



Appeal Decision

Site visit made on 13 November 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/Z0116/W/24/3344684

16 Filton Avenue, Horfield, Bristol, BS7 0AG

- 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 Richard Crawshay Jones of Crawshay Property Ltd against the decision of Bristol City Council.
 - The application Ref is 23/01824/F.
 - The development proposed is Change of use from 7 bedroom HMO to an 8 Bedroom sui generis HMO.
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use from 7 bedroom HMO to an 8 Bedroom sui generis HMO at 16 Filton Avenue, Horfield, Bristol, BS7 0AG in accordance with the terms of the application, Ref 23/01824/F, and the plans submitted with it, subject to the following 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 the following approved plans: Location Plan; LHD-FAV-00-200 Rev 1.
 - 3) The additional bedroom hereby permitted shall not be occupied until further details of secure and covered cycle storage shall be submitted to, approved in writing by the Local Planning Authority and completed, and thereafter be kept free of obstruction and available for the parking of cycles only.
 - 4) The additional bedroom hereby permitted shall not be occupied until further details of refuse storage facilities shall be submitted to, approved in writing by the Local Planning Authority and installed. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this

gives a clear and concise description of the type of development proposed which reflects that used by the Council in their decision notice.

Main Issues

3. The main issues are the effect of the proposed development upon:

- local amenity and social cohesion; and
- car parking and highway safety.

Reasons

Local amenity

4. The appeal property is a 2 storey end of terraced house set back from the pavement behind a lawned garden. It is an existing house in multiple occupation (HMO) which, according to the Council, is licensed for 7 occupants.
5. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP) does not permit the intensification of use of existing HMOs where, because of the concentration of HMOs within an area, it would cause harm in terms of increased noise or disturbance to residents, levels of on street parking that cannot be accommodated, physical alterations that cause a detrimental cumulative impact, inadequate cycle or bin storage or a reduction in the choice of homes within an area.
6. The Council's Managing the development of houses in multiple occupation Supplementary Planning Document (2020) (SPD) advises that a harmful concentration of HMOs can arise where HMOs are located either side of a residential property, referred to as sandwiching, or where 10% or more of dwellings within 100m of the appeal site are HMOs. Both these circumstances apply to the appeal site.
7. In terms of assessing the potential harms identified in Policy DM2 of the LP, the Council's pollution control department did not object to the proposed development, noting that no complaints had been received relating to noise or disturbance at the property and that an additional bedroom would be unlikely to cause problems. No physical alterations are proposed to the outside of the property. The proposed development would therefore have no cumulative harmful impact on the character or appearance of the area. Given that the property is an existing HMO which has been operating for over 10 years, converting the dining room to an extra bedroom would have no effect on the choice of homes within the area and thereby social cohesion. The plans indicate bin storage in the front garden, and cycle storage for 8 bicycles in the back garden accessed by a gated path running along the side of the house. Although the Council's Transport Development Management Team (TDMT) have objected on the grounds of insufficient detail on these facilities, I am satisfied that they could be secured through a suitably worded condition.
8. Therefore, despite the existing concentration of HMOs in the area, I conclude on this main issue that the proposed development would not lead to increased harm in terms of local amenity, neighbours' living conditions or social cohesion and regarding these matters it would accord with the relevant criteria of Policy DM2 of the LP, Policy DM35 of the LP and the National Planning Policy Framework (2023) (the Framework) which seek to protect amenity.

Parking and highway safety

9. There is unrestricted parking available on both sides of the road close to the appeal site, except for dedicated disabled parking bays, at bus stops on either side of the road and at the junctions with adjoining roads. The Council's (TDMT), and local residents, raised concerns over parking pressure on Filton Avenue, particularly on match days at the Bristol Rovers Football Club stadium whose car park is accessed from Filton Road close to the appeal site. Insufficient on street parking can lead to traffic movements being interrupted as drivers search for suitable spaces or park where it impedes other vehicles.
10. The Council's objection was on the grounds of the property requiring 4 parking spaces and that the planning application was not accompanied by a parking survey.
11. However, the additional bedroom would only increase the potential demand for on street parking by 1 space. At the time of my visit there were on street parking spaces available, but this was early in the afternoon when demand would not be at its peak. The appellant has provided a parking survey with their statement of case, demonstrating that overnight parking spaces were available over the 2 nights during which the survey was carried out, which indicates there is some spare capacity. In any case, the proposed extra bedroom would not add significantly to on street parking pressure, or effect highway safety which the TDMT in its appeal response made no comment on.
12. There would therefore be no conflict with Policy BCS10 of the Bristol Development Framework Core Strategy (2011); Policy DM23 of the LP, the SPD and the Framework which seek to ensure that development would not cause unacceptable traffic conditions to the detriment of highway safety.

Other Matters

13. I note concerns raised by local residents over living accommodation standards and the adequacy of waste recycling facilities at the site. However, the Council's officer's report explains in detail how the Council's HMO License standards have been met and I am satisfied that suitable waste storage can be achieved.

Conditions

14. I have had regard to the conditions suggested by the Council. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. A condition requiring further details of cycle storage is necessary to ensure sustainable transport options and a condition requiring further details of refuse storage is necessary to protect local amenity.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR