



Appeal Decision

Site visit made on 5 June 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/P0119/W/24/3338352

3 Charles Road, Filton, South Gloucestershire BS34 7ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Antonino Abruzzo against the decision of South Gloucestershire Council.
 - The application Ref is P23/02204/F.
 - The development proposed is erection of single storey side cycle store. Erection of single storey rear extension, two storey side extension to facilitate change of use from residential dwelling (Class C3) to a 8 bedroom large house in multiple occupation (HMO) for up to 8 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey side cycle store. Erection of single storey rear extension, two storey side extension to facilitate change of use from residential dwelling (Class C3) to a 8 bedroom large house in multiple occupation (HMO) for up to 8 people (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at 3 Charles Road, Filton, South Gloucestershire BS34 7ES in accordance with the terms of the application, Ref P23/02204/F, subject to the following conditions:-
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 23122-PL03 revision A, 23122-PL04 revision A, 23122-PL05 and 23122-PL07.
 - 2) The number of occupants within the HMO hereby approved shall not exceed 8 at any one time.
 - 3) The HMO use hereby permitted shall only be carried out whilst the car parking spaces and store for cycles as shown on the approved drawings are in place. These shall only be used for vehicle parking and storage of cycles.
 - 4) The HMO use hereby permitted shall only be carried out whilst the recycling and refuse store as shown on the approved drawings is in place. The store shall only be used for the storage of waste bins.

Preliminary Matters

2. At odds with the appeal form, the front page of the appellant's appeal statement says the appeal is made under section 174 of the Act against an enforcement notice issued by the Council. However, no details of any enforcement notice has been provided and there is no reference to any such

notice in the submissions. As such, I have assessed the appeal on the basis that is made under section 78 of the Act and solely against the Council's decision to refuse planning permission.

3. The description of development in the header is taken from the appeal form and the Council's decision notice. The description on the application form refers just to internal alterations and change of use of the dwelling to a house of multiple occupancy. However, the appeal plans and other submissions show the scheme includes the erection of extensions to the side and rear. As such, I have based my assessment on the revised description. I am satisfied this would cause no injustice as it is used by both main parties. In my decision I have omitted the phrase part retrospective as this is superfluous.
4. Planning permission was granted by the Council on 15 July 2022 for the erection of a 2 storey side extension to the appeal property. It is more than a theoretical possibility that this permitted development would be carried out in the event that the appeal is dismissed. As such, it represents a fallback position that I have considered in my assessment.
5. The appellant's statement indicates that the application leading to this appeal sought to regularise errors made in the construction of the side extension when compared against the fallback position. On my visit I saw the appeal property has been extended to the side, seemingly in accordance with the submitted plans. In these respects, the development has commenced, although there is no indication that the HMO use has started. My decision is made on this basis.

Main Issue

6. Through its submissions, the Council has confirmed that its only objection to the scheme relates to the design of the 2 storey high side extension. As such, the main issue is the effect of this extension on the character and appearance of the host property and the local area.

Reasons

7. The appeal property is a semi-detached dwelling in a residential area. Local housing tends to be fairly consistent in appearance and form, particularly in terms of being 2 storeys high with pitched roofs and facing onto the street. However, it is notable that several nearby houses have been extended to the side, including the adjoining property at 5 Charles Road (No 5).
8. The side extension at the appeal property is seen as you walk along Charles Road and also from Filton Avenue. As such, it has a visual effect on the street scene. However, away from the appeal site, the extension is partially screened by No 5 and the properties on the corner of Charles Road and Filton Avenue. As such, the addition is not unduly prominent.
9. The Council's Householder Design Guide Supplementary Planning Document 2021 (SPD) states that, in order to be subservient, all side extensions should be no more than half the width of the principal elevation. The 2 storey extension measures 3.1m wide and so it is more than half the 5.15m total width of the original house. However, I note under section 1.4 of the SPD it states the guidance is not intended as hard and fast rules. As such, the identified conflict with the SPD in terms of the width of the extension is not determinative in my assessment of the main issue.

10. The front of the extension is set back behind the front of the main house and its ridgeline is below that on the main roof. As a result, the original form and appearance of the property is still clearly discernible. Therefore, the extension does not overwhelm or subsume the host property but instead it is subservient to it. The prominence of the main part of the house is preserved.
11. The size and positioning of the door and window openings in the front of the extension do not precisely follow those on the main part of the house although they are similar and demonstrate the 2 storeys. Also, there is a level eaves height and similar external materials so that a reasonable degree of consistency exists between the design of the extension and the original dwelling. Overall, I find the addition respects the host property.
12. Moreover, the extension is seen alongside and against the enlarged dwelling at No 5. The 2 storey side extension at this property is not set back in the same way as the appeal scheme and it appears closer to the road by virtue of the house's angled position in relation to the highway. I am advised this extension was granted before the SPD was adopted but nonetheless it forms part of the street scene within which the appeal development is viewed. Also, the nearby house at 798 Filton Avenue has been extended significantly to the side, albeit to form a separate dwelling. Therefore, within its immediate context, the side extension at the appeal property appears relatively modest in terms of scale and prominence.
13. The attached dwelling, 1 Charles Road, has not been extended and so the addition to the side of the appeal property has undermined a sense of symmetry. However, the extension is read as a sympathetic addition where the original form of the pair of houses is still discernible. Also, I am conscious of the other side extensions to nearby dwellings and the aforementioned fallback position that would also create a similar imbalance between the properties. Given this context, I find the development has had an acceptable effect on the appearance of the pair of semi-detached dwellings.
14. For the above reasons, I conclude the side extension does not have a harmful effect on the character and appearance of the host building and the local area. In these regards, it accords with policy CS1 of the South Gloucestershire Local Plan Core Strategy 2006 to 2027 and policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (LP). Amongst other things, these require high quality design where extensions respect various aspects of the host building and the street. The development does not fully accord with elements of the SPD but in this case there is sufficient justification to depart from this guidance.

Other Matters

15. Interested parties have raised a number of other concerns with the development as a whole. The size of the house has increased and the cycle store building and the rear corner of the side extension lie on the boundary with No 5. Nonetheless, the additions are shown on the plans as fully within the appeal site and the resulting development does not appear uncharacteristically cramped as a gap at first floor level above the cycle store is retained. Compared to the fallback position, the extensions cause no significant loss of privacy, outlook or light to any other residence.

16. I am advised the appeal property already has a licence to be used as a 6 person HMO. As such, its use as a slightly larger HMO would not significantly affect the character or attractiveness of the area. In any event, the Council officer's report states the development accords with the Council's guidance on "sandwiching" and the maximum level of licenced HMOs in the local area. As such, the development would avoid an unacceptable concentration of HMOs either on the street or in the wider locality.
17. I saw a parking area to the front of the site that is able to accommodate sufficient spaces to meet parking standards. Also, parking is allowed on Charles Road and there is little substantive evidence to show that roadside parking as a result of the proposal would prejudice highway safety. Also, the development provides satisfactory living conditions and garden space for future occupiers.
18. A waste bin store has been provided and so there are no grounds to conclude the development would lead to unacceptable waste management. It is likely the proposed HMO would have more adult occupants than a single family household or a 6 person HMO. Even so, as a residential use, it is not bound to lead to anti-social behaviour or unusual and unacceptable noises so as to cause a significant nuisance to nearby residents. I understand the construction work on the extensions was disruptive but this is now completed. Overall, I find no reason to conclude the HMO use would prejudice the amenity of neighbouring properties.
19. There is little evidence to support the claims over HMOs' effects on local property prices and employment opportunities in the area. In any event, I would envisage the appeal development as a single HMO would have no meaningful impact in these regards.
20. None of these other objections provide reason to refuse planning permission. Accordingly, they do not affect my conclusions on the appeal.

Conditions

21. The Council has suggested conditions in the event I allow the appeal. I have had regard to these in light of the National Planning Policy Framework's provisions on conditions. I have amended the wording where appropriate for reasons of precision.
22. In the interests of clarity, I impose a condition that requires the development as a whole to be carried out in accordance with the approved plans. There is no need for this to refer to plans that show the property as it stood prior to being extended. A condition that limits the number of occupants is needed as there is little evidence to demonstrate that a HMO with more than 8 residents would be acceptable. A condition requiring the retention of the parking area and cycle store is required to ensure the development accords with LP policy PSP16. A separate condition is imposed to ensure the provision of an appropriate store for waste bins in line with LP policy PSP39.

Conclusion

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

Jonathan Edwards

INSPECTOR