



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: 12.04.2024

Appeal Ref: APP/Z0116/W/23/3328274

7 Maskelyne Avenue, Horfield, Bristol City, Bristol BS10 5BY

- 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 23/00928/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 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 cycle parking and bin storage at 7 Maskelyne Avenue Horfield, Bristol City, Bristol BS10 5BY in accordance with the terms of the application, Ref 23/00928/F, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. To overcome the Council's concerns with the proposed development, the appellant submitted an amended plan. However, I have found, for the reasons below, that the appeal proposal is acceptable in relation to the plans originally submitted with the planning application. The amended plan submitted during the appeal does not therefore form part of the permission.

Background and Main Issues

3. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 23/00928/F within the prescribed period. As such, there is no formal decision notice. However, the Council's appeal statement includes the refusal reasons it would have provided had it made a formal decision. Accordingly, I consider the main issues to be:
 - the effect of the proposed development on highway safety, with particular regard to parking demand; and
 - whether satisfactory refuse and recycling storage could be provided.

Reasons

Parking

4. There is an area of hardstanding at the front of the appeal site. However, there is no dropped kerb connecting it to the carriageway. As such, although vehicles

may park on the hardstanding on occasion, the site essentially has no official off-street parking provision. On this basis, and with third parties commenting that current occupiers of the property often park on the narrow street, it seems to me that occupiers of the property effectively rely on on-street parking.

5. The proposed development would, as shown on Drawing No 02, provide for vehicular parking on the site via a dropped kerb and enlarged driveway. The appeal proposal would in effect therefore result in two additional off-street parking spaces compared to the existing situation.
6. Based on data indicating that houses in multiple occupation (HMOs) generate a parking demand of 0.4 spaces per bedspace, and considering the site's location, it has been put to me that an eight-person HMO would generate a demand of three to four parking spaces. In this scenario, a large HMO with two off-street parking spaces would result in on-street parking demand of one to two spaces. In an already heavily parked area which includes vehicles parking on the footway, such an increase could potentially harm highway safety.
7. However, the property is already used as a six-person HMO and the submitted evidence indicates that this use is likely to generate demand for three spaces. As I have found above, the existing occupiers also effectively rely on on-street parking, meaning the current parking demand essentially equates to three on-street spaces. Whilst the development, proposing an additional two people in the property, would increase overall parking demand by up to one space, the proposed provision of two off-street parking spaces on the site would more than offset the increased overall parking demand generated by the proposed change from a six- to an eight-person HMO.
8. Even if the site's existing hard standing can be used for parking, its current usable extent is relatively limited, and at the time of my site visit I observed that part of it was also covered in a reasonable amount of gravel. On this basis, and given the current HMO use realistically precludes tandem parking, it seems to me that a maximum of only one vehicle could practically currently park on the site. In both this and the above scenario, the appeal proposal would not increase on-street parking demand beyond the current situation.
9. In addition, whilst the approved proposed plan includes a store for four bicycles, the appellant's amended plan that was put to me shows additional bicycle storage could be provided. Given the limited on-street parking available in the locality and that the provision of a bicycle space for each resident could potentially further reduce parking demand from the proposed development, providing bicycle storage beyond the minimum would be justified. The planning condition I have imposed relating to bicycle storage therefore allows for the final amount to be confirmed and agreed between the main parties rather than only the four spaces shown on the approved plan.
10. For the above reasons, I conclude that the proposed development would not harm highway safety, with particular regard to parking demand. I therefore find that it accords with Policy DM23 of the Bristol Local Plan – Site Allocations and Development Management Policies (LP) and Policy BCS10 of the Bristol Development Framework Core Strategy (CS). Amongst other aspects, these set out that development should ensure the provision of safe streets and provide an appropriate level of parking.

Refuse storage

11. The submitted proposed plan shows a new store at the front of the property. However, there is an existing building to the side, which the appellant indicates could be used for further storage. The available evidence shows that these two areas would be sufficient to store the refuse and recycling generated by the occupants of the large HMO proposed. As such, the appeal proposal would include adequate storage and thus avoid the need for refuse and recycling bins to be kept on the highway or encroach into the on-site parking spaces. On the basis that full details of the refuse and recycling stores are secured by condition, the appeal proposal would therefore harm neither the safe and free functioning of the highway nor the visual amenity of the locality.
12. For the above reasons, I conclude that satisfactory refuse and recycling storage could be provided. I therefore find that it accords with LP Policy DM23 and CS Policies BCS10, BCS15 and BCS21. Amongst other aspects, these set out that development should ensure the provision of safe streets, protect public rights of way, be well-designed and provide satisfactory arrangements for the storage of refuse and recyclable materials. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and highway safety.

Other matters

13. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include: the effect of the proposed development on the living conditions of adjoining occupiers, including in relation to construction disturbance and loss of privacy and sunlight; overlooking of the primary school playground; asbestos being present in the outbuilding; the lack of roof extensions in the locality and the visual impact of the proposed roof extension; the length of tenancies at the HMO not encouraging tenants to be invested in the community; a large HMO disrupting the balance between shared and private accommodation on the quiet residential street; and current occupiers of the property not owning bicycles. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conditions

14. I have considered the Council's suggested conditions against the advice provided in the Framework and Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity, consistency and reasonableness.
15. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. I have imposed a condition relating to waste and bicycle storage to ensure sufficient space for the storing of waste on the site and to promote active travel respectively. However, for the sake of brevity, I have combined the Council's two suggested conditions. I have also amended the timing clause because details of the proposed stores do not need to be

provided prior to commencement of development. In addition, I have required details to be provided relating to access to the stores given the steps at the front of the site and to the rear garden. I have imposed a condition relating to the on-site car parking in the interests of highway safety. A condition requiring compliance with the submitted energy statement is also necessary to ensure energy efficiency and a reduction in carbon emissions.

16. Although the Council has suggested a condition removing permitted development rights for extensions and alterations, the PPG indicates that such conditions may not pass the tests of reasonableness or necessity. In this instance, the submitted evidence does not indicate that the condition is necessary and reasonable, particularly given that many of the rights only allow for relatively minor additions and alterations. I have therefore declined to impose the condition.

Conclusion

17. For the above reasons, and having had regard to all other matters raised and the submitted evidence, I conclude that the proposed development accords with the development plan. The appeal is therefore allowed.

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 1); and Proposed (Drawing No 02).
- 3) Prior to occupation of the accommodation in the loft, full details of storage, including suitable access, for waste (refuse and recycling) and bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle and waste stores shall be provided and made accessible and 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.
- 4) Prior to occupation of the accommodation in the loft, full details of the proposed driveway sufficient for two parked vehicles, including its surface, any soft landscaping surrounding it and drainage measures, shall be submitted to and approved in writing by the Local Planning Authority. With the exception of any soft landscaping, the approved details shall be provided and driveway made fully operational and accessible prior to occupation of the accommodation in the loft and retained in that form thereafter. Any soft landscaping/new planting approved shall be provided prior to the end of the first planting season following occupation of the accommodation in the loft and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.
- 5) The measures identified in the submitted Energy & Sustainability Statement (by B Sussed, dated 3 March 2023) shall be provided prior to occupation of the accommodation in the loft and thereafter retained.

END OF SCHEDULE