



Decision Notice and Statement of Reasons

Site visit made by R Dickson BSc (Hons) MSc MRTPI on 20 December 2024

Decision By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 10 January 2025

Application Reference: S62A/2024/0071

Site address: 23 Hillsborough Road, Bristol BS4 3QW

- 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 4 November 2024 is made by Habibo Homes Ltd and was validated on 18 November 2024.
 - The development proposed is for the provision of an additional bedroom within an existing 7-bed House in Multiple Occupation, to create an 8-bed HMO.
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Decision

1. Planning permission is granted for the provision of an additional bedroom within an existing 7-bed House in Multiple Occupation, to create an 8-bed HMO in accordance with the terms of the application dated 4 November 2024, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. 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) has been designated for non-major applications since 6 March 2024
4. Consultation was undertaken on 21 November 2024 which allowed for responses by 18 December 2024. No interested parties or local residents submitted responses.

5. Bristol City Council submitted comments on 18 December 2024. The consultation response summarises the Council's support for the proposed development on a number of grounds.
6. I carried out a site visit on 20 December 2024, which enabled me to view the site and the surrounding area.
7. I have taken account of all written representations in reaching my recommendation.
8. During the consultation period, the Government published the revised National Planning Policy Framework (the Framework) on 12 December 2024. The applicant was invited to submit any further comments on the revised Framework. I consider that there have been no major changes relevant to the main issues in this application. I have therefore made my recommendation with regard to the revised Framework.

Main Issues

9. Having regard to the application and the Council's report, 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 the proposal would provide satisfactory living conditions for future occupiers; and
 - Whether the proposal would provide adequate car and cycle parking, and recycling and refuse storage.

Reasons

Relevant Planning History and Background

10. The site, 23 Hillsborough Road, is a semi-detached house situated in a residential area. In November 2020, an application for the change of use from a six-bed House in Multiple Occupation (HMO) to a seven-bed HMO was granted, and establishes its current use.
11. The applicant is proposing to convert the communal dining room, located off the kitchen and living space into a bedroom for an eighth resident. The proposal would include additional cycle parking within the garage, and refuse and recycling storage in a dedicated storage area to accommodate the additional resident.

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

12. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP) deals with shared housing, including the creation and intensification of HMOs. It sets out that HMOs will not be permitted if they would harm the residential amenity or character of the area in respect of noise and disturbance from activity; or levels of on-street parking cannot reasonably be 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 23 is located within an established residential area characterised by semi-detached dwellings. Given the predominantly single-family dwellings surrounding the site, the noise associated with occupation of the property is likely to be more intense than that experienced at other properties. Noise would generally be from typical daily domestic activities and from comings and goings. Movements already occur at Hillsborough Road, and at the application site, and given that the proposal would result in just one additional resident the increased level of residential activity and associated noise is unlikely to be noticeable.
14. During my site visit I viewed the garage which would be used for the cycle storage. It is already used for storage, and the presence of a garage is not uncommon in residential areas. Given that the use is likely to be for a very short length of time while residents access the storage area it is unlikely that the increased use of the garage will lead to unacceptable noise impacts.
15. The only external alteration is the provision of a refuse and recycling storage area within the rear garden. Given that it would be within the rear garden, it would not be visible from public views. As it would be seen only in private views, it would be acceptable in terms of its effect on the character and appearance of the area.
16. 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 policy DM2, which seek to ensure that any developments deliver high quality design that safeguards the amenity of existing development, creating a high-quality environment for future occupiers.

Whether the proposal would provide satisfactory living conditions for future occupiers

17. The applicant is proposing to convert the dining room, located within the rear extension and accessible from the kitchen, to a bedroom for an eighth resident. The proposed bedroom would have a floor area of 8.6sq.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, with an outlook over the garden. Having viewed the room, and another within the property with the same dimensions, I am satisfied that the bedroom would provide an acceptable living environment for future occupiers.
18. There is also an adequate 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. There is also a rear garden which can be utilised for recreational activities.

19. 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.

Whether the proposal would provide adequate car and cycle parking, and recycling and refuse storage.

