

Section 62A Applications Team
The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: PR02152
Date: 3rd May 2024

Sent via e-mail

Dear Sir/Madam,

Town and Country Planning Act 1990

85 Ruby Street, Bristol BS3 3DW

Change of use from a residential dwelling (C3a) to a small house in multiple occupation (C4) for 3-6 people, including the erection of a rear roof extension and single storey rear extension

I write on behalf of my client, Mr James Bessell, to apply for the change of use from a residential dwelling (Use Class C3a) to a small house in multiple occupation (Use Class C4) for 3-6 people. To enable the change of use, a rear dormer roof extension and single storey rear extension are also proposed. The applicant has chosen to take the Section 62A route and submit the proposal directly to the Planning Inspectorate. Notice of this intention was given on the 19th April 2024. I can confirm that the development would not be liable for CIL.

The application I attach the following documents as part of this application:

- Completed application and CIL forms;
- Drawing no. 3538/1 – existing floor plans;
- Drawing no. 3538/4 – existing and proposed elevations;
- Drawing no. 3538/6 – bin store details;
- Drawing no. 3538/7 – bike store details;
- Drawing no. 3538/8 – proposed site plan;

- Drawing no. 3538/9 – site location plan;
- Drawing no. 3538/10 – proposed floor plans;
- Drawing no. 3538/11 – proposed attic floor plan and section;
- Energy statement.

Site and planning history

The site comprises a terraced dwelling on Ruby Street, in the Bedminster ward of Bristol. There is a small forecourt to the front of the property, enclosed with a low brick wall, and an enclosed garden to the rear. The house has not been extended; the part-single, part two-storey outrigger to the rear forms part of the original house as built. The area is exclusively residential.

The site is within the South Bristol Article 4 areas (restricting permitted development rights from C3 to C4), is not within a Conservation Area, there are no Tree Preservation Orders, and no other policy designations apply.

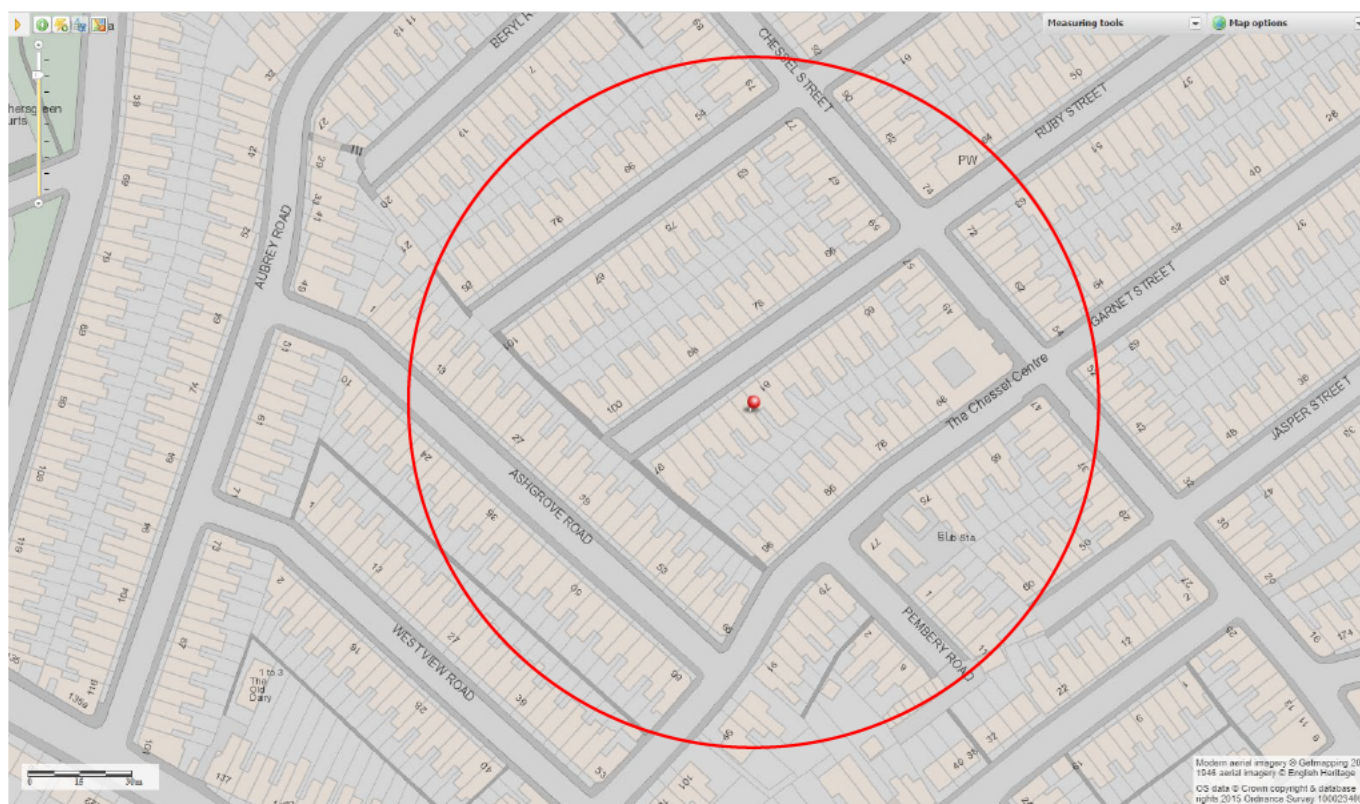
There are inbound and outbound bus stops within a short distance (250 metres) to the north on North Street, with the 23 and 24 services running every 10-15 minutes between Ashton Vale and Southmead Hospital, via the city centre. The North Street town centre lies 200 metres to the north, and South Street Park (designated Important Open Space) lies 120 metres to the east. Further retail facilities are available on West Street, 250 metres to the south.

An identical application (reference 22/06070/F) was submitted to Bristol City Council on the 23rd December 2022 (that is, over eighteen months ago), and is still pending consideration. The application was allocated to a case officer in October 2023. The applicant was advised on the 19th October that, due to a query from the local ward councillor, it was necessary for the planning committee chair to review the application. The applicant was again advised of this on the 4th January 2024. On the 13th March 2024, the applicant was advised that a recommendation of approval had been made. On the 11th April 2024, the applicant was advised that, due to the number of objections, the application would need to be presented to the planning committee briefing, to see if it was necessary for the application to be referred to the planning committee. However, due to the 2024 local elections, it was not clear when the briefing would take place, nor when the next planning committee would be.

On this basis, the applicant, understandably frustrated after eighteen months of delays, feels that he has no option but to submit a concurrent application to the Planning Inspectorate under

Section 62A, Bristol City Council having been designated for its poor performance in determining applications. Were the application to be called in to committee and the officer recommendation rejected, this would necessitate an appeal, and the potential for no final decision until February 2025, some 26 months after the initial application, a relatively straight forward HMO conversion, was submitted.

The remainder of this letter is as per the letter submitted in December 2022, though the map of HMOs within a 100 metre radius has been updated. At the time the application was originally submitted, there were no HMOs within the search area, as the map below indicates.



Extract from Council's Pinpoint website (December 2022), showing no licenced HMOs within 100m radius

This figure has now increase to 6. Having checked the Council's licensing system and online planning system, all of the additional licences have been issued since the original planning application was submitted in December 2022. There are no records of any Certificates of lawfulness for existing HMOs being issued for any of the houses in the search area, nor any record of any planning permissions having been issued. This is pertinent (and further justification for the Section 62A approach, to avoid any further delays), as the LGO upheld a complaint in March 2022 against Bristol City Council, finding that the Council was taking too long to investigate complaints about unlawful houses in

multiple occupation (HMOs) in its area. The LGO found fault because there was unreasonable delay in enforcement investigations. The Council agreed to a remedy, to resolve the injustice caused by the fault found ([REDACTED])

More recently, The Bristol Post reported only this month ([REDACTED]) of a chronic lack of enforcement action in the city, in part due to reallocation of resources to deal with the backlog of planning applications which has resulted in Section 62A designation.

Proposal

My client proposed the change of use from a residential dwelling (Use Class C3a) to a small in multiple occupation (Use Class C4) for 3-6 people.

To enable the change of use, a rear roof extension is proposed, together with a single storey rear extension. Both could be constructed under Permitted Development Rights.

Internally, all four bedrooms would have a minimum floor area of 9.3sqm, exceeding the minimum 9sqm requirement for a single bedroom and combined living room. The proposal includes a 13.7sqm kitchen and a 13.7sqm lounge.

Refuse and recycling would be stored within the forecourt to the front of the property. Secure cycle storage for 6 bicycles would be provided within the rear yard area.

Planning analysis

Housing mix

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. The supporting text states that evidence provided in the Strategic Housing Market Assessment (SHMA) suggests that new developments should provide for more accommodation for smaller households. The SHMA was updated in February 2019 for the wider Bristol area. This states that single person households are expected to represent 40% of the overall household growth: an increase of 34,000 from 2016 to 2036. The proportion of single person households is therefore predicted to increase from 31.7% to 33.3%, whilst households with children are predicted to remain constant, at 26.2%. 'Other households' (which would include shared accommodation) are predicted to increase from 8.3% to 9.8%.

The 2019 SHMA states that, “whilst there is projected to be an increase of 34,000 extra single person households, only 14,600 extra dwellings have one bedroom (5,000 market homes and 9,600 affordable homes). This reflects that many single person households will continue to occupy family housing in which they already live.” (para 2.20). It therefore follows that the provision of accommodation for single households (which HMO rooms provide) would potentially free up family housing, in addition to meeting an identified need. The SHMA predicts that the need for 1-bed accommodation will increase by 16.8% over the period, whilst the need for 3-bed houses will increase by a broadly similar figure (17.6%).

Further to the 2019 SHMA, the LPA has recently published the “City of Bristol Local Housing Needs Assessment Report of Findings” (November 2023), as a background paper to the new Local Plan. This predicts that, for the period 2020-2040, single person households will represent almost a third of the overall household growth (15,000, 32%), couples without dependent children will represent almost a further third of the growth (13,600, 29%), whilst families with dependent children will make up approximately one fifth of the overall household growth (9,000, 19%). Pertinent to the application, the need for HMO and student households (9,400, 20%) exceeds that for families with children. This gives further weight to the need for HMO accommodation in the city, particularly in areas where numbers are generally low.

At the start of the 2022/23 academic year, UWE had 485 students on the accommodation waiting list, whilst 137 UWE students were residing at accommodation in Newport, with other students having to commute from Gloucester and Bath (Source: BBC News website). For 2023/24, in addition to the Newport accommodation, UWE was also offering 86 rooms at Shaftesbury Hall in Cheltenham, and 63 rooms at Upper Quay House, Gloucester, indicative of the shortage of shared accommodation in the city. In December 2022, *The Guardian*¹ reported a 25% under-provision of student accommodation within the Bristol area. More recent research² suggests that there will be a nationwide shortage of some 600,000 student bedspaces by 2026; the same report notes that, in Bristol, bed demand has increased by 15,058 during the period 2017-2023, while the number of beds has only increased by 3,511.

In terms of rental property more broadly, Bristol City Council has publicly acknowledged that the city has a “rent crisis”³, with over one-third of the population (134,000 people) currently renting privately in Bristol. As the Council itself notes, “Over the last decade, private rents in Bristol have

¹ [REDACTED]
² [REDACTED]

³ <https://www.bristol.gov.uk/council-homes/tackling-the-rent-crisis>

increased by 52%, while wages have only risen by 24%. On average, Bristol residents now need almost nine times their annual salary to buy a house. The spiralling costs mean housing is becoming increasingly unaffordable, pushing many further away from their place of work, family, and support networks."

