



Appeal Decision

Site visit made on 27 March 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/Z0116/W/23/3327950

5 Bishopthorpe Road, Horfield, Bristol City, Bristol BS10 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Henry Dorman, Rivers Birtwell, against Bristol City Council.
 - The application Ref is 23/00916/F.
 - The development proposed is Change of use from small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) with a loft conversion and provision of off-street car parking, cycle parking and bin storage.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) with a loft conversion and provision of off-street car parking, cycle parking and bin storage at 5 Bishopthorpe Road, Horfield, Bristol City, Bristol BS10 5AA in accordance with the terms of the application, Ref 23/00916/F, and subject to the conditions set out in the schedule to this decision.

Procedural Matters, Background and Reasons

2. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 23/00916/F within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out that officer recommendation would have been to grant permission, subject to conditions, had the Council determined the planning application.
3. Assessing various matters relevant to the appeal proposal, the Council's appeal statement also indicates that the proposed development accords with the adopted development plan, which includes the Bristol Development Framework Core Strategy and the Bristol Local Plan – Site Allocations and Development Management Policies. My assessment of the submitted evidence and site visit observations do not lead me to a different conclusion, and the available evidence indicates that the Council would have granted permission had it made a formal decision.

Conclusion and Conditions

4. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development accords with the development plan. With no material considerations indicating that the proposed development should be determined otherwise than in accordance with it, the appeal is therefore allowed.

5. I have considered the Council's suggested conditions against the advice in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity, consistency and reasonableness.
6. In addition to the standard time limit, I have imposed a plans condition in the interests of certainty. Conditions relating to the air source heat pumps and the submitted energy statement are necessary to ensure energy efficiency and a reduction in carbon emissions. I have imposed a condition covering the bicycle store in the interests of promoting active travel. A condition relating to refuse and recycling storage is also necessary in the interests of highway safety, the living conditions of existing and future residents and the visual amenity of the area. However, as the exact level of waste storage required can be resolved between the parties at the appropriate time, I have not included all the details contained in the Council's suggested condition.
7. The available evidence indicates that there is an established vehicular access to the site and I observed on my visit that a vehicle can access and park on the hard standing area at the rear. However, I also noted on my visit that the garage opening and existing rear boundary treatment would likely need to be adapted to allow for sufficient vehicular access to the garage. As such, and in the interests of ensuring that adequate parking facilities to serve the development are provided and that access to them is provided and maintained, I have imposed a condition covering this matter. The condition consolidates, in an amended form, the Council's fifth and sixth suggested conditions, and omits various aspects of both conditions which are not necessary and relevant.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: Existing (Drawing No 01); and Proposed (Drawing No 02).
- 3) Prior to occupation of the accommodation in the loft, further details of the air source heat pumps, including the final layout, visual appearance, method of fixing, and technical specifications (including the output and noise levels), shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details, made fully operational prior to occupation of the loft accommodation and maintained thereafter.
- 4) Prior to occupation of the accommodation in the loft, full details of refuse and recycling storage on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall be provided and made fully operational prior to occupation of the accommodation in the loft and retained in that form thereafter. No refuse or recyclable materials associated with the development shall be stored or placed on the highway except on the day of collection.
- 5) The two off-street vehicular parking spaces shown on the approved plans shall be provided and made accessible to cars prior to occupation of the accommodation in the loft. Thereafter, the spaces shall be kept free of obstruction and accessible for the parking of cars associated with the development.
- 6) The bicycle store shown on the approved plans shall be provided prior to occupation of the accommodation in the loft and thereafter kept free of obstruction and available for the parking of bicycles only.
- 7) The measures identified in the submitted Energy & Sustainability Statement (by B Sussed, dated 3 March 2023) shall be incorporated into the design and construction of the development hereby permitted, provided prior to occupation of the accommodation in the loft and thereafter retained.

END OF SCHEDULE