20. The refuse and recycling store would be positioned within the rear garden, adjacent to the garage. It would be accessible for the occupants on a daily basis through the rear garden, and could be accessed through a rear gate, which leads onto the driveway on collection day. The proposed plans show that there would be enough space to accommodate the refuse and recycling generated by the eight occupants.
21. Eight cycle parking space would be provided within the garage which would be in accordance with locally adopted standards. During my site visit, it was evident that the cycle parking could be accessed through either the main garage door from the driveway, or through a side door within the garden.
22. Parking on Hillsborough Road is unrestricted, with properties having a mix of on-street and off-street parking. The application site has space for two cars to be parked on an existing gravelled driveway. While no additional spaces are provided through the proposals, given the availability of on-street parking, sustainable location of No 23, and the provision of cycle spaces, the two existing car parking spaces would be sufficient.
23. Accordingly, I conclude that the vehicle parking would be sufficient given the provision of on-street parking and the eight cycle parking spaces provided within the garage. Furthermore, the proposal provides a dedicated refuse and recycling store, which would prevent harm to the amenities of the locality. AS such, the scheme accords with CS policies BCS10 and BCS15and LP policies DM2 and DM23 which seek to ensure that vehicles are accommodated safely, and that the storage of refuse and recycling are an integral part of developments.

Other Matters

Biodiversity gain

24. The application form states the biodiversity net gain condition as set out in paragraph 13 of Schedule 7A of the Act would not apply as the proposed development would be subject to the de minimis exemption. I have no reason to disagree. However, in light of Article 24 of the Town and Country Planning (Section 62A Applications)(Procedure and Consequential Amendments) Order 2013, I have included a note in this decision that refers to the relevant regulatory provisions on the biodiversity gain condition.

Conditions

25. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the Framework. In the interests of precision and clarity I have amended the wording of the conditions suggested by the Council.
26. In addition to the standard three-year time limit condition for Implementation; it is necessary to specify the approved plans in the interest of certainty.
27. Conditions relating to cycle parking, and refuse and recycling facilities have been imposed to ensure the proposal provides satisfactory living conditions for the occupiers of No 23 and neighbouring residents.
28. I have not included two of the suggested conditions by BCC. One condition, for the completion of a means of access for pedestrians and cyclists, was not necessary owing to a gate already existing for access to the rear of the property. The second condition, requiring the driveway to have a solid hardstanding, was also not imposed. The existing driveway is gravel, and is functioning. Being as there would not be an increase in parking spaces, it would be unreasonable for this to be included as part of the approval, and therefore does not meet all of the tests set out in the Framework.

Conclusion

29. 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.

R Dickson

Appeal Planning Officer

Inspector and Appointed Person's Decision

30. I have considered all the submitted evidence and my representative's recommendation and on that basis planning permission is granted.

Zoe Raygen

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:
 - 23/HR/B/00/P – Site location plan
 - 23/HR/B/102/P – Front Elevation - Proposed
 - 23/HR/B/103/P – View A - Elevations
 - 23/HR/B/105/P – View B - Proposed
 - 23/HR/B/107/P – Rear Elevation - Proposed
 - 23/HR/B/108/P – Ground Floor Plan - Proposed
 - 23/HR/B/13/P – Block Plan – Ex. & Proposed
 - 23/HR/B/14/P – Bin Store and Recycling Store Detail
 - 23/HR/B/15/P – Garage/Bike Store Details

Reason: To provide certainty.

3. Bedroom 8 shall not be occupied until the refuse and recycling store, as shown on the approved plans, have been completed in accordance with plan number 23/HR/B/14/P. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated store, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway or footway, except on the day of collection.

Reason: To provide adequate living conditions of neighbouring occupiers.

4. Bedroom 8 shall not be occupied until the cycle parking provision shown on plan number 23/HR/B/15/P has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To provide adequate sustainable transport facilities.

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. 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 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 for the date of the decision.
- iii. 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>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.
- v. 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 (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)

Appendix 1

List of consultee responses

Bristol City Council