



Appeal Decision

Site visit made on 4 February 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/Z0116/W/24/3349776

Land Behind 1 Tennyson Road, Bristol, BS7 8SB

- 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 David Cahill of David Cahill Design Consultants Ltd against the decision of Bristol City Council.
 - The application Ref is 22/05853/F.
 - The development proposed is demolish 7no existing garages and construction a single storey 5no bedroom House in Multiple Occupation (Use Class C4) with associated access, bike and bin storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site and the description of the development from the Council's Decision Notice. These better reflect the proposal than those used in the application form, including the reduction from the six bedrooms originally sought. The appellant has used a similar revised address and description in the appeal form and so I am satisfied that no party would be prejudiced as a result.
3. At appeal stage, the appellant has submitted amended plans¹. The changes are substantive and include the relocation of a bin store to be closer to properties on Tennyson Road, and a bike store closer to those on Church Road. These may well be matters on which interested parties would wish to comment. As such, having regard to the Planning Inspectorate's guidance², I shall determine the appeal using the drawings considered by the Council when it made its decision.
4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues in this appeal are: (1) the effect of the proposal on the character and appearance of the area, (2) whether the proposal would provide adequate living conditions for its future occupiers, including in respect of light, outlook, privacy and internal space, (3) the effect of the proposal on the living conditions of the occupiers of nearby dwellings, in respect of noise and disturbance, and (4) the effect of the proposal on the mix and balance of the community.

¹ 3532-2/G and 3532-3/C

² Procedural Guide: Planning appeals – England

Reasons

Character and Appearance

6. The appeal site consists of land to the rear of properties on Tennyson Road, Church Road and Churchways Crescent. It currently contains discrete single storey garages. The site lies within an area consisting largely of traditional two-storey, terraced properties, albeit with some semi-detached properties on Churchways Crescent. Many have rear gardens of fair size.
7. Many if not all properties hereabouts front onto their respective roads. Those at the ends of terraces have hipped roofs, but most have gabled roofs. External materials are principally natural stone and render under red tile roofs, but with some brick flank walls. The proposal seeks to demolish the garages and to erect a detached, single-storey building containing five bedrooms and communal space including a kitchen and lounge. It would be occupied as a House of Multiple Occupation (HMO).
8. The single storey nature of the proposal means that it would be subservient to properties around it. However, its low height and fully hipped roof design would give the proposal a squat appearance which would not reflect the taller, narrower form of most surrounding buildings. Furthermore, the backland location and wholly detached design of the proposal would conflict markedly and harmfully with the terraced or semi-detached form of other properties locally.
9. The footprint of the proposal seeks to maximise the space available. Nevertheless, the irregular shape of the site and the close proximity of the building to the site boundaries means that it would appear unduly cramped and hemmed in. The space around the building would not therefore reflect that of nearby properties. Its use of render and brick without stone (other than for detailing), under a black roof, would fail to reflect the local vernacular.
10. The National Design Guide emphasises that proposals do not necessarily need to copy their surroundings. It also encourages innovation. Even so, for the above reasons, the proposal would appear harmfully odd and out of place with the surrounding built environment. Public views of the proposal would be limited because of its backland location, but its incongruous appearance would be clearly visible from surrounding properties and their gardens.
11. For the reasons given above, the proposal would harm the character and appearance of the area, contrary to policy BCS21 of the Bristol Core Strategy, adopted June 2011 (the Core Strategy) and policies DM26 and DM27 of the Bristol Plan Site Allocations and Development Management Policies (SADM), adopted July 2014. Amongst other things, these require respect for local character and built form, and a high quality of urban design. However, I find no conflict with SADM policy DM2 in respect of this issue, which relates to alterations rather than new buildings, or policy DM21, which only applies to garden land and so is not relevant to this proposal.
12. For the reasons already given, the proposal would also conflict with the emphasis of the Framework, including in paragraphs 135 and 139, for development that is sympathetic to the surrounding built environment and well designed. As such, I give this conflict substantial weight.

Living conditions for Future Occupiers

13. The appeal site is surrounded by the rear elevations and windows of two-storey dwellings. The current boundary treatments may prevent intervisibility between some existing and proposed ground floor windows. However, site and ground levels mean that other existing ground floor windows are above the boundary walls and fences, such that direct overlooking may well occur. Moreover, the first-floor windows of existing properties would provide views down into the proposal, in particular Bedrooms 1, 2 and 4, and the communal areas. Consequently, future occupiers of the proposal would be unduly overlooked, with a poor level of privacy.
14. Outlook from the windows serving the proposed bedrooms would not be limited to the straight-line views referred to by the Council. Even so, the proposal would be positioned close to the site edges and the fences and walls along these boundaries. Bedrooms other than number five would each have only one window providing outlook, excluding those serving en-suites. Furthermore, Bedroom 1 would face a cycle store, whilst Bedroom 4 would look onto a bin store, neither of which would be particularly appealing. As a result, occupiers of Bedrooms 1 to 4 would have a poor degree of outlook.
15. Some of the bedrooms face broadly south and so may well receive better light than the other rooms. However, no detailed Sun and Daylight Assessment is before me. Given the close proximity of the windows serving bedrooms other than number five to the boundary treatments, I am concerned that they would receive a poor level of light. Any additional landscaping, as suggested by the appellant, would only reduce the available space, light and outlook further.
16. The Supplementary Planning Document 'Managing the Development of Houses in Multiple Occupation' (SPD), adopted 2020, provides minimum space standards for HMOs. There is no dispute that the proposed communal living space would be slightly below the relevant minimum amount of 18sqm. That said, the size of the proposed bedrooms would exceed the SPD requirements, each providing a combined bedroom and living area. The communal kitchen would also be larger than the standard for this space. As such, the proposal would not be unduly cramped for its occupiers or have insufficient space for everyday activities.
17. For the reasons given, I conclude that the proposal would not provide adequate living conditions for its future occupiers in respect of light, outlook and privacy. It would therefore conflict with Core Strategy policy BCS21 and SADM policy DM29, which seek a high-quality environment for future occupiers. I have found the proposal to be acceptable in respect of internal space and so I give little weight to the conflict with the minimum standard of the SPD, and therefore with SADM policy DM2 in this respect. Nevertheless, given the aim of Framework Paragraph 135 for a high standard of amenity for future occupiers, I give the harm in respect of light, outlook and privacy substantial negative weight.

