



Appeal Decision

Site visit made on 16 January 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/P0119/W/23/3327609

11 Sixth Avenue, Filton, South Gloucestershire BS7 0LT

- 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 Kasa Real Estate Ltd against the decision of South Gloucestershire Council.
 - The application Ref P23/00920/F, dated 3 March 2023, was refused by notice dated 24 April 2023.
 - The development proposed is change of use from a small House in Multiple Occupation (HMO) (Class C4) to a seven-bedroom large House in Multiple Occupation (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 proposed change of use from a small House in Multiple Occupation (HMO) (Class C4) to a seven-bedroom large House in Multiple Occupation (HMO) (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking, at 11 Sixth Avenue, Filton, South Gloucestershire BS7 0LT in accordance with the terms of the application, Ref P23/00920/F, dated 3 March 2023, subject to the following conditions:
 - 1) The development hereby approved shall begin no later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: 301, 302, 304, 306, 313, 314.
 - 3) The development hereby approved shall not be occupied until the three off-street parking spaces, cycle parking and bin store have been provided in accordance with the details shown on the approved plans, and the parking spaces have been surfaced with a consolidated material (not loose stone or gravel) and laid to a gradient not exceeding 1 in 12. The off-street parking spaces, cycle parking, and bin store shall be retained thereafter.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the application form. The appellant has used the revised description in the appeal form and so I am satisfied that no party would be prejudiced by my using this description.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the

Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with regard to the balance and mix of housing, and the living conditions of the occupiers of nearby properties, with regard to noise and disturbance.

Reasons

5. Policy CS17 of the South Gloucestershire Core Strategy, adopted March 2013, seeks to support mixed communities. Policy PSP39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (LP), adopted November 2017, states that HMOs will be acceptable provided that, amongst other things, they would not impact on the character or amenities of the locality. LP Policy PSP8 makes similar requirements in respect of the living conditions of nearby properties.
6. Supplementary Planning Document 'Houses in Multiple Occupation - Guidance for New Developments' (SPD), adopted October 2021, and its Additional Explanatory Guidance 2 (AEG2) is also relevant. AEG2 advises that where HMOs already constitute over 10% of households within the Census Output Area, or 20% within a radius of 100 metres, the change of use of a dwelling to an additional HMO is unlikely to conform with Policy PSP39. This is because of the effect of such an over-concentration of HMOs on the character and amenities of the community, including its mix and balance.
7. It is common ground that the number of HMOs in the Census Output Area exceeds the 10% threshold. The parties dispute whether the 20% threshold is also breached. However, even if both thresholds are exceeded, the appeal property is already a small HMO, as confirmed by a Certificate of Lawfulness¹. It is also licenced and identified as an HMO on the Council's geographic mapping system.
8. The guidance of AEG2 refers only to the change of use of existing dwellings, and to the creation of additional HMOs. However, the proposal is for the enlargement of an existing HMO. As such, AEG2 does not apply directly to the proposal. Moreover, the SPD makes clear that its percentages, and therefore the relevant baseline, uses licensed HMO data as well as permissions for large (sui generis) HMOs. There is no dispute that the appeal site is already counted as an HMO within the baseline. Consequently, the proposal would not worsen the current divergence from either threshold. For these reasons, the guidance of the SPD does not indicate conflict with Policy PSP39.
9. The property is an end-of-terrace unit and there are neighbouring dwellings adjoining it and nearby. As a large house in multiple occupation, the proposal may well generate more day-to-day activity than a traditional single household. However, this does not necessarily mean that a large HMO here would be harmful.

¹ LPA reference P22/00509/CLE

10. Another Certificate of Lawfulness² confirms that the alterations and extensions necessary to create six bedrooms at the property would not require planning permission. As such, the proposal would amount to only one further HMO bedroom to that which could take place already, and so any additional effects would be small. In any case, I have little substantive evidence to suggest that the proposed uplift in the number of occupiers of the property would result in an undue increase in comings and goings, litter, or general noise or disturbance to those living nearby.
11. For these reasons, I conclude that the proposal would not have a harmful effect on the character or appearance of the area, or on the living conditions of nearby properties with regard to noise and disturbance. On this basis, the proposal would accord with LP Policies PSP8 and PSP39, and Core Strategy Policy CS17, and would not conflict with the SPD. For similar reasons, I find no conflict with the Framework, including its aim for a high standard of amenity for residents.

Other Matters

12. On-site parking provision is proposed, although two of these spaces would be accessed through a narrow, gated accessway, such that occupiers may choose to park on the highway instead. Nevertheless, parking surveys demonstrate that there is adequate capacity on local streets for the additional vehicles generated by the proposal. Although the methodology of the surveys has been questioned, neither the Council nor its highway consultee dispute their findings. I see little reason to disagree.
13. The proposal makes adequate provision for refuse by including a frontage bin storage area. I have little reason to believe that existing drainage or sewer arrangements would be inadequate for the proposal. Concerns have been raised that the proposal would set an undesirable precedent, but I have considered it on its own merits and facts.

Conditions

14. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. In the interests of encouraging sustainable transport, making provision for parking and ensuring the living conditions of nearby properties, it is necessary to ensure that the proposed off-street parking spaces, cycle parking and bin store are suitably provided before the proposal commences.

Conclusion

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

O Marigold

INSPECTOR

² LPA reference P22/00781/CLP