



Appeal Decision

Site visit made on 26 June 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/Z0116/W/23/3329836

25 Braikenridge Road, Brislington, Bristol City, Bristol BS4 3SW

- 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 HHAF Ltd against Bristol City Council.
 - The application Ref is 23/02878/F.
 - The development proposed is 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.
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Decision

1. The appeal is dismissed and planning permission for 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 at 25 Braikenridge Road, Brislington, Bristol City, Bristol BS4 3SW is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. Whilst national policies relating to housing supply are proposed to change as part of this consultation, these changes can only be given limited weight at this stage. Even if the proposed changes were to be accepted, it would not materially affect the outcome of my decision. Therefore, in this instance it has not been necessary to consult the parties on these changes.
4. There is no dispute between the parties that the property has begun use as a house in multiple occupation (HMO) for 6 people. However, I have determined the application on the basis of the submitted documents and the description given on the application form.

Background and Main Issues

5. The Council failed to determine the application within the prescribed period, however the Council has indicated in its statement that it would have refused planning permission, had it retained the jurisdiction to do so. Based on the evidence before me, the main issues are:

- the effect of the development on safety of pedestrians using Brakenridge Road;
- the effect of the development on the safety and convenience of on street parking provision;
- whether the development would provide adequate cycle parking; and
- the effect of the development on the living conditions of the occupiers of 27 Braikenridge Road with particular regard to noise and disturbance.

Reasons

Pedestrian safety

6. The appeal site comprises a semi-detached dwelling located within an area which is characterised by similar residential properties. Most of the properties on Braikenridge Road benefit from off-road parking on a driveway and some have an on-plot or integral garage.
7. The proposal includes the provision of two off-street parking spaces to the front of the building. The parties quote different dimensions for these spaces. Nevertheless, the appellant acknowledges that the spaces are not long enough to provide the buffer advised by the Bristol Transport Development Management Guide (October 2022) (BTDMG). The buffer is recommended for parking spaces where there is any vertical structure adjacent to the side or end of the space as would be the case with the proposed spaces.
8. I recognise that future residents may have small cars, however this is not something which could reasonably be controlled and there is every likelihood that future residents may own a larger car. Due to the limited length of the proposed parking spaces, cars parked in them are likely to encroach onto the pavement. This could result in pedestrians and other pavement users, having to move onto the carriageway to pass by the site. Although vehicle speeds are relatively low in the area, this would nevertheless result in a significant increased risk of highway danger.
9. Although the BTDMG is guidance, I noted at my site visit that many vehicles on nearby driveways were parked at an angle, or widthways, to avoid overhanging the pavement. Therefore, based on my own observations, I consider the size of the proposed parking spaces to be inadequate. Even if demand for the spaces were limited it is highly likely that if provided, they would, at times, be used by residents and visitors.
10. I conclude that the proposed parking arrangements would have a harmful effect on the safety of pedestrians using Brakenridge Road. Therefore, the proposal would conflict with Policies BCS10 of the Core Strategy (Adopted June 2011) (CS) and DM23 of the Site Allocations and Development Management Policies Local Plan (Adopted July 2014) (SADMP) insofar as they seek to ensure that development provides safe streets and safe and adequate access. It would also conflict with relevant paragraphs of the National Planning Policy Framework (the Framework) which seek to ensure that development does not have a harmful impact on highway safety.

Parking demand

11. The Council have not indicated an anticipated parking demand from the proposed development. However, the appellant has provided census data from 2021 which demonstrates that car ownership levels amongst occupiers of rented properties are generally lower than family homes. There are some facilities and services including shops and a GP surgery within walking distance from the appeal site. The site is also reasonably well connected to cycle and bus routes with bus stops providing frequent buses to the City Centre within walking distance of the site. Therefore, the appeal site is in a location which is capable of facilitating a car-free lifestyle. Consequently, regardless of the proposed parking provision, it is reasonable to assume the proposal would result in a modest increase in parking demand.
12. There are no parking restrictions on the road, although the presence of many vehicular accesses limits the quantum of parking spaces available on the highway. Nevertheless, I noted during my site visit that there were some on-street parking spaces available near to the appeal site, although I am mindful that the availability of parking is likely to vary depending on the time of day. The appellant has submitted a parking survey which shows parking spaces available near to the site in the evening, albeit the survey was carried out during Easter weekend. At this time residents may be away from home and as such this may not be a representative reflection of normal parking availability in the area.
13. Even if parking spaces were not available in close proximity to the site there are several opportunities to park on-street within a short walk of the appeal site. I am therefore satisfied that the modest increase in parking demand would not result in obstructive parking or congestion locally.
14. I conclude that the proposal would have an acceptable effect on safety and convenience of on street parking provision. Therefore, the proposal would comply with Policies BCS10 of the CS and DM23 of the SADMP insofar as they seek to ensure that development is located where sustainable travel can be achieved and that appropriate levels of parking are provided. It would also conflict with relevant paragraphs of the Framework which seek to promote sustainable transport.

Cycle parking

15. The proposal includes the provision of an external cycle store within the rear garden. There is no access to the side of the building and therefore utilising these parking spaces would require occupiers to bring cycles through the building. In this respect there is a degree of conflict with the advice contained in the BTDMG which says that cycles should not have to be carried through buildings.
16. However, in this instance, I am not convinced that there would be sufficient space at the front of the property to provide a lockable, covered enclosure of sufficient size to accommodate future resident's cycles, without resulting in harm to the character and appearance of the area. In any event the access route to the cycle store, through the building would be step-free and due to the layout of the ground floor would not be difficult to navigate. Therefore, I am satisfied that the location of the cycle store would not discourage its use by residents and would support the use of cycles as a mode of transport.

17. Consequently, I find that the development would provide adequate cycle parking and would therefore comply with Policies BCS10 of the CS and DM23 of the SADMP which together seek to ensure that development maximises opportunities for cycling. It would also accord with relevant paragraphs of the Framework which seek to promote sustainable transport.

Living conditions

18. The appeal site is attached to 27 Braikenridge Road (No.27) which is in residential use. The proposals would involve the provision of a kitchen/living room for all residents, and a new bathroom on the ground floor, adjacent to the shared wall with No.27.
19. The increase in number of residents, combined with the consolidation of the living, kitchen and dining space into one room, would be likely to result in an increase in activity and noise in this area, compared to its use as a family home. Noise transference from the proposed bathroom could also occur.
20. The Council suggest that a noise survey would also be necessary to inform a noise mitigation strategy. However, this is likely to involve the installation of noise monitoring equipment on third party land which may not be possible if access is not granted. Insulation has been installed at the site and whilst a condition requiring further details of this could be imposed, it has not been adequately demonstrated that insulation would be capable of mitigating any increase in noise and therefore that the proposed use would not result in significant harm the living conditions of the occupiers No 27.
21. Consequently, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No. 27 with particular regard to noise and disturbance. It would therefore conflict with Policy BCS21 of the CS and Policies DM2, DM30 and DM35 of the SADMP which seek to ensure that development safeguards amenity of neighbouring occupiers and that noise impacts are appropriately mitigated.

Other Considerations

22. The appellant contends that it would be possible to convert the property to an HMO for 6 people utilising permitted development rights and that since the submission of the appeal the property has begun being occupied in this manner. However, the proposal would result in more people living at the site which would result in greater noise and disturbance. Furthermore, I saw at my site visit that no parking spaces have been marked out in connection with the use of the property as a 6 person HMO. The proposal would result in the laying out of the proposed parking spaces, the use of which would result in harm to pedestrian safety. I therefore find that the proposal would be more harmful than the fall-back position and as such, give it limited weight.
23. Set against the harm identified the proposal would result in social benefits through the provision of housing for single person households in a communal environment. Local spending of future residents would be an economic benefit of the proposals. The proposal would make efficient use of the land and allow for reduced energy use compared to the equivalent number of separate dwellings. Overall, given the scale of the development I attach modest weight to these benefits.

24. Interested parties have raised concerns in relation to the location of the site away from university buildings, however the proposal is not described as being exclusively for use by students. Concerns have also been raised about the effect of the proposal on the of character and appearance of the area and the living conditions of future occupiers. Nevertheless, there is no substantive evidence which demonstrates that the proposal would result in harm in respect of these matters. These are neutral factors in the appeal.

Planning Balance

25. The appeal proposal would have a harmful effect on the safety of pedestrians using Braikenridge Road and would have a harmful effect on the living conditions of the occupiers of No.27 with particular regard to noise and disturbance. Taken together, I have judged the magnitude of these harms as significant.
26. The CS and SADMP date from 2011 and 2014 respectively but the weight to be attached does not hinge on its age. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework development should ensure that significant impacts on highway safety would be mitigated to an acceptable degree. It also states that development should ensure a high standard of amenity for existing users. Therefore, the conflict between the proposal and Policies BCS10 and BCS21 of the CS and Policies DM2, DM23, DM30 and DM35 of the SADMP should be given significant weight in this appeal.
27. As there are no policies in the Local Plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
28. The Council cannot demonstrate a 5-year supply of deliverable housing sites. As such paragraph 11d) of the Framework applies. In such circumstances this requires that planning permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
29. As described above the benefits of the proposal would be relatively modest, even taking account of the objective of boosting significantly the supply of homes and the Council's housing supply position. The Framework states that significant impacts on highway safety should be mitigated to an acceptable degree and that development should achieve a high standard of amenity for existing users.
30. Consequently, the adverse impacts of the proposal on pedestrian safety, as well as the harm to the living conditions of neighbouring occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

31. I conclude that the proposal conflicts with the development plan when read as a whole and the material considerations including the Framework do not

indicate that the appeal should be decided other than in accordance with it.
Therefore, the appeal is dismissed, and planning permission is refused.

E Pickernell

INSPECTOR