



Appeal Decision

Site visit made on 2 November 2023

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27.11.2023

Appeal Ref: APP/Z0116/W/23/3321329

43 Ruby Street, Bristol, BS3 3DX

- 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 Tolu Koya against Bristol City Council.
 - The application Ref 22/02713/F, dated 21 September 2022.
 - The development proposed is the change of use from a C3 dwelling to a HMO for 7 occupants.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has indicated that had the proposal remained with the authority for determination it would have refused planning permission.

Main Issues

3. Having read all the papers and visited the area my assessment is that the main issues are the effect of the proposal on a) the mix and balance of the community and b) residential amenity for neighbours.

Reasons

Mix and balance of the community

4. The appeal property is a two-storey with rear dormer mid terraced home set close to the modest street in a locality of similar relatively high-density terraced dwellings with pleasing simple elevations. The area is of well-established low-key residential character and from my observations is of primarily C3 use. The proposal is as described above.
 5. On this issue Policy BCS18 of the Core Strategy (2011) (CS) and Policy DM2 of the Site Allocations and Development Management Plan (2014) (DMP) are relevant. Amongst other matters the policies seek to maintain healthy and inclusive communities with a good mix and balance and, whilst recognising there are benefits to shared housing, do aim to ensure that such
-

development also preserves the residential amenity and character of an area and that harmful concentrations do not arise.

6. The policies are supported by the document Managing the development of houses in multiple occupation SPD (2020) (SPD). The SPD explains that a harmful concentration can arise at a localised level when an existing dwelling is sandwiched between two HMOs. It reasonably argues that this can intensify impacts on individual households even if few HMOs exist locally and can create an imbalance between HMOs and other housing at a street level. The document explains that when an existing residential property or properties (Use Class C3) would be sandwiched by HMOs on both sides then it would be unlikely to be consistent with Local Plan policy. Definitions of sandwiching are set out and one includes an HMO property in any two of the following locations: adjacent, opposite and to the rear of a single residential property.
7. From the evidence I have seen it is clear that if the appeal were to be allowed then No 44 Garnet Street would be in the sandwich situation described in the sentence immediately above. The immediate environs for this home would appreciably change, adverse impacts would be likely to felt while a family home was lost and chances of inclusivity were diminished. The immediate mix and balanced would be flawed.
8. I would therefore conclude on this issue that the proposal would run contrary to CS Policy BCS18, DMP Policy DM2 and the SPD.

Residential amenity for neighbours

9. To my mind the change from a family dwelling to at least 7 occupants, whom are likely to be loosely associated, would not be insignificant in terms of comings and goings and the scope and likelihood of additional noise and general disturbance. This would be particularly so in an area which is compact but not a busy urban environment. From both the proximity of existing HMOs and the commentary of some who objected to the planning application, I could see that this could readily become a 'stressed' immediate locality and the appeal proposal would only add to this unfortunate likelihood. I appreciate that one could insist upon internal sound proofing but this would not sufficiently mitigate the wider amenity and character impacts which I envisage given limited external space, open windows, arrivals and departures.
10. One of the aims of DMP Policy DM2 is to safeguard the residential amenity and character of an area. I conclude under this main issue that the appeal scheme would conflict with this policy.

Other matters

11. I appreciate that matters such as room sizes, refuse disposal, communal facilities and cycle storage have been addressed by the Appellant. It was regrettable that the Appellant did not receive timely service from the Council's planning department. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

12. I would confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite, and the aims of the SPD, mirror relevant objectives within that document.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the mix and balance of the community and on residential amenity for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR