
Appeal Decision

Site visit made on 20 February 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2024

Appeal Ref: APP/Z0116/W/23/3326501

15 Hollywood Road, Brislington, Bristol BS4 4LF

- 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 Joseph Lovatt on behalf of Plot Investments Ltd against Bristol City Council.
 - The application Ref 23/02109/F is dated 26 May 2023.
 - The development proposed was originally described as change of use from a dwellinghouse used by a single person or household (C3a) to a large dwellinghouse in multiple occupation (sui generis) for up to nine people, including the erection of a ground floor front extension.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 8 March 2024.

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the change of use from a dwellinghouse used by a single person or household (C3a) to a large dwellinghouse in multiple occupation (sui generis) for up to eight people. The Council dealt with the proposal on this basis and so shall I.
3. The appellant has submitted an amended existing and proposed block plan¹ with the appeal showing an alternative arrangement for bin storage and cycle parking to the front of the appeal site. The amended plans have not been the subject of further consultation. However, I am satisfied that no prejudice would occur to any interested parties since the amendments relate to the future living conditions of the occupiers of the proposed development. I therefore base my decision on the amended plans as the proposed development is not changed to an extent that all those with an interest in the application should have an opportunity to comment.

¹ 4171.PL.02 Revision F

4. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.

Main Issues

5. The main issues are:

- whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outlook, daylight and ventilation,
- whether the proposed development would provide adequate and practical provision for the storage and manoeuvring of bicycles and bins; and
- the effect on highway safety with particular regard to the demand for on street parking.

Reasons

Living conditions for future occupiers

6. The proposed bedrooms would be set over three floors, with each bedroom exceeding Nationally Described Space Standards. Bedrooms 4 and 5 are located on the first floor and overlook a courtyard area which can be accessed externally from a set of steps to the side. The courtyard has a further set of steps which gives access to the garden which is on the second floor level.
7. Bedroom 4 has a large window which faces toward the steps that lead to the rear garden. However, the steps are steep and provide very limited views of the garden. Furthermore, due to the courtyard being enclosed on all other sides by high walls, the space experiences very limited daylight. As a result, the views from bedroom 4 would be poor and the amount of daylight received in the room would be very low throughout the majority of the year.
8. Bedroom 5 has a large window and also a door that gives access to the courtyard. However, these would face onto the high side wall of the neighbouring property which would mean that the outlook for the occupiers of this room would be dominated by this. As the courtyard is mostly enclosed on all other sides daylight would be very limited to this bedroom also.
9. The door to bedroom 5 could also encourage future occupiers of this room to access the room by the external steps and would mean that they would walk next to the window of bedroom 4. This could mean that the occupiers of bedroom 4 would be more likely to keep their curtains closed which would further harm their outlook and the amount of daylight received.
10. The Council consider that the bedrooms would not be adequately ventilated. However, while I have found outlook and daylight would be unacceptable, both rooms would have opening windows which would provide sufficient ventilation.
11. Notwithstanding my findings on ventilation, I conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to outlook and daylight. It would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy Adopted June 2011 (CS) and

Policies DM2 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies Adopted July 2014 (LP). Amongst other things, these seek to ensure that development creates a high-quality environment for future occupiers.

Storage and manoeuvring of bicycles and bins

12. The initial plans submitted to the Council showed that bin storage would be provided within the courtyard which would be accessed by a set of steps to the side of the property. It was also shown that a covered area for the parking of bicycles would be provided within the rear garden which would require another set of steps to be accessed.
13. On the basis of the steps that would need to be used to access these storage areas, it is clear that this would not be a practical solution for future occupiers and would have resulted in bins and bicycles being carried up and down several sets of steps.
14. The appellant has submitted an amended plan with the appeal which demonstrates that there is sufficient space to be able to provide the bin and cycle storage to the front of the site, within the existing driveway. This would allow all future occupiers to be able to access the storage facilities without the need to use any steps. Therefore, I am satisfied that subject to appropriately worded conditions that an adequate and practical provision for the storage and manoeuvring of bicycles and bins away from the highway could be provided.
15. I therefore conclude that the proposed development would provide adequate and practical provision for the storage and manoeuvring of bicycles and bins. I find no conflict with Policies DM2, DM23 and DM32 of the LP. Amongst other things, these seek to ensure that development provides adequate storage for recycling/refuse and cycles and that there is sufficient capacity to serve the proposed development as a whole.
16. I also find no conflict with guidance contained within the Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 July 2020 and the Council's Waste and Recycling Storage and Collection Facilities Guidance for Developers of Residential, Commercial and Mixed-Use Properties Adopted December 2021-Updated March 2022. Amongst other things, these seek to ensure provision of safe and convenient access to waste storage and cycle storage.

Highway safety

17. The proposed development includes no parking provision for future occupiers. The area nearby the site has some parking restrictions through a narrow one way road that is close to the site and some road markings which also prevent parking. As a result, there is a high number of cars parked on the road close to the site. However, I noted during my site visit that while demand for on street parking seemed to be high, spaces were available within a short walking distance.
18. I have also had regard to the appellant's study of available parking spaces which found that there were a number of on street parking spaces available near to the appeal site during a weekday evening.

19. The Council consider that the proposal would generate four additional cars on the highway network. This estimate of car ownership has been taken from census data from 2011. The Council have no parking standards for large HMO's.
20. The appellant has provided more recent census data from 2021 which demonstrates that within the local area, occupiers of HMO's are more likely to have access to no private motor vehicles. The appeal site is also within a location that is a short walk from a number of services and is well connected by cycling and public transport which would reduce the reliance on future occupiers needing to have access to a private motor vehicle. I am also mindful that the existing use as a large family dwelling would have likely had access to private motor vehicles, so I am not convinced that the proposed development would generate four additional cars on the highway network.
21. In any case, even if the proposed development would generate four additional cars, I am satisfied that there is sufficient on-street parking within a short walking distance from the site to accommodate an increased demand.
22. I therefore conclude that the proposed development would not unacceptably harm highway safety. I find no conflict with Policy DM23 of the LP, Policies BCS10 and BCS13 of the CS and Paragraph 108 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure development provides an appropriate level of parking provision, ensures the provision of safe streets and encourage sustainable means of transport.
23. I also find no conflict with guidance contained within the Council's Managing the development of houses in multiple occupation Supplementary Planning Document Adopted 3 November 2020 and the Councils Transport and Development Guide which amongst other things, seek to ensure a reasonable level of safe, accessible and convenient car parking.
24. The Council have suggested the proposal would be contrary to Policy DM35 of the LP, however, this relates to noise for which the Council have found the proposal would not adversely effect.

Other Matters

25. The appellant has put forward a fallback position in the form of permitted development rights which would allow the conversion of the dwelling to a HMO for 6 persons. I accept that the fallback position is available.
26. The appellant has stated their intention to carry out the fallback position should this appeal fail. I therefore accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
27. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
28. The appeal scheme would result in an increase of two bedrooms over the fallback position. I appreciate that the rooms shown to be bedrooms 4 and 5 could still be used as bedrooms for the fallback position. However, there is no information before to suggest that this would be the case. Even if these

bedrooms were still used, there would be two fewer bedrooms in which this space could be used to provide more shared internal space, or bigger bedrooms through the fallback position which could be of benefit to the occupiers of these bedrooms. I therefore find that the appeal scheme would be more harmful than the fallback position.

29. Consequently, for these reasons considered cumulatively, the fallback position carries limited weight in favour of the proposal.
30. The appeal site is located within the Brislington Hill Conservation Area (CA). The Council has not found that the proposed development would harm the character or appearance of the CA. The CA is centred around St. Lukes Church and its significance is derived from its architectural character of pantiled roofs, random stone walling, painted rendered walls and 17th century brick/stone boundary walls. The appeal proposes no external alterations, other than the demolition of a non-original conservatory to the rear and the infilling of a garage door with render to match the existing dwelling. I therefore find that the proposal would have a neutral impact on the setting of the CA.

Planning Balance

31. The proposal would be contrary to Policy BCS21 of the CS and Policies DM2 and DM30 of the LP. These Policies are consistent with the Framework in focusing on creating places with a high standard of amenity for future users.
32. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. The figure quoted by the appellant is between a 2.2-2.4 year supply which is a substantial shortfall. The figure quoted is not disputed by the Council.
33. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
34. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall, albeit the provision would be small. The proposal would result in the provision of housing suitable for single-person households with communal areas for future occupiers. It would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. There would also be some environmental benefits through the efficient use of land and potential reduced energy use through the heating of a single building.
35. In this instance, the inadequate living conditions that would be provided for future occupiers would significantly and demonstrably outweigh the very modest benefits and as such, the proposal would not constitute a sustainable form of development in terms of the Framework.
36. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed and planning permission should be refused.

D Wilson

INSPECTOR