There is no doubt that a shortage of supply of rental accommodation in the city has had an impact on rentals costs. A recent (October 2023) report by Unipol and HEPI⁴ shows that average rental costs in Bristol, at £9,200 per room for the 2023/24 period, are the highest outside London, and have increased by 9% from 2021/22. It is not outlandish to suggest that the Council's adoption of Article 4 Directions, removing Part 3, Class L PDR to create small houses in multiple accommodation, introduced to limit the spread of HMOs, has also contributed to rising rents, for both young people in employment and students. Restricting supply will naturally increase demand.

The Bristol City Council 'JSNA Health and Wellbeing Profile 2023/24' reported a doubling in the number of households in temporary accommodation from 2019/20 Q3 (573) to 2020/21 Q4 (1124). Whilst numbers dropped back to 868 in the first quarter of 2021/22, they have increased in every quarter since then, with the latest figures (2022/23 Q3) showing 1178 households in temporary accommodation. The report states, *"Temporary Accommodation is a key indicator of homelessness and poor housing supply. The number of households placed in temporary accommodation in Bristol has doubled since 2020 and without the availability of affordable move-on accommodation there are no signs of it returning to pre-pandemic levels."*

The 2021 Census data reports that, in the Bedminster ward, only 14% of dwellings were one bedroom, whilst at the LSOA level, this drops to 10.1%, against a city-wide figure of 16.2%.

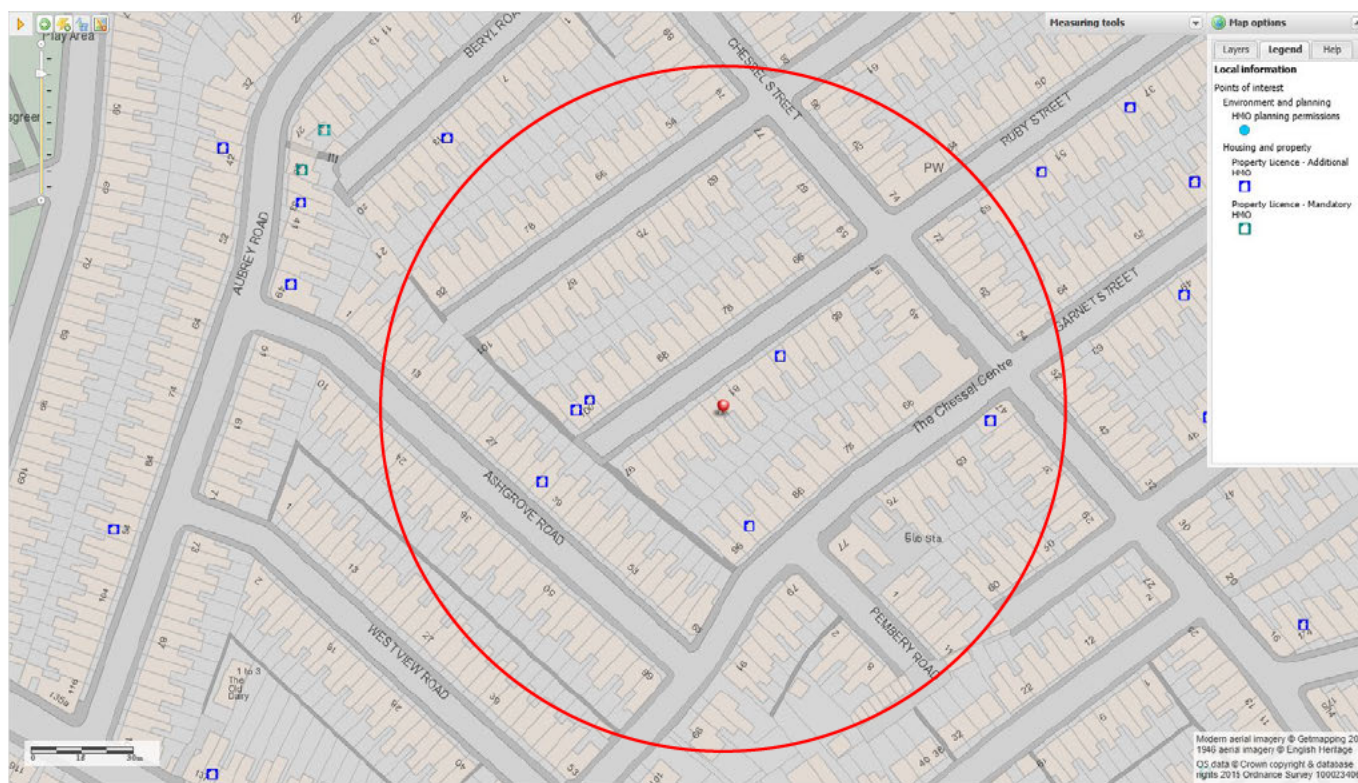
The proposed HMO use would help to meet an identified need for accommodation for single households, in an area where such accommodation is some way below the city-wide average.

