



Appeal Decision

Site visit made on 7 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/P0119/W/25/3359875

19 Gayner Road, Filton, South Gloucestershire BS7 0SP

- 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 Dry Arch Real Estate Ltd against the decision of South Gloucestershire Council.
 - The application Ref is P23/03473/F.
 - The development proposed is “change of use from C4 small house of multiple occupancy to a seven-bedroom large HMO (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking.”
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C4 small house of multiple occupancy to a seven-bedroom large HMO (Sui Generis) for up to seven people including vehicle parking, bin storage and cycle parking at 19 Gayner Road, Filton, South Gloucestershire, BS7 0SP in accordance with the terms of the application, Ref P23/03473/F 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: 301, 304, 306, 308, 309 and 310.
 - 3) Prior to the occupation of the development hereby permitted the bin storage, cycle parking and car parking shall be provided in accordance with the details indicated on drawings 309 and 310 and shall be retained as such thereafter.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the living conditions of No 17 Gayner Road, with regards to noise and disturbance; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

3. Policy PSP39 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) (PSPP) covers matters relating to HMOs. It sets out that where planning permission is required for an HMO, it will be acceptable provided that it would, amongst other things, not prejudice the amenity of neighbours. In addition, PSPP Policy PSP8 requires that any development does not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of nearby properties, including through noise or disturbance.
4. South Gloucestershire Council's Supplementary Planning Document: Houses in Multiple Occupation (2021) (SPD) provides advice and guidance to support understanding of relevant development plan policies, including PSP39 and PSP8. It sets out that in considering applications for the change of use from a dwelling house (Use Class C3) to an HMO (Sui Generis), and whether that would prejudice the amenity of adjacent neighbours, the following factors will be taken into account: whether any dwelling house would be 'sandwiched' between two HMOs or result in three or more adjacent HMO properties.
5. Section 5.3 of the SPD indicates that proposals for additional HMOs in localities (Census Output Area) where known HMO properties already represent 10% of households, or 20% within 100m radius would unlikely conform with PSP39. The Council have confirmed that the proposed development would comply with these percentages.
6. The appeal building forms one part of a pair of semi-detached dwellings. The appeal site is currently in use as a small HMO. The Council's Officer Report raises concerns regarding the lawful use of the appeal site as a House in Multiple Occupation (HMO). The appellants submission details that the appeal building became a licensed small HMO prior to an Article 4 Direction requiring small HMOs to gain planning permission came into force. The appellants submission also provides a copy of the South Gloucestershire Licensed HMO map which details the appeal site as being a licensed HMO.
7. In light of the above, I am content that the appeal site is in use as a small person HMO. The adjoining dwelling, No 17 Gayner Road, is a residential dwelling, with the appeal site to one side and an existing HMO to the other (No 15 Gayner Road). As such, No 17 is currently sandwiched between two HMO's.
8. The proposed development would increase the number of HMO rooms at the site from 6 to 7. In respect to noise and disturbance to the residents of No 17, the appeal building is already in use as an HMO. The proposal would likely generate additional day-to-day activity due to the additional bedroom. However, given the existing use, the addition of one additional HMO resident would not result in an increase in noise and disturbance over and above the existing use that would harmfully affect nearby residents.
9. The sandwiching of dwellings is considered in SPD Additional Explanatory Guidance 1, which states that in considering application for the change of use from a dwelling house to an HMO. However, the proposal is for the enlargement of an existing HMO. As such, AEG2 does not apply directly to the proposal. As a result,

the guidance contained within the SPD does not indicate conflict with Policy PSP39.

10. Although only a snapshot in time, on my visit I saw little evidence of the problems associated with intensified properties, such as poorly maintained frontages or inadequate refuse storage. The Council does not identify particular harmful effects to any specific property that would result from the proposal. Concerns have been raised about anti-social behaviour and parking. Nevertheless, I have little substantive evidence to suggest that the proposal would result in such behaviour, or an undue increase in movements. Further the Council's highway department have not objected to the proposed development.
11. Consequently, the proposed development would not have a harmful impact on the living conditions of nearby residents. The proposed development would therefore accord with PSPP Policies PSP8 and PSP39 or the guidance contained within the SPD.

Character and Appearance

12. Properties along Gayner Road comprise evenly spaces pairs of semi-detached dwellings set back from the road. I observed that many properties have been significantly altered or extended to provide side extensions, porches, rear extensions and dormer windows. In particular No's 11 and 29 have had significant alterations including an increase in ridge height, large flat roof dormer windows, hip to gable extensions and rear extensions. Whilst the rears of buildings are largely screened from views by existing built form, they are visible in gaps between properties along Elm Park, to the north of the appeal site.
13. The proposed development would involve a hip to gable roof extension, a flat roof dormer window to the rear and the alteration of the roof of an existing two storey extension. Both the appellant and the Council's submissions confirm that a certificate of lawfulness for the proposed alterations has been approved by the Council.
14. Whilst the hip to gable alterations, together with the rear dormer would increase the host's bulk and would not reflect the style of the immediately adjoining neighbouring properties, given the fairly diverse appearance of the buildings in the area, they would not appear discordant in the street scene. The appeal buildings appearance would be altered by the proposed development, due to similar developments appearing along the same street scene, it would not result in a dominant feature, or a building which would not relate to others in the area.
15. In light of the above, the proposed development would comply with PSPP Policies PSP1 and PSP38, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (2021) and the guidance contained within the South Gloucestershire Householder Design Guide Supplementary Planning Document (2021).

Conditions

16. 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. A condition securing the provision of bin and cycle storage and car parking areas, as shown on the submitted plans, is necessary to

ensure that future occupiers are provided with suitable amenities and living conditions.

Conclusion

17. 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.

Tamsin Law

INSPECTOR