearby universities.
17. However, notwithstanding any previous works that may have been carried out, I have determined the appeal on the merits of the scheme in front of me. Furthermore, matters relating to maintenance of a shared hedge and garden, and student numbers in nearby universities are not matters before me in the context of this planning appeal which relates to a change of use from a dwelling house to a HMO for up to 9 people.

Conditions

18. Although no conditions have been suggested by the Council in the event of the appeal being allowed, the Council have directed me to suggested conditions within the Council's OR to which I have had regard and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance.
19. A condition regarding the approved plans is required to provide certainty. Although I observed the existing provision of storage to the rear of the property, a further condition is required for certainty to ensure the future provision of waste storage facilities and their retention. However, the requirement to only store such materials in these facilities, as well as controlling when material is placed out for collection, is overly onerous and I have not included this. In the interests of sustainable travel, I have also included a similar condition in respect of cycle storage.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

S Harrington

INSPECTOR