



Decision Notice and Statement of Reasons

Site visit made on 10 October 2024

By Bhupinder Thandi BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 18 November 2024

Application Reference: S62A/2024/0061

Site address: 59 Langton Road, Brislington, Bristol BS4 4ER

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 10 September 2024 is made by Dr Klare Davis and was validated on 25 September 2024.
 - The development proposed is change of use from a small dwellinghouse in multiple occupation for 3-6 people (C4), to a large dwellinghouse in multiple occupation (sui generis) for seven people, including erection of refuse and recycling stores.
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Decision

1. Planning permission is granted for the change of use from a small dwellinghouse in multiple occupation for 3-6 people (C4), to a large dwellinghouse in multiple occupation (sui generis) for seven people, including erection of refuse and recycling stores in accordance with the terms of the application dated 10 September, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 30 September 2024 which allowed for responses by 28 October 2024. Consultee responses were received from the parties listed in Appendix 1 of this statement. Responses were received from local residents and interested parties.

4. BCC submitted a statement which sets out that the Council has no objections to the proposed development.
5. I carried out an unaccompanied site visit, on 10 October 2024 which enabled me to view the site and the surrounding area.
6. I have taken account of all written representations in reaching my decision.

Background

Planning history

7. In August 2024 planning permission (reference S62A/2024/0050) was refused by the Planning Inspectorate for the change of use from a small dwellinghouse in multiple occupation for 3-6 people (C4), to a large dwellinghouse in multiple occupation (sui generis) for eight people, including erection of refuse, recycling and cycle stores and minor demolition and external alterations to detached garage to facilitate use as habitable accommodation. The Inspector in consideration of this application determined that the proposal would not provide a good standard of residential accommodation in respect of a bedroom proposed in a detached garage.
8. Prior to this planning permission was refused by BCC, earlier this year, for the change of 59 Langton Road from a C3 dwelling to a large house in multiple occupation (HMO) for 8 households/12 people. The reasons for refusal related to the inadequacy of the living environment for future occupiers, the effect of noise and loss of privacy on the living conditions of nearby occupiers and the effects of associated parking on highway safety and amenities of the locality.
9. A certificate of lawfulness (reference number 24/00349/CP) has also been issued by BCC confirming the lawful use of No 59 as a six-bed small HMO (Use Class C4). This use has since commenced. Also, BCC has issued a certificate of lawfulness in respect of the dormer window roof extensions that have since been constructed. These certificates establish a legitimate fallback position and are a material consideration that I must give great weight to in coming to my decision.

Main Issues

10. Having regard to the application, the consultation responses, comments from interested parties, the Council's questionnaire together with what I saw on site, the main issues for this application are:
 - The effect of the proposed development upon the character of the area;
 - Whether associated parking would be accommodated safely and without harm to the amenities of the area; and
 - Whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

The effect of the proposed development upon the character of the area

11. The application property No 59 is lawfully occupied as an HMO for up to 6 people. The applicant is proposing to convert the communal office located within the roof space to a bedroom for a seventh resident.
12. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP) sets out general criteria for the intensification of existing HMOs. The policy states that intensification will not be permitted if it would harm residential amenity or the character of the area in respect of noise and disturbance from activity; or levels of on-street parking cannot be reasonably accommodated or regulated through parking control measures; or the cumulative impact of physical alterations to the building and inadequate storage for refuse and cycles would be detrimental.
13. No 59 is located within an established residential area characterised by rows of terraced dwellings and has a tight urban grain. Therefore, noise associated with occupation of the property is likely to be heard at adjoining and nearby dwellings. Noise by and large would be from typical daily domestic activities and from comings and goings. Movements already occur along Langton Road and given the proposal would result in just one additional resident the increased level of residential activity, comings and goings and associated noise would not be tangible, in my judgement.
14. It would not be unreasonable to conclude that the proposal would lead to greater use of the communal kitchen and living area. The noise from such activities may be noticed from adjoining properties through party walls. However, it would be reasonable to attach a planning condition, as suggested by the Council, that would require the approval and implementation of mitigation measures so as to reduce the potential effects of internal noise on adjoining properties. As such, I am not persuaded that additional activity in the communal parts of the property is bound to lead to unacceptable noise impacts.
15. The bike store would lead to more activity within the rear garden, but this is likely to be low-key, not excessively noisy and for a very short length of time whilst residents collect or put away their bicycles.
16. The only external alteration is the provision of a bin store to the front of the property. I observed dedicated bin stores and bins positioned within the frontages on a number of properties in Langton Road and thus the proposal would not stand out as unusual or incongruous.
17. For the reasons set out above, I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. It would accord with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and LP policies DM2 and DM35.

Whether associated parking would be accommodated safely and without harm to the amenities of the area

18. Parking along Langton Road and on surrounding roads is largely unrestricted and at the time of my site visit, on a weekday morning, I observed that roads were heavily parked but that on street spaces were still available. Whilst most parking is associated with established residential development St Anne's Church and St Anne's Infant School located close to No 59 also generate traffic movements and parking demand.
19. Occupiers of No 59 who own a motor vehicle would rely on street parking. I have considered the applicant's Parking Stress Survey covering two nights, using a recognised methodology. The survey, over both nights, indicates parking usage of around 69% on Langton Road and roads within 150m of No 59. I acknowledge that surveys cannot predict with absolute certainty the availability of parking spaces in the area. Nonetheless, the survey indicates a reasonable number of spaces available for vehicles and thus there is little to indicate high concentrations of on street parking amounting to parking stress.
20. As such, based on the evidence before me there is sufficient space on the adjoining highway to safely accommodate vehicles associated with the proposal.
21. Interested parties have expressed concerns regarding indiscriminate and inconsiderate parking taking place in the area. However, there is nothing substantive before me to indicate that this is associated with No 59 or that one additional occupier would exacerbate any perceived parking issues locally.
22. Eight cycle parking spaces would be provided in accordance with locally adopted standards. That said, no information has been provided as to where the access would be, whether the opening would be of a sufficient size to allow safe and convenient access and maneuvering of bicycles or if it would meet Secured by Design standards. In this instance it is reasonable and necessary to impose a condition requiring further details to ensure that the cycle parking is acceptable.
23. Furthermore, No 59 is located within convenient reach of day-to-day services and facilities. It is also accessible by different means of transport including by foot and public transport in the form of bus services. It would therefore be perfectly feasible for occupants to live in the property without the need for a car and who would be able to travel for work, services or leisure by public transport, bicycle or on foot.
24. I am also mindful that the Council's Transport Development Management Team have not objected to the proposal.
25. For these reasons, I conclude the parking generated by the proposal would be accommodated safely and without harm to highway safety or the amenities of the locality. As such, the scheme accords with CS policies

BCS10 and LP policies DM2 and DM23 which, amongst other things, seek to reduce as far as possible the negative impacts of vehicles; development not to give rise to unacceptable traffic conditions and in respect of HMOs parking to be reasonably accommodated on street without impacting on residential amenity.

Whether the proposal would provide satisfactory living conditions for future occupiers

26. The applicant is proposing to convert the communal office space located within the roof space to a bedroom for a seventh resident. The proposed bedroom would have a floor area of 7.7sq.m designed for single occupancy. This would exceed the Council's standard of 6.5sq.m. Furthermore, it would be served by a window providing natural light and outlook. As such, I am satisfied that the bedroom would provide an acceptable living environment for future occupiers. Whilst the mentioned standard is a non-planning one it is still a useful benchmark against which to assess whether the proposal provides adequate space for the intended occupier.
27. Moreover, the HMO benefits from a large kitchen and living area which provides a functional and adequately sized space for residents to spend time in preparing and eating meals or undertaking recreational activities.
28. As such, the proposed development would provide sufficient internal space for residents in accordance with CS policies BCS18 and BCS21 and LP policies DM2 and DM30 which, amongst other things, require developments to provide sufficient space for everyday activities and a good standard of accommodation for future occupiers.

Other Matters

29. Concerns have been raised about the anti-social behaviour and the potential for crime and disorder. However, based on the limited evidence before me there is nothing to suggest that such occurrences are frequent or solely attributed to No 59. Anti-social behaviour does not seem to me to be an inevitable consequence of the proposal, given its small-scale nature, but is rather a matter of individual behaviour and appropriate management. Moreover, I am not aware of any objection from the local police or the Council's Environmental Health Team.
30. I note the comments of local residents in respect of refuse and recycling overflowing or being left on the pavement. A condition has been imposed to ensure that appropriate facilities for refuse and recycling are provided at the property.

Conditions

31. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the National Planning Policy Framework. In the interests of precision and clarity I have amended the wording of the conditions suggested by the Council.

32. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
33. Conditions relating to cycle parking, refuse and recycling facilities and noise mitigation have been imposed to ensure the proposal provides satisfactory living conditions for the occupiers of No 59 and neighbouring residents.

Conclusion

34. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I conclude that planning permission should be granted.

B Thandi

Inspector and Appointed Person

Schedule of Conditions

Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing Number 4245.PL.01; Existing and Proposed Site Plans Drawing Number 4245.PL2.02 Rev C; Existing Plans Drawing Number 4245.PL2.03 Rev B; Existing Elevations Drawing Number 4245.PL2.04; Proposed Plans 4245.PL2.05 Rev A and Proposed Elevations Drawing Number 4245.PL2.06.
Reason: To provide certainty.
3. Prior to occupation of Bedroom 7 an assessment, including any appropriate scheme of mitigation measures, for the transmission of noise between the party walls of the kitchen and living area and the adjoining residential properties shall be submitted to and approved in writing by the local planning authority. Any approved scheme of mitigation shall be implemented prior to occupation of the bedroom and maintained thereafter for the lifetime of the development.
Reason: To safeguard the living conditions of neighbouring occupiers in accordance with LP Policy DM35.
4. Bedroom 7 shall not be occupied until details of the refuse storage facilities have been submitted to and approved in writing by the local planning authority. Thereafter, all refuse and recyclable materials shall be either stored within this dedicated area, as per the approved details, or internally within the property. No refuse or recycling materials shall be stored or placed on the adopted highway or footway except on the day of collection.
Reason: To provide adequate living conditions for future occupiers in accordance with LP Policy DM32.
5. Bedroom 7 shall not be occupied until details of the secure and covered cycle store have been submitted to and approved in writing by the local planning authority. The cycle store shall be brought into use before the bedroom is first occupied and shall be kept for the sole purpose of storing bicycles for the lifetime of the development.
Reason: To provide sustainable transport facilities in accordance with CS Policy BCS10.

Informatives:

- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
- ii. Biodiversity Net Gain. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition 11 (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply – in this case the exemption below:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- iii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
 - iv. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any

challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council, any applications related to the compliance with the conditions must be submitted to the Council.

Appendix 1 - Consultee responses

Bristol City Council