"Managing the development of houses in multiple occupation" Supplementary Planning Document

The Council's *"Managing the development of houses in multiple occupation"* Supplementary Planning Document identifies what constitutes a harmful concentration of HMOs. On a street

level, this arises when a proposed dwelling is sandwiched between two HMOs. On a neighbourhood level, this arises when HMOs comprises 10% or more of the housing stock within a 100-metre radius.

With regards to the former, the SPD states that sandwiching can occur when, inter alia, there is a single HMO property in any two of the following locations: adjacent, opposite and to the rear of a single residential property. As can be seen from the extract from the Council's Pinpoint website below, there are no existing HMOs which would result in sandwiching between the application site of any residential dwellings.



Extract from Council's Pinpoint website, licenced HMOs indicated by green house symbol (red circle indicates 100m radius).

With regards to the neighbourhood level, there are 221 dwellings within 100 metres of the site, of which six are currently licensed HMOs (though, as noted earlier in this letter, it is not clear whether these have planning permission, although all have been licensed since after the Article 4 Direction was adopted). The current proposal would raise this figure to 7 out of 221 (3.1%) which is significantly below the 10% threshold. Taken together, it is not considered that the proposal would result in a harmful concentration of HMOs at either street or neighbourhood level.

The SPD also identifies a Good Standard of Accommodation, and proposes to adopt the current standards for licensable HMO properties. These state that a single bedroom and combined living room should measure no less than 9sqm; the proposed development exceeds this requirement for all rooms. A 6sqm kitchen is required for a 4 person HMO, which the proposal comfortably exceeds. In addition, a communal living room is also proposed.

Design

Policy BCS21 states that new development should contribute positively to an area's character and identity, whilst policy DM30 states that extensions will be expected to respect the siting, scale, form, proportions, materials, details and the overall design of the host building and broader streetscene. In a similar vein, policy DM26 requires development to respect the local pattern and characteristics, and to respond to the height, scale, massing, shape, form and proportions of existing buildings. Finally, policy DM27 requires development to respect the layout and form of existing development.

SPD2, which pre-dates the current Permitted Development Rights, states that dormers should be located only on the side or rear roof pitches, sit comfortably within the plane of the host building's roof, appear subservient in form to the roof of the host building, have front elevations which are restricted to the glazed area and necessary construction width for dormer cheeks, that the siting, scale and proportions of window detailing reflects that of the host building, and that materials generally reflect that of the host building.

It is a material consideration that the proposed works could be carried out under Permitted Development Rights. Regardless of the outcome of this application, the dormer would be erected, and this is a strong material consideration and genuine fallback position.

As the image below shows, there are similar roof extensions at 81, 83, 89 and 95 Ruby Street, and therefore the proposed dormer could not be considered out of keeping with the surrounding area. It is noted that the Council granted planning permission for a similar dormer roof extension at 53 Ruby Street (20/00813/H). A subsequent application to vary that permission (20/03530/X), to allow the dormer to be clad in timber, was refused by the Council but allowed on appeal. In allowing the appeal, the Inspector noted that the dormer would not be visible from any public highway, and that cladding would not harm the character of the dwelling or surrounding area.



Aerial view of Ruby Street (application site outlined in red)

In this instance, a rendered dormer is proposed. Neither the materials proposed, nor the dimensions of the dormer, would harm the appearance of the building, and they would have no impact on the surrounding area, given the lack of visibility. It could not be deemed incongruous, given the existing dormers in the vicinity. As such, notwithstanding the small conflict with the guidance in SPD2, there can be no justification for refusing the dormer on design grounds.

An earlier appeal decision at 9 Wolseley Road (ref: 09/05016/H) is of relevance. The Council refused retrospective permission for a full-width, full-height box dormer. Crucially, the lack of a 200mm set back resulted in the dormer not falling within PD limitations. At paragraph 10 of the appeal decision, the Inspector states:

“Whether or not this proposal is permitted development, rights exist to erect dormer extensions of a similar type. This fallback is a material consideration; in my judgement there is so little difference between what has been built and what can be achieved under permitted development rights that no good purpose would be served by dismissal of the appeal in the light of the fall-back position, which, bearing in mind the investment that has already been made in the loft conversion, would be likely to be carried out. I consider that this is a factor of sufficient weight in this case to outweigh the limited harm that I have identified above, and justifies my not determining the appeal in accordance with the development plan.”

Given that the fallback position in this instance still exists, the roof extension is therefore considered to be of an appropriate design which would respect the character of the area, and meet the requirements of policies BCS21, DM21, and DM26-DM30, whilst any conflict identified with SPD2 would be outweighed by the fallback position, and the lack of impact on the surrounding area.

With regards to the rear extension, this would project 1.4 metres from the rear elevation, and would therefore be within the guidance set out in SPD2.

Residential amenity

Policy DM30 requires extensions to existing buildings to safeguard the amenity of the host premises and neighbouring occupiers. Policy BCS21 states that new development should safeguard the amenity of existing development and create a high-quality environment for future occupiers. Policy DM27 expects that new development will "*enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight*"; and "*enable the provision of adequate appropriate and usable private...amenity space, defensible space, parking and servicing where necessary.*"

The proposed rear dormer elevation windows would result in no greater overlooking than currently exists from first floor windows, whilst the rear extension would not breach the 45 degree line to the adjacent window (which in any case, is assumed to serve a bathroom as per the application site).

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage.

The requirement for a mandatory HMO licence will help ensure that the property is well-managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, these issues, should they arise, can be dealt with through environmental protection legislation. In conclusion, the change of use would not give rise to significant harm to the amenity of neighbours.

With regards to residential amenity, all the bedrooms would exceed the requirements for a single bedroom and combined living room (9sqm), and policy-compliant shared facilities (living room and kitchen) are proposed. The rear yard provides 43sqm of private amenity space, which is considered sufficient for the proposed use.

Parking, cycle and refuse/recycling storage

The front forecourt would continue to be utilised for refuse and recycling storage, with secure and covered cycle storage for 6no. bicycles proposed within the rear yard, in accordance with policy DM23. As there is no rear access, bikes would have to be carried through the building.

Whilst this is not ideal, the same would apply for the lawful C3a use. The provision of secure cycle storage (which could be secured by condition), is considered to outweigh the small harm arising from having to carry bikes through the house. Inspectors have repeatedly accepted this arrangement on terraced properties, including a recent decision at Woodbine Road, Bristol, where the Inspector concluded, *"The six spaces within the rear garden would require occupants to carry their bikes through the building which the Council contend would be unhygienic and not accessible. However, the front door is only slightly raised above pavement level and the ground floor accommodation would be open plan. As such it would be relatively straightforward to carry a bike through the building and therefore, the spaces at the rear are accessible. This arrangement and other situations which require bikes to be brought into buildings, such as internal cycle parking, are common in an urban environment and I see no reason why this should be unhygienic to a significant degree."*

No off-street parking is proposed. The dwelling is also within easy walking distance of bus stops, offering regular services into Bristol City Centre.

Sustainability and climate change

The accompanying Energy Statement confirms that the new development will achieve a 20% reduction in carbon dioxide emissions, through the installation of photovoltaic panels, and improved insulation. Whilst the Council has previously refused applications that remain connected to the gas system for heating purposes, due to conflict with the heat hierarchy detailed within BCS14, at a recent appeal for a similar proposal at 11 The Greenway (ref: 21/00985/F), an Inspector confirmed that, where a 20% reduction in carbon emissions can be shown to be achieved, it was not required to replace an existing gas boiler system with an alternative heating method, noting at paragraph 10 that, *"It would be logical and more economical to continue to use this current system for a proposal of this scale. Indeed, introducing a new system to serve the whole building would require the disposal of the existing system and the fitting of a replacement system, which in itself would have an environmental impact."*

Conclusion

The HMO SPD was adopted not to prevent HMOs, but to ensure that they are not overconcentrated in particular neighbourhoods, and to direct them towards areas with lower concentrations. The current proposal would not result in any one property being sandwiched between existing HMOs, and the proportion of HMOs within 100 metres would remain far below

10%. As such, there can be no in-principle objection to the property being used as a large HMO, and the overwhelming proportion of properties in the area would continue to provide family accommodation.

The Council recognises, in its Equalities Screening for the HMO SPD, that, *“It is possible that a reduction in the supply of HMOs at a local level may have a disproportionate impact on the groups who typically occupy this type accommodation - i.e. younger people (e.g. students), migrants and those on lower incomes. Impacts may include possible increases in rent and/or increases in commuting distances for work or studying.”* Similarly, in respect of draft policy H6 (Houses in multiple occupation and other shared housing) of the new Local Plan, the Equality Impact Assessment lists the potential adverse effects of the policy as, *“Deprivation/Age (younger people): People including younger people on lower incomes in need of more affordable accommodation, such as HMOs/shared housing, may experience supply issues in areas where imbalance exists between this form of housing and other housing types.”*

As this letter details, rents have risen across the city since the introduction of the HMO SPD, and supply has shrunk, and whilst correlation does not necessarily equal causation, it is axiomatic that prices rise as supply falls. In this context, it is all the more important for the Council to approve HMOs in areas where the 10% threshold has not yet been reached.

The proposals would, in effect, provide additional accommodation for seven households, meeting a need identified in the latest SHMA and the Local Housing Needs Assessment, within an area where HMO and one-bedroom accommodation is currently at low levels. As such it would meet the aims of both BCS18 and DM2.

In the context of the Council not meeting the 2022 Housing Delivery Test (the fourth consecutive year that this has happened) and paragraph 11d of the NPPF currently being engaged, the proposal offers: social benefits through the provision of housing suitable for single person households, whilst providing communal living which can combat the acknowledged health impacts of loneliness; economic benefits through increased spending in the locality; and environmental benefits through the more efficient use of land to provide increased accommodation (over the provision of new-build one-bedroom accommodation), and reduced energy use (the heating of one large building requiring less energy than the heating of six individual flats).

All of the building works could be completed under PDR, which represents a strong material consideration and genuine fallback position.

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a sustainable location, within good sustainable transport links.

The fee of £568 will be paid directly to the Planning Inspectorate. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

Stokes Morgan Planning Ltd