



Appeal Decision

Site visit made on 20 December 2022

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023.

Appeal Ref: APP/Z0116/W/22/3304333

37 Maple Road, Bishopston, Bristol BS7 8RD

- 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 Jake Colwill, Innova Property against the decision of Bristol City Council.
 - The application Ref 22/02797/F, dated 6 June 2022, was refused by notice dated 27 July 2022.
 - The development proposed is change of use from small house in multiple occupation (C4) to a large house in multiple occupation for up to 7 people (*sui generis*).
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr Jake Colwill, Innova Property against Bristol City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance and increased demand for parking; and,
 - the effect of the proposal on highway safety with particular regard to the provision of car parking.

Reasons

Living conditions

4. The appeal site is an end of terrace house located in a predominately residential area and in use as a small house in multiple occupation. It benefits from an enclosed rear amenity area with cycle parking and direct pedestrian access to a public park at the rear of the site. There is a refuse and recycling storage area to the front, but the property does not benefit from any off-road car parking. There is another HMO at No.45 Ash Road that backs onto the side of the appeal site.
5. At the time of my site visit, and as supported by the evidence in front of me, Maple Road, and the surrounding roads were very heavily parked with very few available car parking spaces. On-street car parking was taking place to both

sides of the roads with cars straddling the pavements. The narrow width of the streets and car parking only left space for one car to drive down the roads. As a result, the road junctions were generally used to allow cars travelling in opposite directions to pass.

6. Policy DM2 of the adopted Site Allocations and Development Management Policies Local Plan 2014 (SADMP) relates to residential sub-divisions, shared and specialist housing. It covers proposals for the intensification of existing houses in multiple occupation. The policy aims to ensure that such development preserves the residential amenity and character of an area and ensure that harmful concentrations do not arise.
7. The Council's adopted Supplementary Planning Document 'Managing the development of houses in multiple occupation' (SPD) provides further guidance on the implementation of Policy DM2. It aims to encourage balanced communities, prevent harmful concentrations of Houses in Multiple Occupation (HMO), and ensure a good standard of accommodation. The SPD clarifies that it applies to the intensification of existing HMOs as well as proposals for new HMOs.
8. Policy DM2 states that development will not be permitted where it would harm residential amenity through levels of activity that cause excessive noise and disturbance to residents and where levels of on-street parking cannot be reasonably accommodated.
9. In relation to the appeal, the SPD identifies that the intensification of existing HMOs can lead to increased noise and disturbance and identifies what constitutes a harmful concentration. It states that a harmful concentration can occur when an existing dwelling is sandwiched between two HMOs and that in such circumstances a proposal is unlikely to be consistent with Policy DM2. Point 2 of paragraph 4.1 of the SPD clarifies that sandwiching situations include where single HMO properties are located in any two of the following locations: adjacent, opposite and to the rear of a single residential property. I acknowledge that there is no dispute between the parties that the proposal does not exceed the 10% concentration threshold detailed in the SPD.
10. As the appeal property is immediately adjacent and to the rear of No's 43 and 47 Ash Road, and there is another HMO adjoining at No. 45 Ash Road, I find that the sandwiching situation applies. I find nothing in the SPD that convinces me that the situation does not apply to properties on different roads, particularly given the SPD clarifies in paragraph 4.1 that the sandwiching situation may occur in other situations not listed in the paragraph. It applies despite the rear passageway to the side of No.37 and the lack of physical attachment of the buildings.
11. The SPD and sandwiching assessment have been adopted due to harmful impacts from a concentration of HMOs that can damage residential amenity. This is broadly consistent with Paragraph 130 of the National Planning Policy Framework (The Framework) that seeks a high standard of amenity for existing and future users.
12. I appreciate the benefits that HMOs can provide, the need for such accommodation and that the proposal is only for 1 additional bedspace. I also appreciate the lack of recent complaints regarding the HMO at the appeal property and the high standard of the accommodation. However, in light of the

sandwiching situation occurring, and given the potential additional noise and disturbance from increased occupation and increased pressure for on-street parking in a heavily parked area with no measures to mitigate the impacts, I find that the proposal would exacerbate the impact on the area. As a result, the larger house in multiple occupation would have an adverse effect on the living conditions of neighbouring residents. The development therefore conflicts with Policies DM2, DM30 and DM35 of the SADMP, Policies BCS21 and BCS23 of the Bristol Development Framework Core Strategy 2011 (CS) and the guidance contained within the SPD, which seek, amongst other things, to ensure that development does not harm the residential amenity or character of the locality.

Highway safety

13. As I have identified above, the surrounding roads were very heavily parked with few available car parking spaces or places to pass.
14. I note that both parties agree that there are no specific parking standards in relation to the proposal. I have not been made aware of any planning policy requirement for the submission of a parking survey.
15. From the evidence in front of me, supported by my site visit, the existing parking pressures result in car parking on the pavements to Maple Road and the surrounding streets narrowing the available width of the pavement. This can make it difficult for users of the pavement including pedestrians, wheelchairs users or those pushing prams. The evidence from local residents would indicate that the parking pressures also lead to parking on corners and in other dangerous positions. I note above the difficulty for passing cars.
16. Whilst the additional impact from one bedspace would be small in relation to the total number of vehicle movements on the highway and additional demand for parking, it would nonetheless add to the existing situation. As a result, the increased demand for parking would worsen the impact on highway safety.
17. I note the evidence from the appellant quoting other decisions from the Council and other local planning authorities. I also note the statistics provided in relation to car ownership for different tenure of accommodation and the sustainable location of the site. However, I have to consider this proposal on its merits and there is no guarantee that the additional bedspace would not generate demand for additional parking in an area that is already heavily parked and resulting in highway safety concerns.
18. In summary on this matter, the proposal would result in a harmful effect on highway safety. The development is therefore contrary to Policies DM2 and DM23 of the SADMP, Policy BCS10 of the CS and the guidance contained within the SPD, which seek, amongst other things, to ensure that development benefits from safe and adequate parking provision that does not lead to highway safety concerns.

Other Matters

19. The Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, because of the provisions of footnote 7, paragraph 11 d) ii. of The Framework should be applied. The appeal proposal would provide benefits, including the provision of one additional bedspace in an existing HMO in a sustainable location in an area of need and high accommodation costs, and support to local services and facilities from the additional room. However, given

the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would have an adverse effect on the character of the area and living conditions of neighbouring residents. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

20. The development plan policies that I have found the appeal proposal conflicts with relate to ensuring sufficient living conditions for existing residents. Although they are deemed to be out of date in relation to the approach set out in Framework paragraph 11d, this does not mean that they carry no weight, and the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. In this instance, although the shortfall in housing land supply attracts significant weight, I am satisfied that the relevant policies are broadly consistent with The Framework, and I attach significant weight to the conflict I have identified with them.
21. The proposal would provide additional open market accommodation with good accessibility to services and facilities and would support the local economy through construction work and future occupiers contributing to local tax revenue and using local services and facilities. However, these matters neither outweigh the harm I have identified nor the conflict with the development plan.
22. I note the offer of sound proofing from the appellant, but this would not address potential noise and disturbance outside of the room. I also note the crime figures provided by the appellant, details of other appeal decisions and decisions by the Council in relation to the application of parking standards. However, I have to consider the appeal on its merits and these matters do not outweigh the concerns I have raised above.

Conclusion

23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of The Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR