



Appeal Decision

Site visit made on 17 December 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/U1620/W/24/3350587

6 Sims Lane, Quedgeley, Gloucester, Gloucestershire GL2 3NJ

- 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 Andrew Panting against the decision of Gloucester City Council.
 - The application Ref is 23/00994/FUL.
 - The development proposed is described as "change of use from a 6 to an 8 bedroom HMO".
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a 6 bedroom HMO (Use class C4) to an 8-bedroom HMO (Use Class Sui Generis). Associated alterations including demolition of front porch to facilitate enlargement of front driveway and creation of integral garage for bin and bike storage at 6 Sims Lane, Quedgeley, Gloucester, Gloucestershire GL2 3NJ in accordance with the terms of the application, Ref 23/00994/FUL, 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 drawing nos 00928B-02 revision B, 00928B-03 revision B, 00928B-08 revision B, 00928B-09 revision B and 00928F-15 revision F.
 - 3) The facing brick to be used in the construction of the proposed external wall following the demolition of the existing porch shall match that used on the front elevation of the existing dwellinghouse.
 - 4) Notwithstanding the information provided on the application form and on the approved plans, and prior to the development hereby permitted first being brought into use, details of vehicular access, car parking, cycle parking and waste storage facilities to serve the development shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided before the 8 bedroom HMO use hereby permitted first commences and thereafter the facilities shall be retained and only used for their intended purposes.

Preliminary Matters

2. The description of the development in the header is from the planning application form. The Council's decision notice and the appellant's appeal submissions provide a different description that more accurately reflects the development shown on the submitted drawings. I have used this description in

my decision. No injustice would be caused to any party by basing my assessment on this revised description. The abbreviation HMO stands for house in multiple occupation.

3. As part of the appeal, the appellant has provided a bike and bin store locations drawing that was not with the Council when it determined the planning application. This drawing shows details on how bins and cycles would be kept within the integral garage as part of the proposed development. The extra information does not fundamentally change the nature of the proposal and no injustice would be caused by considering this drawing in my assessment.
4. However, within section 4.2 of the appellant's written statement on traffic and transportation, there is reference to a proposal for an extended dropped kerb to the front of the appeal property. Figure 4.2 clearly shows the dropped kerb outside the appeal site as defined by a red line on the plans. The Planning Practice Guidance states that all land necessary to carry out development should be included within the red line¹. Moreover, the application form states that a new or altered vehicle access does not form part of the proposal. An appeal should not be used to evolve a scheme and it is important the proposal I assess is essentially the same as that considered by the Council and by interested parties. It would be unfair to base my decision on the amended access and so I have not taken these details into account.
5. Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been issued. The main parties have been invited to submit comments on the amended document and I have had regard to any responses.

Main Issues

6. The main issues are (i) the effects of parking associated with the development, (ii) whether the development would provide a suitable and safe access, and (iii) whether it would incorporate appropriate bin and cycle storage. If I find the proposal would be unacceptable for any of these reasons, I also need to consider whether other factors outweigh the identified harm so as to justify the grant of planning permission.

Reasons

The effects of parking.

7. The appeal property has hardstanding to the front and across the whole width of the plot. The planning application form indicates this area can accommodate 4 cars. Contrary to this, the appellant's appeal submissions suggests the site currently provides only a single parking space as the dropped kerb on the edge of the carriageway only extends part of the way across the property's frontage. It would seem that cars would have to be driven over a raised kerb to park on a large part of the site's frontage. Therefore, it is inappropriate to assume that all of the hardstanding could be lawfully used for parking.
8. The appellant suggests the development would increase the number of parking spaces. However, this claim is made on the basis that the dropped kerb would be extended across the whole site frontage. Such works do not form part of

¹ Planning Practice Guidance, Making an application - Paragraph: 024 Reference ID: 14-024-20140306, revision date 06.03.2014.

the scheme before me and I am unable to conclude with certainty that a dropped kerb would be provided in the future. Consequently, the development would not provide any additional accessible parking spaces compared to the existing situation.

9. Parking standards in the Manual for Gloucestershire Streets 4th Edition (the MfGS standards) indicate that a 6 bedroom HMO requires 2 on-site parking spaces whereas an 8 bedroom HMO requires 3 spaces. As only a single accessible space is currently provided and no additional spaces could be secured through the appeal development, the level of onsite parking does not and would not accord with the MfGS standards.
10. Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 (the JCS) requires new development to be fully consistent with the MfGS standards. However, the more recently adopted policy A1 of the Gloucester City Plan 2023 (the GCP) does not refer to the standards but simply requires development to provide adequate off-street parking. Also, GCP policy G1 states that new development shall provide car parking to a level that is appropriate to the local context, having regard to factors such as accessibility of the development, the availability and opportunities for public transport and parking restrictions or restraints in the area. There is no requirement under the referred to GCP policies for development to accord with the MfGS standards. Accordingly, I find the identified undersupply against the standards should not be fully determinative on this issue.
11. The appeal property is a short walking distance from bus stops on the B4008 and so residents of the development would not be highly reliant on private car travel to access other parts of the city. However, it is fair to expect the proposal would lead to a minor increase in roadside parking due to the increase in occupants.
12. Most of the properties on Sims Lane have vehicular crossover points and parking areas to the front. As such, I would envisage a fairly low demand for street parking near to the appeal site. The road is not subject to any parking restrictions and parking is also allowed on the nearby Woolstrop Way. Parking on some parts of the local streets would be inappropriate as it would obstruct accesses. Even so, there is scope for parking associated with the development to be accommodated on the nearby highway without the need to unduly obstruct accesses, drivers' views or pavements. Given this context, it is inappropriate to assume occupiers of the development and visitors would park insensitively or unlawfully.
13. Sims Lane is fairly narrow but it is wide enough to allow 2 cars to pass. On-street parking as a result of the development may interrupt the free flow of traffic. However, this would not cause significant harm to the operation of the highway network as Sims Lane is not a through route. Also, there is good forward visibility and the nature of the road encourages low traffic speeds. As such, the limited additional street parking as a result of the proposal would not prejudice highway safety nor adversely affect nearby properties.
14. The Council is concerned that any parking on the appeal property would lead to vehicles overhanging the pavement due to the insufficient set back distance of the dwelling. However, the demolition of the front porch would mean the parking area as proposed would have a greater depth than the existing situation. The parking area would still be slightly shorter than the 6m

minimum distance in front of a garage door as required under GCP policy G1. However, it would be able to accommodate a longer vehicle compared to the current situation.

15. The Council also raises an issue over whether building regulations would require electric vehicle charging points to be provided as part of the development. However, this is seemingly a matter now covered by non-planning legislation and regulations. As such, it is not an issue I need to conclude upon in my assessment of this planning appeal.
16. For the above reasons, I find that parking associated with the development would avoid unacceptable effects. In these regards, the proposal would accord with GCP policies A1 and G1 when considered as a whole. The scheme would not fully accord with the MfGS standards and JCS policy SD4 in terms of the number of on-site parking spaces and GCP policy G1 in terms of the depth of the parking in front of the garage. Even so, for the reasons given above, a departure from these policies is justified in this instance.

Access.

17. The Council's response to the appeal raises concern over the extent of visibility from parking spaces served by an extended dropped kerb crossover. However, as the dropped kerb does not form part of the appeal development it would be inappropriate to assume that occupants would drive over raised kerbs to access the parking area to the front of the property.
18. The development would have no effect on the parking space served by the existing crossover point apart from allowing a longer car to park on the site. Compared to the current situation, the proposal would have no effect on drivers' visibility when exiting the appeal property. There is no evidence to indicate the existing situation endangers the safety of pedestrians or other road users. From my observations, there are clear views from the front of the site of vehicles and people on the street.
19. Therefore, I conclude the development would provide a suitable access for all users. In these regards, it would accord with GCP policy A1 as well as JCS policies INF1 and SD4. Amongst other things, these policies seek to ensure development provides safe connections for all users.

Cycle and bin storage.

20. GCP policy A1 looks to ensure development provides accessible bin storage areas. Also, GCP policy G1 states that for HMO developments, cycle parking shall be provided at a ratio of 1 space per bedroom. In this case, the proposal should include parking for 8 bikes. Cycle stores should be sheltered, secure and easily accessible.
21. The submitted plans indicate the new integral garage would provide vertical hanging space for 4 bikes as well as an area for bin storage. I am taken to no GCP policy that requires horizontal bike parking or that precludes the storage of cycles and bins together. The garage would be sheltered and secure but it would be of an insufficient size to accommodate 8 cycles as required. There is no external access to the rear of the appeal property and so there is no obvious space to safely secure bikes apart from within the garage. Moreover, it is likely that a car parked on the site by the existing crossover point would

prevent easy movement of cycles and bins into and out of the garage. As such, the cycle and bin storage facilities would not be accessible at all times.

22. The current HMO provides no cycle storage facilities. Also, on my visit I saw bins being stored conspicuously and near to the openable front windows of the property, contrary to the provisions of paragraph 4.1.18 of the GCP.
23. Therefore, I find the development would not provide cycle and bin storage facilities that accord with the requirements of GCP policies A1 and G1. However, I attach limited weight to this policy conflict as the proposed facilities would be better than those that currently exist. The inclusion of new cycle storage facilities as part of the proposal would promote the use of sustainable modes of transport, in accordance with the aims of JCS policy SD4 and the Framework.

Other concerns.

24. Other concerns have been raised by interested parties. I am satisfied the additional street parking as a result of the development could be accommodated on local roads without the need to park on grass verges. Therefore, the proposal is not bound to result in verge damage.
25. There is little information before me to indicate the development would be affected by flood water or that it would increase the risk of flooding elsewhere. I see no reason why waste generated by the development should lead to littering of the local area, particularly if bins are generally kept indoors as indicated. Given that the property is already used as a HMO, the proposed development would not appear out of keeping with the local area. Indeed, it would be consistent with the residential nature of the street.
26. None of the above concerns provide justification to refuse planning permission. As such, they do not affect my overall conclusion.

Other considerations and planning balance.

27. I have found the development would be acceptable when considered against the first 2 main issues. However, the proposal would not fully accord with GCP policies in respect of cycle and bin storage and so it would conflict with the development plan when read as a whole. It follows to consider whether other factors justify allowing the appeal contrary to the development plan.
28. The proposal would allow the property to be occupied by more people and so it would make a more effective use of land in meeting the need for homes. In these regards, the development is supported by paragraph 124 of the Framework. Also, the site lies within an urban area that is suitable for residential properties. The benefit of using such sites for homes is to be afforded great weight under the provisions of paragraph 73(d) of the Framework. The construction employment generated by the development is a minor benefit to the scheme.
29. There is no information before me on whether the Council is able to demonstrate at least a 5 year supply of housing land as required under the terms of the Framework. However, even if there is a sufficient supply of housing land, the proposal would provide accommodation for 2 extra people and in these regards it would help boost the supply of homes. Overall, I find the benefits of the proposal attract significant positive weight.

30. For the reasons already provided, I attach limited weight to the proposal's conflict with GCP policies on cycle and bin storage. Notwithstanding these concerns, the development would still accord with the Framework's aim to promote sustainable transport as its location would realistically enable travel by foot, by cycle and public transport. Therefore, I find there are other factors that clearly indicate planning permission should be granted despite the identified conflict with GCP policies.

Conditions

31. I have had regard to the planning conditions as suggested by the Council in light of the advice on conditions as set out in the Framework. In the interests of clarity, I attach a condition that requires the development to be carried out in accordance with the approved drawings. I have used the list of plans as provided by the appellant as this includes the additional drawing submitted with the appeal.
32. I attach a condition that requires matching bricks to ensure a satisfactory appearance to the development. Also, I impose a condition on car and cycle parking as well as bin storage to ensure the occupants of the development have access to such facilities, to minimise the impacts of parking and to promote the use of sustainable modes of transport. There is no need for a condition that requires the provision of any biodiversity enhancement measures as the development would cause no harm in these regards.

Conclusion

33. The proposal would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR