



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: 30 January 2024

Appeal Ref: APP/P0119/W/23/3324006

86 Northville Road, Filton, South Gloucestershire BS7 0RL

- 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 Edward Davis against the decision of South Gloucestershire Council.
 - The application Ref P23/00779/F, dated 23 February 2023, was refused by notice dated 4 May 2023.
 - The development proposed is demolition of existing garage, erection of two storey side and single storey rear extension and change of use from a small house in multiple occupation (HMO) (Use Class C4) to form a nine bed HMO (Sui Generis use).
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Decision

1. The appeal is allowed and planning permission is granted for proposed demolition of existing garage, erection of two storey side and single storey rear extension and change of use from a small house in multiple occupation (HMO) (Use Class C4) to form a nine bed HMO (Sui Generis use), at 86 Northville Road, Filton, South Gloucestershire BS7 0RL in accordance with the terms of the application, Ref P23/00779/F, dated 23 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 86/NR/F/00/P, 86/NR/F/401/HMO, 86/NR/F/402/HMO, 86/NR/F/404/HMO, 86/NR/F/405/HMO, 86/NR/F/406/HMO, 86/NR/F/408/HMO rev A, 86/NR/F/409/HMO.
 - 3) The development hereby permitted shall not be occupied until the car parking facilities, cycle and bin storage hereby approved have been provided in accordance with the submitted details. They shall thereafter be retained in perpetuity.

Preliminary Matter

2. 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

3. 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

4. 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.
5. Supplementary Planning Document 'Houses in Multiple Occupation - Guidance for New Developments' (SPD), adopted October 2021, and its Additional Explanatory Guidance 2 (AEG2) has been referred to. It is common ground that the number of HMOs in the Census Output Area exceeds the 10% threshold used by AEG2 to judge the likely conformity with policies CS17 and PSP39.
6. The SPD¹ applies to all proposals including additional rooms and occupiers. However, the guidance of AEG2 only refers to the change of use of existing dwellings (Use Class C3), and to the creation of additional HMOs. The appeal property is already a small HMO, as confirmed by a Certificate of Lawfulness². Consequently, as the proposal does not relate to an existing dwelling or the creation of a new HMO, the advice of AEG2 does not apply to the proposal.
7. 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. The property is licenced and identified as an HMO on the Council's geographic mapping system and there is no dispute that it is already counted as an HMO within the baseline. Consequently, the proposal would not worsen the current divergence from the threshold. For these reasons, the guidance of the SPD does not indicate conflict with policies CS17 or PSP39.
8. At 42 Wades Road, Filton³, another Inspector applied the SPD in respect of a small-to-large HMO. However, their concerns related primarily to the 'sandwiching' of an existing dwelling between two HMOs, which the Inspector found would be harmful regardless of the SPD thresholds. No such concern is raised about the proposal before me and so the circumstances of that case are not comparable. In any case, I have considered the proposal on its own facts and merits.
9. The property is semi-detached with neighbouring residential properties adjoining it and close by. The proposal would increase the number of occupiers and potential visitors and so is likely to 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 Paragraph 5.1

² LPA reference P23/01799/CLE

³ PINS reference APP/P0119/W/22/3306864

10. Although only a snapshot in time, on my visit I saw little evidence of the problems associated with intensified properties, such as poorly maintained frontages or inadequate refuse storage. The Council does not identify particular harmful effects to any specific property that would result from the proposal. Concerns have been raised about anti-social behaviour. Nevertheless, I have little substantive evidence to suggest that the proposal would result in such behaviour, or an undue increase in movements, litter, or general noise or disturbance to those living nearby.
11. Consequently, I conclude that the proposal would not have a harmful effect on the character or appearance of the area, with regard to the balance and mix of housing, or on the living conditions of nearby properties with regard to noise and disturbance. On this basis, the proposal would accord with LP Policy 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 for two vehicles is proposed, although the tandem layout means that the garage space may not always be available. 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, the Council and its Transport consultee does not dispute their findings. As such, the proposal would not result in unacceptable highway safety or other harm resulting from additional vehicles. The dropping of kerbs is a matter for the Council.
13. The area is subject to surface water flooding. However, planning permission⁴ has already been granted for physical changes to the building very similar to those proposed now. The Council's Drainage Engineer has not objected to the proposal, and I see little reason to disagree.
14. The proposal makes adequate provision for refuse with a frontage bin storage area. The plans before me are those on which the Council made its final decision, showing the correct number of bedrooms. I understand frustrations about the number of previous planning applications at the property, but I must consider the proposal before me.

Conditions

15. 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 providing suitable parking provision, to encourage sustainable transport and in the interests of the living conditions of residents, a condition is necessary to ensure that the proposed off-street parking spaces, bin and cycle storage are provided before occupation.
16. The Council suggested that a condition should be imposed requiring further details of the bin and cycle storage. However, full details including the elevations of the bin store have already been provided. As such, the suggested condition would be unnecessary.

⁴ LPA reference P22/01573/HH

Conclusion

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

O Marigold

INSPECTOR