Living conditions for the Occupiers of Existing Dwellings

18. The site is not far from the busy Gloucester Road thoroughfare. However, the area around the appeal site is a block away from this and consists of residential development of modest density. Tennyson Road is a cul-de-sac, and so has no through traffic. Use of the existing garages may generate some noise, but the site is surrounded by private rear gardens where occupiers may anticipate a degree of

peaceful enjoyment of their properties. On my visit, although only a snapshot in time, I found that the area had a reasonably quiet, suburban character.

19. There is an existing pedestrian path leading to the site from Church Road. Access is also taken from a driveway off Tennyson Road. Using either route, the proposal would require future occupiers of the accommodation to pass close by the private rear gardens of adjacent properties and, if accessing via Tennyson Road, the side windows of number 1 in that road.
20. The proposal would introduce a new residential use onto the site. An HMO licence may mean that the property is well managed. Occupiers of the units might form friendship groups, as suggested by the appellant, but they are equally likely to lead lives independent from each other, with their own daily comings-and-goings. As such, HMO use would be distinct from, for example, a large family dwelling. In any case, the proposal is likely to result in much greater levels of movements to and from the site than the existing use, passing close to the gardens and windows I refer to above, thereby resulting in additional noise and disturbance. This would make these areas less pleasant places to reside.
21. For the reasons set out above, the proposal would have a harmful effect on the living conditions of the occupiers of nearby dwellings in respect of noise and disturbance. It would therefore conflict with Core Strategy policy BCS23, and SADM policies DM2 and DM35 which seek to avoid adverse impacts from noise and disturbance. Framework Paragraph 135 similarly requires a high standard of amenity for existing occupiers, and so I give the conflict identified substantial negative weight.

Housing Mix

22. Core Strategy Policy BCS18 requires all new residential development to maintain or contribute towards a mix of housing tenures, types and sizes to create mixed, balanced and inclusive communities. SADM policy DM2 seeks to control the intensification of existing dwellings into HMOs, including where this would create or contribute to a harmful concentration of such uses within a locality.
23. Accordingly, the SPD sets out circumstances where new HMOs are unlikely to be consistent with policy DM2. This includes where up to three single residential properties are sandwiched between two single HMOs. There is an existing licence for HMO use at 10 Tennyson Road (No. 10). If this remained the use of No. 10, the proposal would result in the dwellings at 5 and 7 Tennyson Road (Nos. 5 and 7) having HMOs to their front and rear.
24. The SPD advises that sandwiching situations apply irrespective of limited breaks in the building line, for example vehicular pedestrian accesses, apart from separating roads. It therefore follows that roads do provide separation from sandwiching. In this case, Tennyson Road itself would separate Nos. 5 and 7 from No. 10. On this basis, harmful sandwiching would not be caused by the proposal.
25. To this extent, the proposal would not undermine the mix and balance of the community, and so would comply with Core Strategy policy BCS18 and SADM policy DM2 in this respect. However, this does not change my conclusions about the other issues identified above.

Other Considerations

26. My attention has been drawn to several garage sites in Bristol where planning permission has been granted for housing. However, from the limited details available to me, I am not satisfied that these schemes had similar layouts and contexts to the proposal, including in respect of the character and appearance of the area and their relationships with neighbouring properties. As such, I can draw little useful comparison between these cases and the proposal before me.
27. The Council does not dispute that it cannot demonstrate an adequate supply of housing land, with a large shortfall. Consequently, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional accommodation to assist in addressing this undersupply, as set out in Framework Paragraph 11.
28. I have found conflict with Core Strategy policies BCS21 and BCS23, and SADM policies DM2, DM26, DM27, DM29 and DM35, which are consistent with the Framework. Against that, the proposal would make additions to the supply of housing locally, in a location close to services and facilities. It would make efficient use of land and be built to high environmental standards.
29. The proposal is intended to be offered as nurses' accommodation and has support from North Bristol NHS Trust. Future occupiers would provide positive social and economic contributions to the area and its construction would help the building industry. I am mindful of the need for HMO/student housing, identified in the City of Bristol Local Housing Needs Assessment Report of Findings (November 2023).
30. However, due to the relatively small number of additional units proposed, these benefits attract only moderate weight in favour of the proposal. In light of my findings, the site would not be suitable for it. As such, and given the substantial harms identified, Framework Paragraph 125 does not support the proposal.

Planning Balance and Conclusion

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework read in the round.
32. The proposal would conflict with the Development Plan, read as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR