



Appeal Decision

Site visit made on 19 July 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2022

Appeal Ref: APP/Z0116/W/22/3292393

16 Elmgrove Road, Fishponds, Bristol, BS16 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MKJ Construction Ltd (Mr A Lee) against the decision of Bristol City Council.
 - The application Ref 21/01295/F, dated 04 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is the change of use to House in Multiple Occupation including alterations and loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form incorrectly noted the agent as the company name instead of the MKJ Construction Ltd. This was clarified in correspondence and is the company name used on the Council's decision notice and on the appellant's appeal form.
3. At the time of my site visit, I saw that the development had been completed. I have dealt with the appeal on that basis.
4. The proposed change of use from a Class C3 dwelling to a Class C4 House in Multiple Occupation (HMO) with 6 or fewer occupants would, under normal circumstances, not require the benefit of planning permission, being permissible under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, an Article 4 Direction to remove this entitlement in this area of Bristol took effect in June 2020 and remains in place.

Main Issues

5. The main issues are;
 - The effect of the development on the mix and balance of housing in the area; and
 - Whether adequate refuse and cycling storage is provided.

Reasons

Mix and Balance of Housing

6. The appeal site is a mid-terrace, two-storey property located in a predominantly residential area. It is served by a small front garden and a modest rear garden. The appeal property appears to have undergone a recent renovation, with evidence of new windows and doors, rendering and rear garden landscaping. Internally works to facilitate the development had been completed.
7. Policy DM2 of the Site Allocations and Development Management Policies (2014) (SADMP) establishes that HMOs will not be permitted where, amongst other things, they would create or contribute to a harmful concentration of such uses within a locality. The Council's supplementary planning document Managing the Development of Houses in Multiple Occupation (2020) (SPD) advises that more than 10% HMOs in any neighbourhood is considered a likely tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.
8. The Council and the appellant are in dispute with regards to the number of HMOs within the 100-metre radius. The Council consider that 13.92% of dwellings are HMOs. The appellant has drawn a different figure of 11.4%, however this is still above the threshold identified in the SPD. Whilst the appellants figure is only a marginal increase above the 10% threshold, it would nevertheless reduce the choice of family homes in the area, exacerbate the existing conditions and undermine the objectives of SADMP Policy DM2 and the SPD.
9. Additionally, the SPD states that existing residential properties being sandwiched by HMOs are unlikely to be consistent with policy. The SPD provides examples of sandwiching scenarios, with one example being up to three single residential properties in a street located between two single HMO properties. No 22 Elmgrove is an existing HMO property and the conversion of No 16 to an HMO would sandwich No's 18 and 20 between them.
10. There may be greater demand for accommodation for students and younger adults in this specific area of the city. There may also be a greater shortfall of housing for this demographic, compared to family housing. However, the Council's planning policies and guidance are specifically concerned with addressing any imbalance in communities and housing mix, as well as the avoidance of harmful concentrations of HMOs.
11. The appellant has sought to demonstrate that there is no shortage of family housing in the area by providing details of properties for sale and rent near the appeal site. Whilst this demonstrates that family housing exists in the area, it does not demonstrate that sufficient levels of such housing has been provided.
12. When compared to the standards applied by the Council, the proposed development would exacerbate an existing overconcentration of HMOs in the area. As a result, the proposed change of use would have an adverse effect on the mix and balance of housing in the area. The development therefore conflicts with Policy DM2 of the SADMP, and the guidance contained within the SPD, which seek, amongst other things, to ensure that developments create sustainable, balanced, and mixed communities and prevent harmful concentrations of HMOs.

Cycle and Refuse Store

13. Policy DM2 of the SADMP sets out that the intensification of existing HMOs will not be permitted where it would harm residential amenity or the character of the locality as a result of inadequate storage for recycling/refuse or cycles. Appendix 2 of the SADMP sets out that 3 cycle parking spaces per four or more bedroom dwellings including HMOs should be provided.
14. The appellant has indicated that cycle storage would be provided within the rear garden and that access would be via a rear lane. Refuse and recycling storage would be located in the front garden. A block plan has been provided by the appellant demonstrating that there is sufficient space for cycle storage and refuse. I have had regard to the Council's submission that they consider a suitably worded condition could overcome their reasons for refusal.
15. During my site visit I noted that there was sufficient space in both the front and rear gardens to accommodate cycle and refuse storage. Whilst some detailed information had not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
16. For the reasons set out above I consider that the development would make adequate provision for cycle and refuse storage. Accordingly, I find no conflict with Policies DM2 and DM32 of the SADMP.

Other Matters

17. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11d of the Framework is therefore engaged, while Policies BSC18 and DM2 relating to the provision of housing are considered out of date. However, I have still attributed some weight to the policies due to their general consistency with the aims of the Framework. The appeal scheme whilst allowing potentially more occupiers to share a property would not involve the supply of any additional new dwellings. The minor alterations to the property would also not entail significant construction work. The socio-economic benefits of the proposal are therefore limited. I consider that the aforementioned adverse effects of the development, would significantly and demonstrably outweigh the benefits of the appeal scheme.
18. Both parties refer to recent appeal decisions. However, I have not been provided with full details of those case and, as such, I can attach little weight to the Inspector's findings. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.

Conclusion

19. For the reasons set out above, I conclude the appeal should be dismissed.

Tamsin Law

INSPECTOR