



Appeal Decision

Site visit made on 26 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/P0119/W/23/3320977

24 Glebelands Road, Filton, South Gloucestershire BS34 7AE

- 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 Padbury of Kasa Real Estate Ltd against the decision of South Gloucestershire Council.
 - The application Ref P23/00121/F, dated 12 January 2023, was refused by notice dated 21 March 2023.
 - The development proposed is installation of hip to gable roof extension and 1 no. rear dormer to facilitate change of use from C4 small house of multiple occupancy (HMO) (Class C4) to 7 no. bedroom large HMO (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for installation of hip to gable roof extension and 1 no. rear dormer to facilitate change of use from C4 small house of multiple occupancy (HMO) (Class C4) to 7 no. bedroom large HMO (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking at 24 Glebelands Road, Filton, South Gloucestershire BS34 7AE in accordance with the terms of the application, Ref P23/00121/F, dated 12 January 2023, 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: 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213.
 - 3) The development shall not be occupied until the car and cycle parking facilities have been provided in accordance with the submitted details and maintained as such thereafter. In addition, the parking spaces shall be surfaced with a consolidated material (not loose stone or gravel) and laid to a gradient not exceeding 1 in 12.

Background and Preliminary Matters

2. I have taken the description of development from the Council's decision notice and the appeal form as they provide a more accurate description than that set out in the application form. As the amended description is consistent with that outlined on the appeal form, I am satisfied that there would be no prejudice in this respect. Additionally, I have taken the appellant's company name from the appeal form as that used in the application form and Council's decision notice contains a typographical error.

3. The appellant submits that the Council has issued a House in Multiple Occupation (HMO) license at the appeal site. In this respect, the Council's Houses in Multiple Occupation: Guidance for new developments Supplementary Planning Document 2021 (SPD) says that the definition of an HMO for a mandatory licence is different to that for a planning application. It adds that a large HMO in the context of Licensing Regulations relates to properties that are rented to 5 or more people.
4. The Town and Country Planning (Use Classes) Order 1987 says that a C4 use of a dwellinghouse as an HMO is by not more than 6 residents. There is no dispute between the parties that proposed extensions and use of the property for up to 6 people is lawful as this was confirmed by a recent application¹. In that context, the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) permits the change of use from a C3 dwellinghouse to a C4 small HMO and vice versa.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of 26 Glebelands Road, with regard to noise and disturbance.

Reasons

6. The appeal site comprises a residential property within a built up urban area where concentrations of HMOs in the wider locality or closer surrounding area are not high. It forms the end of a uniform and linear stretch of properties and is positioned significantly forward of the adjacent property at No 26, which is set further back, following a bend in the street. The proposal would increase the number of rooms and people occupying the appeal property to 7 respectively.
7. Policy PSP39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan, November 2017 (LP) says, amongst other things, that where planning permission is required for HMOs, these will be acceptable, provided that they would not prejudice the amenity of neighbours. Additionally, Policy PSP8 of the LP seeks to protect the occupiers of nearby properties from unacceptable noise and disturbance.
8. The proposed additional bedroom and person would increase the level of activity at the appeal site through further independent living leading to more comings and goings and use of the garden space. However, the appeal property is already in use as a small HMO and I have not been provided with any substantive evidence to demonstrate that use has generated unacceptable noise or disturbance. Furthermore, the projection of the appeal property forwards of No 26 provides a physical separation and an open break in the housing layout. This adds to an overall sense of spaciousness between the appeal site and No 26. For the above reasons, the intensification of the use of the appeal property would be unlikely to have any meaningful effect on existing levels noise or disturbance.
9. My attention has been drawn the Council's SPD. Whilst not part of the development plan, it provides useful guidance in respect of planning applications for HMO development. It says, amongst other things, that when

¹ P22/06599/CLP

considering applications from a dwelling to a Sui Generis HMO use, and whether that would prejudice the amenity of adjacent neighbours, account will be taken as to whether any dwellinghouse would be 'sandwiched' between two HMOs. Although the appeal property can lawfully be used as a small HMO, it could also revert to a C3 dwelling, and this proposal seeks to establish a Sui Generis HMO use. The SPD is therefore relevant to this appeal.

10. There is no dispute between the parties that No 28 is a licensed HMO, though I have no evidence that this property is an HMO in Sui Generis use or a C4 HMO, where it could revert to a C3 dwellinghouse under the GPDO. Therefore, to my mind, although No 26 would be positioned between the large Sui Generis HMO of the appeal site, No 28 could conceivably revert to a C3 use. As such, I cannot be certain the scheme would result in 'sandwiching' as set out in the SPD. However, even if I were to conclude that No 26 was 'sandwiched' by two HMOs, I have already concluded above that the proposal would not conflict with the development plan in respect of noise and disturbance.
11. I have paid regard to the Inspector's comments in respect of an appeal at 42 Wades Road. However, that appeal was in a different location and I am not aware of its detailed site-specific characteristics. Whilst there are similarities between that appeal and this scheme, the Inspector highlighted that in common with others in the street, the dwelling was set back from the road by a modest front yard. Consequently, these characteristics are materially different to those that I have identified above, where the appeal site is at the end of a uniform and linear stretch of properties, significantly forward of No 26. In any case, I have determined the appeal on its individual merits based on my own observations and the evidence before me.
12. Therefore, I conclude that the proposal would have an acceptable effect on the living conditions of the occupants of No 26 Glebelands Road with regard to noise and disturbance. As such, the proposed development would not conflict with policies PSP8 or PSP39 of the LP or the advice contained within the Council's SPD.

Conditions

13. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.
14. I have imposed a plans condition in the interests of clarity. In the interests of highway safety and to promote sustainable travel I have imposed a compliance condition to ensure parking facilities are provided prior to occupation.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR