



Appeal Decision

Site visit made on 4 September 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/Z0116/W/24/3338032

14 Milton Park, Redfield, Bristol City, Bristol BS5 9HQ

- 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 Top Drawer Properties Limited against the decision of Bristol City Council.
 - The application Ref is 22/05153/F.
 - The development proposed is proposed 1 no. two bedroom dwelling and associated works, and conversion of an existing dwelling to seven units of private sector emergency accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted during the course of the application upon which the Council made their decision. It is these drawings upon which I will make my determination. I have used the description of development from the decision notice in the banner heading above as it more accurately describes the revised scheme.
3. The evidence suggests that internal works have taken place at the property. However, I have determined the appeal on the basis of the submitted drawings.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to internal space and private amenity space;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular reference to noise and disturbance;
 - whether the proposed parking arrangements are suitable in respect of pedestrian safety, accessibility and parking pressure.

Reasons

Living conditions – future occupiers

5. The appeal site includes an existing end-of-terrace dwelling (No.14) which fronts Milton Road, a short street leading off Church Road (the A420), with terraced properties to both sides.
6. The proposal includes the conversion of no.14 into 7 units of emergency accommodation, specifically for pregnant mothers and mothers with young children. Each unit would comprise one main living and sleeping room with an en-suite shower room.
7. Policy BCS18 of the Bristol Core Strategy (Adopted June 2011) (CS) states that residential development should provide sufficient space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards. The Nationally Described Space Standard (NDSS) sets out a requirement that a 1 bedroom, 1 person dwelling should provide a minimum gross internal floor area of 37 sqm (in cases where a shower room is proposed) and 1 sqm of built in storage. The Council estimate that the gross internal floor areas of the proposed units range in size from approx. 15.6 – 23.1 sqm. Therefore, the proposed accommodation would fall significantly below the expectations of the NDSS.
8. I note the appellants contention that the units would provide only temporary accommodation and would not be standard apartments. Nevertheless, due to the restricted dimensions of the proposed units there would be limited space available for additional beds or cots for any children who may be homed in the units, other furniture including tables, chairs, storage and space for children to play. No indication of the anticipated length of stays has been provided and for the time during which they would be occupied, daily life would be very challenging for the intended occupiers, particularly those with young children as a result of the inadequate internal space which would be provided. Therefore, the proposal would fail to provide acceptable living conditions with regard to internal living space.
9. I have been provided with the floorplans associated with an application at Beechwood House for a similar use to that proposed by the appeal scheme. The appellant contends that the units are a similar size to that proposed. However, some of the units at Beechwood House appear to be more spacious than those proposed and the accommodation also includes two laundry rooms and a manager's office. Consequently, the Beechwood House scheme is materially different to that which is before me.
10. I acknowledge that temporary accommodation may be currently being provided in unsuitable locations, however this is not adequate justification for allowing a scheme which would provide unacceptable living conditions for future occupiers.
11. The appeal proposal includes the provision of a communal garden area which would accommodate a cycle store with bin and recycling storage provided to the side of No 14. Whilst the garden would be relatively limited in size, small

gardens are not uncommon in this relatively dense, urban area. The garden would provide sufficient space for occupiers to sit outside and to dry clothes. In addition, there are public parks within walking distance of the appeal site which would provide further opportunities for outdoor recreation. I am therefore satisfied that the proposal would provide adequate amenity space for future occupiers.

12. The appellant has provided information in relation to the proposed management of the premises including the preparation of a management plan and house rules. These could be secured by the imposition of conditions. A condition has also been suggested which would control the occupation of the accommodation, albeit it would not specify the maximum length of stay. However, such conditions would not fully mitigate the harm which would occur as a result of the provision of unacceptable living conditions with regard to internal living space.
13. I conclude that although the proposed development would provide acceptable living conditions for future occupants, with regard to private amenity space it would fail to provide acceptable living conditions for future occupants, with regard to internal space, resulting in significant harm. It would therefore conflict with Policies BCS18 and BCS21 of the CS which seek to ensure that developments provide sufficient space for everyday activities and create a high-quality environment for future occupiers. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure places are created with a high standard of amenity for future users.

Living conditions – occupants of neighbouring properties

14. The area surrounding the appeal site comprises primarily terraced houses with relatively small gardens. The rear gardens of properties on Leonard Road adjoin the side boundary of the appeal site. There are several other properties in close proximity to the appeal site including the attached property and those on the opposite side of Milton Park and properties to the rear which face Weight Road.
15. The proposal would result in the provision of 7 units of accommodation within the building each of which would be independently occupied. This would result in increased activity levels as a result of the comings and goings of residents, especially on moving days. It is also very likely that the levels of noise generated by the increased occupancy as a result of domestic activities including cooking, television watching etc, associated with 7 separate households, would be significantly higher than that associated with the existing single dwelling.
16. Even if the House Rules and terms and conditions were adhered to and the management plan in place, given the close proximity of adjacent properties to the appeal site, the proposal is likely to result in disturbance to the occupiers of neighbouring properties. It has not been adequately demonstrated that the proposed use would not result in significant harm to the living conditions of the occupiers of neighbouring properties.
17. Consequently, I conclude that the proposal would significantly harm the living conditions of the occupants of neighbouring properties with particular reference to noise and disturbance. It would therefore conflict with Policy BCS21 of the CS which seeks to ensure that development safeguards the

amenity of existing development. It would also conflict with the Framework which seeks to ensure places are created with a high standard of amenity for existing users.

Parking arrangements

18. The appeal site includes a parking area to the front of the building. A car was parked in the space at the time of my site visit. There is an area to the side of the parking space which is the same width as the pavement which runs along the western side of Milton Park and widens to form an open area adjacent to the front door. Part of the area would be enclosed to form a bin store and to gate the side entrance. Nevertheless, the use of the parking space would not impede the access to the front door, even if occupiers were using a buggy or wheelchair. Consequently, the parking arrangements would not result in a need for occupants to move on to the highway, thereby resulting in harm to highway safety.
19. Most of the units would be accessed via a shared front door. The access to this door would be unimpeded by the proposed bin store, to the side of the building. However, one unit would be accessed via a private door leading from the garden, which would be accessed via the side passage in which the bin store is proposed to be located. Sufficient space would remain for the occupier of this unit to access their front door on foot. Accessing this side area with a buggy would be challenging, however it would be a relatively short distance from the main entrance where a buggy could be stored. As such I am satisfied that the proposal would provide adequate accessibility.
20. Although not part of the reason for refusal I note that the Council have raised concerns that the proposed cycle store would not accord with the Council's guidance and that access would be impeded by the proposed bin store. If I were to allow the appeal, conditions could require the submission of further details of the bin and bike stores to ensure they were sufficient and located acceptably.
21. Milton Park is a relatively short street with on-street parking on one side. Consequently, the availability of parking spaces within the street is limited, however there are several other streets near to the site which provide options for on-street parking. A Parking Beat Survey has been submitted with the appeal. The survey has been carried out using the well-established 'Lambeth' methodology and shows that at the time of the survey there were 31 parking spaces available within 150m of the site during the hours of 00:30 and 05:30 when the majority of residents would be at home. The Council are satisfied that this adequately demonstrates that there is sufficient capacity on neighbouring streets for at least five cars, and I see no reason to disagree. Consequently, I am satisfied that the effect of the proposed development on parking pressure locally would not be significant.
22. I conclude that the proposed parking arrangements are suitable in respect of pedestrian safety, accessibility and parking pressure. The proposal therefore accords with Policy BCS10 of the CS and Policy DM23 of the Site Allocations and Development Management Policies (Adopted July 2014) (SADMP). Together these seek to ensure that developments ensure the provision of safe streets and safe and adequate access for all sections of the community and provide an appropriate level of parking. It would also accord with the

Framework which seeks to ensure that safe and suitable access to the site can be achieved for all users.

Other Considerations

23. Set against the harm identified, the proposal would deliver a net increase of seven units of emergency accommodation in a location with good access to services and facilities. The evidence submitted indicates that there is a need for temporary accommodation in Bristol and the proposal would make a small but valuable contribution towards meeting this need. However, given the substandard nature of the accommodation which would be provided I attach minor weight to this benefit.
24. The proposal would not result in harm to the character and appearance of the area and would utilise low-carbon technologies, although it has not been demonstrated that this would significantly exceed normal requirements. These are therefore neutral considerations in the appeal.

Planning Balance

25. The appeal proposal would result in unsatisfactory living conditions for future occupiers by virtue of inadequate internal space. The development would further result in disturbance and noise for the occupiers of the neighbouring properties. I have judged the magnitude of these harms as significant.
26. The CS dates from 2011 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. The Framework states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Therefore, the conflict between the proposal and Policies BCS18 and BCS21 of the CS 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 five-year supply of deliverable housing sites. In such circumstances Paragraph 11d) and footnote 8 of the Framework establish that the policies which are most important for granting the application are deemed out-of-date. Consequently, 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.
29. As described above the benefits associated with the development would be relatively minor and the Framework seeks to create places with a high standard of amenity. Consequently, the adverse impacts of the unacceptable living conditions for future occupants, with regard to internal space, as well as harm to the living conditions of the occupants of neighbouring properties with particular reference to noise and disturbance, 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

30. The proposal would conflict with the development plan 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, for the reasons given, the appeal is dismissed.

E Pickernell

INSPECTOR