



Appeal Decision

Site visit made on 14 December 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/Z0116/W/23/3325571

274 Lodge Causeway, Fishponds, Bristol BS16 3RD

- 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 Denham (Denham Developments) against the decision of Bristol City Council.
 - The application Ref 22/03136/F, dated 21 June 2022, was refused by notice dated 11 April 2023.
 - The development proposed is change of use from dwelling C3 to 6 bedroom HMO C4.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the header above is taken from the appeal form and the Council's decision notice. The application form refers to change of use to a 5 bedroom house of multiple occupation (HMO) but the submissions indicate the proposal was amended before the planning application was determined. The appeal drawings show a 6 bedroom HMO. I am satisfied no injustice would be caused by basing my assessment on the above description of development as it has been used by the appellant and the Council.
3. On my visit, I entered the appeal property and the neighbouring residence at 272 Lodge Causeway (No 272). My decision is based on the appeal drawings but I have had regard to my observations in the assessment of the proposal.

Main Issues

4. The main issues are (i) whether the development would be in a suitable location having regard to development plan policies and housing mix, and (ii) its effect on the living conditions at No 272 by reason of noise.

Reasons

5. Policy BCS18 of the Bristol Core Strategy 2011 (CS) looks to ensure that new residential development supports the creation of mixed, balanced and inclusive communities. Policy DM2 of the Council's Site Allocations and Development Management Policies Local Plan 2014 (LP) states that the conversion of a house to a HMO will not be permitted where it would create or contribute to a harmful concentration of such uses within a locality. The text following the policy explains that impacts in these regards should be assessed at street and at neighbourhood levels.
6. In 2020, the Council published a supplementary planning document on managing the development of HMOs (the SPD). This is to be used as guidance

- on the implementation of LP policy DM2. Section 3.1 of the SPD explains how a harmful concentration of HMOs will be identified through a sandwiching assessment at street level and through a HMO threshold assessment at neighbourhood level.
7. The sandwiching assessment is explained at section 4.1 of the SPD. This states that a proposal which results in a residential property being sandwiched by HMOs on both sides is unlikely to be consistent with LP policy. At 4.5, the SPD explains that all licensed HMOs are considered in carrying out the assessment.
 8. The proposed HMO would adjoin No 272, which includes a residence on part of the ground floor and on the entire of the first floor level. I am advised that 270 Lodge Causeway (No 270) on the other side of No 272 has a licence to be used as a HMO. The appellant contends planning permission does not exist for No 270 to be used for such purposes. However, bearing in mind section 4.5 of the SPD, I see no reason why the HMO at No 270 should be disregarded in the assessment of the proposal.
 9. The development would not pass the sandwiching test as it would cause the residence at No 272 to be between the proposed HMO and the licensed HMO at No 270. In light of figure 3 of the SPD, the fact that the dwelling at No 272 does not occupy the whole of the property has no bearing on whether the appeal development passes the assessment.
 10. According to both main parties, the proposal would meet the HMO threshold test with only 3 out of 108 properties within 100m of the appeal site used for such purposes. Therefore, on a neighbourhood level, the proposal would be acceptable.
 11. However, the failure to meet the sandwiching test indicates that at a street level, the proposal would lead to a harmful concentration of HMOs. For these reasons, I conclude the development would not be in a suitable location having regard to CS policy BCS18, LP policy DM2 and the aim therein to create mixed communities with no harmful concentration of HMOs.

Noise

12. The appeal property, No 272 and No 270 lie next to each other in a line of buildings. I would envisage that noise generated from activities at the appeal property and No 270 may be heard by occupants of the residence at No 272. However, the proposed HMO would still be residential accommodation and so it is likely to be used for similar everyday domestic activities as a single household dwelling.
13. The development may lead to more adults living at the appeal property as it would provide 6 separate bedrooms. Even so, this is not bound to lead to greater noise disturbance to residents at No 272. It is reasonable to expect the shared kitchen, dining and lounge would be the noisiest part of the HMO as it is the main communal area. However, this would not directly adjoin the ground floor element of No 272 and it would be on a different level to the neighbour's first floor bedrooms.
14. Only bedrooms in the proposed HMO would directly adjoin the party wall with No 272 and it is fair to expect these would normally be quieter than the communal living area. Moreover, the appellant has advised that sound insulation would be provided as part of the HMO so as to help reduce noise

from inside the appeal property being heard at No 272. It would be reasonable to secure such measures through the imposition of a planning condition.

15. I understand the occupiers of No 272 have already been disturbed by noise generated from the HMO at No 270. As such, the concern expressed over another neighbouring HMO is understandable. However, the layout of the proposal as well as the potential to secure sound proofing indicate that noise from the proposed HMO would not be so disruptive to be unacceptable.
16. For these reasons, I conclude the development would have a satisfactory effect on the living conditions at No 272 by reason of noise. In these regards, it would accord with LP policy DM2. Amongst other things, this seeks to ensure HMO developments do not cause excessive noise and disturbance to residents. Acceptability in these regards is a neutral factor in my assessment.

Other Matters

17. The proposed HMO would provide acceptable living conditions for its occupiers, in line with the requirement in LP policy DM2. The appellant contends the proposal would improve the streetscape, but no significant changes to the external appearance of the building are proposed. Therefore, these factors attract very little weight in my determination of the appeal.
18. The proposal would add to the stock of HMOs and smaller units of accommodation. The Council has not sought to dispute the appellant's claim that there is a large demand for such residences from students and single persons. Nonetheless, the proposal would lead to a single HMO with 6 bedrooms and so its contribution towards overall supply would be fairly modest. In my overall assessment I find the overriding factor is the failure to accord with development plan policies as referred to under the first main issue. Any benefits of the scheme would be significantly outweighed by the identified conflict with CS and LP policies.

Conclusion

19. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR