



Appeal Decision

Site visit made on 11 March 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/P0119/W/23/3329030

12 Sixth Avenue, Bristol BS7 0LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Padbury Kasa (Real Estates Ltd) against the decision of South Gloucestershire Council.
 - The application Ref is P22/06949/F.
 - The development proposed is a change of use from C4 small house of multiple occupancy to a seven-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 the change of use from C4 small house of multiple occupancy to a seven-bedroom large HMO (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking at 12 Sixth Avenue, Bristol BS7 0LT in accordance with the terms of the application, Ref P22/06949/F, 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: 301, 302, 304, 306, 309, 310.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the occupation of the approved development, the bin and cycle storage shown on plans 309 and 310 shall be provided in accordance with approved details and shall be retained in that manner thereafter.
 - 5) Prior to the occupation of the approved development, the car parking spaces shall be laid out in accordance with the details indicated on the drawing 302 and shall be retained in that manner thereafter.

Preliminary Matters

2. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issue

3. The main issue in this case is the effect of the proposed change of use on the achievement of balanced communities, character of the area, and the living conditions of the occupiers of neighbouring properties.

Reasons

4. The appeal property comprises of a mid-terraced property in use as a (C4) small House in Multiple Occupation (HMO), located on a short cul de sac. The street is made up of similar two storey mainly terraced dwellings, which are generally similar in scale and appearance, set back from the highway behind a mix of front gardens and driveways. Parking is restricted by double yellow lines one side the street.
5. Given the existing HMO status of the appeal property, no loss of C3 housing would occur with the proposed development. As such, the guidance set out in the Houses of Multiple Occupation Supplementary Planning Document (SPD) relating to the change of use from C3 to a HMO in relation to the concentration of HMO's and its impact upon 'mixed communities', is not determinative in this instance.
6. Nevertheless, Policy CS17 of the South Gloucestershire Local Plan Core Strategy (CS) (2013) and Policy PSP39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSPP) (2017) require the proposed development to not adversely affect the character of the area, have adequate amenity space, to not impact upon neighbours living conditions and have appropriate refuse storage and parking.
7. The proposed development would, by virtue of adding bedrooms, intensify the use of the property. Whilst the existing property has fewer bedrooms, I note that the proposed external alterations including the rear extension and dormer have been granted permission separately¹. The approved plans for P22/06922/CLP show 6 bedrooms. Given the similarity in the proposed development I consider that there is a real prospect of the fall-back being implemented, and as such I give the fall-back position substantial weight.
8. The additional impact of the occupation of the 1 additional bedroom (over the fall-back position) shown on the submitted plans in terms of noise and disturbance would be limited. Similarly, the proposed dormer would not lead to a loss of privacy to the occupiers of neighbouring properties, given the existing first floor fenestration and previously approved dormer. I am satisfied therefore that the living conditions of the occupiers of neighbouring properties would not be unduly detrimentally affected. By virtue of the limited intensification of the existing use, the development would also have no detrimental impact on the character and appearance of the street nor materially change the balance of uses in the area.
9. The internal and external amenity space are of sufficient size and a condition would secure appropriate cycle and bin storage. It is noteworthy that the Council have raised no objection to these matters.
10. I acknowledge that consultations with residents referring to issues such as anti-social behaviour, and litter, however there is no substantive evidence of the

¹ Application references P22/06310/PNH & P22/06922/CLP

problems referred to occurring in this area and I observed that at the time of my visit, the street in general was well maintained. There is also no indication that the increase of an additional bedroom would either singly or cumulatively exacerbate any ill effect, including community cohesion and the quality of the local environment.

11. Three off street parking spaces are shown serving the property on the submitted plans. This is one less than is required by the Supplementary Planning Document Residential Parking Standards (2013). However, the parking survey² provided by the appellant indicates that there is sufficient on-street car parking available (even discounting Browning Court) to accommodate the 7 bed HMO and required 1 on street parking space without causing or creating a parking or highway hazard to the detriment of highway safety.
12. I also observed a number of spaces available on the street at the time of my visit. As such, whilst I note third party concerns relating to this matter, in the absence of substantive evidence to the contrary, I am satisfied that the limited intensification of the existing use would not lead to parking or highway safety issues. Again, it is noteworthy that the Council have concluded that it has no objection in this regard.
13. As such, I conclude that the development would not harm the ability to support mixed communities or harm the character and appearance of the area nor the living conditions of the occupiers of neighbouring occupiers. There is therefore no conflict with the housing diversity and HMO standards of CS Policy CS17 and PSPP Policy PSP39, and the protection of residential amenity goals of PSPP Policy PSP8. There is also no conflict with the protection of living conditions and appropriate mix of housing type goals of the Framework.

Other Matters

14. There is no indication that the Council did not advertise the application or notify the required neighbouring properties in accordance with the appropriate legislation.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
16. A condition requiring the extensions to be completed in materials to match the main dwelling is necessary to ensure that the development is in keeping with existing property and street scene.
17. A condition securing the provision of bin and cycle storage and car parking areas, as shown on the submitted plans, is necessary to ensure that future occupiers are provided with suitable amenities and living conditions.

Conclusion

18. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the

² Dated 11 Feb 2023

reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR