



Appeal Decision

Site visit made on 2 January 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/P0119/W/24/3353312

6 Sixth Avenue, Bristol, Avon BS7 0LT

- 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 Jack Conway against the decision of South Gloucestershire Council.
 - The application Ref is P24/01257/F.
 - The development proposed is a single storey rear extension along with loft conversion and rear dormer to facilitate a change of use from Small HMO (C4) to a Large HMO (Sui Generis) for up to 7 people.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension along with loft conversion and rear dormer to facilitate a change of use from Small HMO (C4) to a Large HMO (Sui Generis) for up to 7 people at 6 Sixth Avenue, Bristol, BS7 0LT in accordance with the terms of the application, Ref P24/01257/F, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: A4/001, A3/003, A3/006, A3/007.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the occupation of the approved development, the bin and cycle storage shown on plan A3/003 shall be provided in accordance with approved details and shall be retained in that manner thereafter.

Application for costs

2. An application for costs was made by Jack Conway against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council are not pursuing the sole reason for refusal, which related to the concentration of licensed Houses in Multiple Occupation (HMO) within the area. However, third party objections have been received raising various issues, including this subject, and these will inform the main issues for this appeal, which I will consider in detail below. I have considered the proposal against the development plan policies referenced and provided by the Council.

4. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

5. The main issues in this case are:

- the effect of the proposed change of use on the achievement of balanced communities and the living conditions of the occupiers of nearby properties, with regard to privacy, noise and disturbance;
- the effect of the proposal on highway safety and the surrounding road network; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Balanced Communities

6. There is no dispute between the main parties that the appeal property is currently a (licensed) HMO and a license has been provided¹, and therefore no loss of C3 housing would occur with the proposed development. There would therefore be no additional exacerbation to the concentration of licensed HMO's within the Census Output Area.
7. As such, the guidance set out in the Houses of Multiple Occupation Supplementary Planning Document, (and the Additional Explanatory Guidance 2) relating to the change of use from C3 to a HMO and the concentration of HMO's and its impact upon 'mixed communities', is not determinative in this instance.
8. Nevertheless, Policies PSP8 and PSP39 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSP) (2017) require the proposed development to not adversely affect the living conditions of the occupiers of neighbouring properties.
9. Given the existing first floor rear facing fenestration, the proposed dormer would not introduce any fenestration closer to the rear boundary nor lead to a loss of privacy to the occupiers of neighbouring properties.
10. The proposed development would, by virtue of adding bedrooms, intensify the use of the property. Whilst the existing property has fewer bedrooms, I note that the proposed dormer extension² has been granted permission separately, and its current C4 use could allow up to 6 persons to reside at the property. As such, the proposal would amount to a limited increase to that which could take place already, and so any additional effects would be minor. In any case, I have little substantive evidence to suggest that the proposed limited uplift in the number of occupiers of the property would result in an undue increase in general noise or disturbance to those living nearby.

¹ Dated 11/9/24

² Reference P23/03405/CLP

11. The proposal would therefore not harm the living conditions of the occupiers of neighbouring properties with respect to privacy nor noise. There is no conflict with the protection of living conditions goals of PSP Policy PSP39 and PSP8.

Highway safety/parking

12. The existing property has no off-street parking spaces. Two off street parking spaces are proposed. Although parking is restricted by double yellow lines on one side of the street, I observed several spaces available at the time of my visit. Whilst only a snapshot in time, in the absence of substantive evidence to the contrary, I am satisfied that the limited intensification of the existing use would not lead to parking or highway safety issues, particularly given the additional 2 spaces proposed. It is notable that the Council's Highways Officer did not object to the proposal in this regard.
13. There is therefore no conflict with the appropriate parking requirements of PSP Policies PSP16 and PSP39.

Character and appearance

14. The appeal property comprises of a mid-terraced dwelling located on a short cul de sac. The street is made up of similar two storey dwellings, which are generally similar in scale and appearance, set back from the highway behind a mix of front gardens and driveways.
15. Whilst the Supplementary Planning Document 'Householder Design' (2021) states that box type dormers should generally be avoided, the proposed dormer would be set in slightly from each side and would be set down from the roof ridge. It would sit comfortably within the existing roof plane and would not dominate the rear elevation or appear incongruous. Moreover, as set out above, an approved certificate of lawfulness for such a dormer has been granted. Given the similarity in the proposed development I consider that there is a real prospect of the fall-back being implemented, and as such I give the fall-back position substantial weight.
16. The rear extension is modest and does not extend further to the rear than the existing ground floor projection.
17. I conclude therefore that the proposal would not have a detrimental effect on the character and appearance of the area. There is no conflict with PSP Policy PSP38 which seeks to ensure that development respects the form of the street and surrounding area.

Other matters

18. The effect of the development on house prices nearby is not substantiated, and no planning policy is before me relating to this issue. Similarly, there is no policy before me requiring green roofs. As such, there is no conflict with policy on these issues.
19. Reference is made to a medical condition in relation to matters of overlooking and privacy. I am mindful of the Public Sector Equality Duty arising from Section 149 of the Equalities Act 2010 (the Act). I have given the personal circumstances of the third party very careful consideration. Nevertheless, as set out above, the development would not lead to any unacceptable overlooking or harm to living conditions in relation to privacy. Therefore, I am satisfied that allowing the appeal

would not amount to discrimination under the Equalities Act but would be a matter of judgement based on the planning merits of the proposal which are specific to the appeal site.

Conditions

20. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
21. A condition requiring the extensions to match the existing dwelling in terms of materials is necessary to ensure the development is in keeping with the existing property, and a condition securing the provision of bin and cycle storage areas is necessary in order to ensure that residents have access to these facilities.

Conclusion

22. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR