



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: 17 June 2024

Appeal Ref: APP/Z0116/W/23/3334839

17 Bloomfield Road, Brislington, Bristol BS4 3QA

- 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 Jake Colwill (Innova Property) against the decision of Bristol City Council.
 - The application Ref is 22/05171/F.
 - The development proposed is described as “change of use from a residential dwelling (C3a) to a large house in multiple occupation (sui generis) for up to seven people, including the erection of an L-shaped rear roof extension.”
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a residential dwelling (C3a) to a large house in multiple occupation (sui generis) for up to seven people, including the erection of an L-shaped rear roof and ground floor extension at 17 Bloomfield Road, Brislington, Bristol BS4 3QA in accordance with the terms of the application, Ref 22/05171/F, subject to the conditions in the Schedule at the end of this decision.

Preliminary Matters

2. The description of development in the header is taken from the application form. The Council’s decision notice and the appeal form also refer to a ground floor extension, which is shown on the plans. I am satisfied that no prejudice would be caused by including the ground floor rear extension as part of the appeal development as it is referred to by both main parties and is clearly indicated on the drawings. Accordingly, it is added to the description of development as set out in my decision above.
3. I am advised that during the Council’s processing of the planning application, the appeal property started to be used as a small house in multiple occupation (HMO) falling within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Also, the appellant says that an amended application form was submitted to the Council to reflect this change of use. However, it is clear the Council’s decision is based on the original description with reference to a change of use from a residential dwelling (C3a). To be consistent, my assessment is made on the same basis.
4. I am provided with a copy of a certificate of lawfulness¹ that states as on 13 October 2022 the erection of a rear roof extension and a single storey rear extension to the appeal property represents lawful operations. However, the first schedule of the certificate includes no mention to any use of the building.

¹ The Council’s reference number 22/04863/CP.

Nonetheless, the change of use of a building from Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation) constitutes permitted development². The submissions indicate the appellant has relied on permitted development rights in the change of the use of the property and there is no indication from the Council that the current HMO is unauthorised. It is likely the existing small HMO use would continue if the appeal is dismissed. This fallback position is a material factor in my assessment.

5. In association with the change to a HMO, I understand alterations have been carried out to the building. However, I am unaware whether these accord with the appeal drawings. As such, my assessment is based on the details as shown on the plans and on the basis the development has not yet commenced.
6. With their final comments, the appellant has provided a note on parking surveys. This note was not before the Council at the time it determined the planning application and it has not had the opportunity to comment on it through the appeal process. Therefore, taking the note into account may cause prejudice and so it has not been considered.
7. A revised version of the National Planning Policy Framework (the Framework) has been issued since the appeal was lodged. The parts of the Framework most relevant to this appeal remain largely unaltered and so there is no need to seek the main parties' comments on the revisions.

Main Issues

8. The main issues are (i) the effect of the development on the mix of housing in the area, (ii) its effect on neighbouring residences and the locality in terms of noise, and (iii) the effects of parking associated with the development.

Reasons

Mix of housing

9. The appeal property lies in a fairly long terrace of 2 storey dwellings on the one side of Bloomfield Road. I saw several of these properties have been sub-divided into flats but most appear to be used as single household residences.
10. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 (the LP) sets out the situations where the conversion of a dwelling to a HMO will not be permitted. This includes where a development would create a harmful concentration of such uses within a locality so that the choice of housing no longer provides for the needs of different groups. The justification to the policy recognises the valuable contribution HMOs make towards housing requirements but highlights how they can also have an adverse impact on the housing mix of an area.
11. The Council refers to its Supplementary Planning Document - Managing the development of houses in multiple occupation 2020 (the SPD). This also explains how concentrations of HMOs can lead to imbalanced communities. The SPD describes the HMO threshold assessment (neighbourhood level) and sandwiching assessment (street level) to be used in establishing whether a harmful concentration of HMOs exists or would be created.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3 Class L relates.

12. In this case, the Council advises only 1 or 3.45% of the dwellings within 100m radius of the appeal property is a licenced HMO. As such, the proposed HMO would not cause a breach of the 10% threshold as set out in the SPD. As such, there would be no harmful concentration of HMOs at a neighbourhood level.
13. However, the other licenced HMO in the locality is at 11 Bloomfield Road (no 11). As such, a HMO at the appeal property would lead to 13 and 15 Bloomfield Road (Nos 13 and 15) being between 2 HMOs. Having regard to the guidance in section 4 of the SPD, it is clear that this represents a potential sandwiching situation. Therefore, the provisions of the SPD indicate the development would cause a harmful concentration of HMOs at street level.
14. At the same time, I am conscious of the aforementioned fallback position. To my mind, there is no meaningful difference in terms of housing choice between the property being used as a 6 person or a 7 person HMO. Section 4.1 of the SPD states that proposals for additional bed spaces within existing HMOs that sandwich residential property are unlikely to be consistent with LP policy. However, the use of the term "unlikely" indicates that there may be occasions when sandwiching would be consistent with LP policy.
15. In this instance, the introduction of an extra HMO on Bloomfield Road in addition to 1 other licenced HMO would not represent a harmful concentration. The other dwellings on the street when considered as a whole means the introduction of a 7 person HMO at the appeal property would cause no unacceptable imbalance or a reduction in the choice of homes. This is particularly the case given the strong likelihood of the appeal property being used as a 6 person HMO if the appeal is dismissed.
16. For these reasons, I conclude the development would not have a harmful effect on housing mix. In these respects, it would accord with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 and LP policy DM2. Amongst other things, these promote diversity and choice through a balanced mix of housing. The development would not accord with the provisions of the SPD on sandwiching but there is sufficient justification to depart from the guidance in this case.

Noise

17. LP policy DM2 resists the conversion of dwellings to HMOs where they would result in levels of activity that cause excessive noise and disturbance to residents. The justification to the policy explains that issues could arise through the intensification of the residential use or the lifestyles of occupants.
18. As a residence, it is likely the proposed HMO would generate activities typical of a dwelling. The appeal property directly adjoins its neighbours and so it is likely that some of the noise associated with these activities would be heard by occupants of nearby residences. However, it does not follow that the noise would be excessive and unacceptable.
19. I would agree with the Council in that the occupation of the property by 7 adults would be a more intensive residential use compared to it being lived in by a single family. Nevertheless, it is likely the level of activity and associated noise from 7 occupants would be comparable to that generated by 6 adult residents as allowed for under the fallback position. There is no evidence to

indicate the current HMO use of the property has caused unacceptable noise and disturbance.

20. The SPD advises that increased numbers of HMOs can have harmful noise impacts resulting from the intensification of residential use. However, the SPD does not state that sandwiching situations are bound to lead to unacceptable disturbance. To my mind, this is a matter of judgement based on the particular circumstances of the proposal. In this case, there is no evidence to show the existing HMOs at the appeal property and at No 11 are causing excessive noise and disturbance. A change to allow 1 extra resident at the appeal property would only result in a modest level of additional activity and so it is fair to expect no significant extra noise compared to the current situation.
21. For these reasons, I conclude the development would have an acceptable effect on living conditions at nearby residences and on the locality in general by reason of noise. In these regards, it would accord with CS policy BCS23 and LP policies DM2 and DM35. Amongst other things, these look to ensure development safeguards environmental amenity from noise impacts.

Parking

22. Like most of the other dwellings on Bloomfield Road, the appeal property provides no off-road car parking facilities. As such, occupiers of residences on the road are highly reliant on kerbside parking for vehicles.
23. Whilst there are some double yellow lines, parking is allowed along significant lengths of the stretch of Bloomfield Road outside the appeal property. Also, there is nearby parking opportunities within Junction Road and the large turning area where it meets Bloomfield Road. The Council has not sought to dispute the appellant's claim that there is parking space for 69 vehicles on the nearest streets to the appeal property. As such, there would be reasonable scope for the occupants of the proposed HMO to park on the highway near to the appeal property.
24. My visit can only provide a snapshot in time but I saw parking along large parts of Bloomfield Road and Junction Road during the middle of the day. Even so, there were several available spaces where additional cars could legally park. I note that there is no resident parking scheme for the area and that the demand for street parking will vary. However, my observations suggest there is sufficient roadside parking space near to the appeal site to meet the overall demand. In coming to this view, I have had regard to the appellant's claim that there is only 33 dwellings on Bloomfield Road and that the depot on the opposite side to the houses includes on-site parking to serve at least some of the requirements of its users.
25. Also, the stretches of double yellow lines provide places for vehicles to pass and the area at the junction of Bloomfield Road and Junction Road allows vehicles to safely turn around. As such, the kerbside parking causes no obvious need for vehicles to reverse or to carry out potentially unsafe vehicular movements on the highway.
26. It is highly probable that the occupants of the proposed 7 person HMO and visitors would generate traffic movements and parking on Bloomfield Road or Junction Road. However, I envisage the level of additional parking would be modest compared to the fallback position of a 6 person HMO. There is no

substantive evidence to suggest parking associated with the current HMO causes any problems. As such, it is fair to expect parking associated with the proposed HMO could also be reasonably accommodated on local streets.

27. LP policy DM23 requires development to provide an appropriate level of parking having regard to standards as set out in appendix 2 of the LP. The appellant points out that the car parking standards are defined as maximums and not as minimum requirements. As such, the lack of parking at the appeal site would not bring the scheme into conflict with appendix 2 standards. The Council is critical that no parking survey was provided with the planning application leading to this appeal. However, I am taken to no particular development plan policy that requires such a survey.
28. In any event, under LP policy DM23 the level of accessibility by walking, cycling and public transport will also influence the level of parking deemed appropriate. From the appeal property, it is a fairly short walk to a nearby supermarket and shops on Sandy Park Road as well as to bus stops with frequent services to Bristol city centre. Also, the Whitchurch Way cycle route runs near to the appeal property. Consequently, the proposed HMO's residents and visitors would not be highly reliant on car travel. This adds support to the view that the proposal would avoid street parking at a level that causes a nuisance.
29. For the above reasons, I conclude the development would not lead to unacceptable effects as a result of associated parking. In these regards, it would accord with CS policy BCS10 and LP policies DM2 and DM23. Amongst other things, these look to ensure new HMOs do not cause detriment through parking that cannot be reasonably accommodated.

Other Matter

30. The proposed alterations and extensions to the building would not cause harm to the living conditions at nearby dwellings by reason of loss of light, privacy or outlook. As such, I conclude the development would accord with LP policy DM30 in these regards.

Conditions

31. I have had regard to the list of conditions suggested by the Council in light of the relevant provisions of the Framework. Where appropriate I have amended the wording for reasons of precision.
32. In the interests of clarity, I attach a condition that requires the development to be carried out in accordance with the approved plans. There is no need for this condition to refer to the drawings that show the existing plans and elevations.
33. Condition 3 is imposed to ensure waste and bins are stored appropriately and without harm to the street scene. Condition 4 is included so cycling parking is provided in line with standards set out in the LP. Condition 5 is needed to ensure the development incorporates measures to minimise the effects of climate change. I have omitted reference in this condition to a total reduction of 22% in carbon dioxide emissions as this is in excess of the requirements set out in CS policy BCS14.
34. While not suggested by the Council, I have imposed a condition that limits the occupancy of the proposed HMO to 7 people. This is needed as the restriction forms the basis of my assessment and as additional occupants could lead to

harmful noise or parking effects. I am satisfied the inclusion of such a condition is uncontentious as it is consistent with the appellant's description of the development.

Conclusion

35. For the reasons given above, I find the proposal would accord with the development plan policies when read as a whole. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF 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 drawing nos 4086.PL.01 revision A, 4086.PL2.02, 4086.PL2.04 revision B and 4086.PL2.05.
- 3) The bin store as shown on the approved plans shall be provided prior to the commencement of the house in multiple occupation use hereby permitted. Thereafter it shall be retained and all refuse and recyclable materials associated with the permitted use shall either be stored within the bin store or internally within the building. No refuse or recycling material or bins shall be stored or placed on the highway (including the footway) except on the day of waste collection.
- 4) The bike store as shown on the approved plans shall be provided prior to the commencement of the house in multiple occupation use hereby permitted. Thereafter, it shall be retained and shall only be used for the parking of cycles.
- 5) Prior to the commencement of the house in multiple occupation use hereby permitted, the energy efficiency measures, renewable energy measures, sustainable design principles and climate change adaptation measures as set out in the Complete Energy Consultancy Energy Statement dated 31 October 2022 shall be fully provided. The measures shall be retained thereafter.
- 6) The number of occupants within the house of multiple occupation hereby approved shall not exceed 7 at any one time.