

South Gloucestershire Council  
Planning Team  
PO Box 2081  
Bristol BS35 9BP

Our ref: PR002440

Date: 20<sup>th</sup> March 2024

**Sent via e-mail**

Dear Sir/Madam,

**Town and Country Planning Act 1990**

**15 Bath Street, Staple Hill BS16 5NT**

**Change of use from a dwellinghouse used by a single person or by people to be regarded as forming a single household (Use Class C3a) to a large dwellinghouse in multiple occupation, comprising seven single-occupancy bedrooms (sui generis), including a rear dormer roof extension and single storey rear extension**

I write on behalf of my client, McGowan Hayes Property Ltd, to apply for the change of use of the existing dwelling house from one used by a single person or family (Use Class C3a) to a large dwellinghouse in multiple occupation comprising seven, single-occupancy bedrooms (sui generis). To facilitate the change of use, it is proposed to erect a rear roof extension and a single storey rear extension, in place of an existing conservatory. The application is accompanied by the following drawings and reports:

- Application forms, certificates and CIL forms;
- Drawing no. 4271-PL2-01 Rev. A – site location plan;
- Drawing no. 4271-PL2-02 Rev. B – existing and proposed site plans;
- Drawing no. 4271-PL1-03 Rev. A – existing floor plans and elevations;
- Drawing no. 4271-PL2-04 Rev. A – proposed floor plans and elevations;
- Coal Mining Risk Assessment.

The existing dwelling is an end-terrace property, within the Staple Hill ward of South Gloucestershire, and the East of Bristol Urban Fringe Settlement Boundary. Under the Draft Local Plan, the site would fall within the Staple Hill Town Centre Urban Lifestyle Area. The site is in Flood Zone 1, and no policy designations apply to the site. There is a detached garage to the side of the property, an enclosed rear garden with pedestrian rear lane access from Byron Place, and an enclosed forecourt area.

The only planning history relates to an outline planning application for an attached dwellinghouse, following demolition of the garage (ref: P23/03093/O), which was refused on a lack of parking availability.

A concurrent application for a certificate of lawfulness has been submitted, relating to the proposed rear dormer, and the change of use to a C4 small dwellinghouse in multiple occupation.

A conservatory has been erected to the rear of the property, infilling the space between the original rear outrigger and the side elevation, presumably under permitted development rights.

The site adjoins the Staple Hill designated town centre boundary, and lies 100 metres to the south of Broad Street (primary shopping area and frontage), which provides a wide range of high street shopping facilities and services. There are bus stops within a short walking distance on Broad Street, providing regular bus services into Bristol City Centre, and towards Emerson's Green (for Metrobus services), Chipping Sodbury and Southmead Hospital, whilst access to the Bristol and Bath Railway Path and cycle route lies within 150 metres to the south.

## **Proposal**

My client proposes the erection of a rear dormer roof extension and a single storey rear extension (to replace the existing conservatory) to facilitate a change of use from a single dwelling house to a large dwellinghouse in multiple occupation for up to 7 people. The existing dwelling has three bedrooms and 98sqm of gross internal floorspace.

The works would comprise replacing the existing conservatory with a flat-roofed extension attached to, and the same depth as, the existing outrigger (4.4 metres), and the erection of a rear roof extension, set back 240mm from the eaves, 480mm from the ridge, and 100mm from the side elevations, and rendered to match the existing rear outrigger.

The proposed layout would include internal reconfigurations, together with the provision of two bedrooms in the roofspace. The seven bedrooms (ranging from 7.53sqm-9.88sqm) would exceed the National Space Standards requirement for a single bedroom (7.5sqm), as well as Licensing minimum requirements (6.51sqm). Bathrooms would be provided on all three floors, together with 29.31sqm of shared communal space in the form of a lounge/kitchen/diner. Externally, private amenity space is available in the form of a 180sqm rear garden.

There is currently no off-street parking on the site (neither the garage nor the parking space in front meet the minimum depth requirements for such spaces). Given the sustainable location, no further parking spaces are proposed. Secure, covered cycle storage with space for 8 bicycles, together with a dedicated refuse and recycling store, will be provided within the rear garden.

## **KEY ISSUES**

### *Housing mix and the principle of HMO/supported living accommodation*

Policy CS17 states that, in order to support mixed communities in all localities, new housing development must provide a wide variety of housing type and size to accommodate a range of different households, including, inter alia, single persons, as evidenced by local needs assessments and strategic housing market assessments (SHMA).

The supporting text at para 10.20 of CS17, reports that in 2001, the average household size was 2.45 persons, and approximately 25% were single person households, 31% were 2 person households, and another 30% were households with dependent children. By 2026, the average household size is projected to shrink to around 2.19 persons, with single person households representing about 35% of all 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 also 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%).

At the start of the previous academic year, UWE had 485 students on the accommodation waiting list, whilst 137 UWE students are currently 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 is 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*<sup>1</sup> reported a 25% under-provision of student accommodation within the Bristol area. More recent research<sup>2</sup> 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, whilst CBRE South West reported recently that an additional 20,000 student bedspaces would be required in the next ten years, against a figure of 10,000 currently planned. The same report predicts UWE and UoB to expand by over 20,000 places (33%) within the next ten years.<sup>3</sup>

The shortage of supply of rental accommodation in the Bristol area has had an impact on rentals costs. A recent (October 2023) report by Unipol and HEPI<sup>4</sup> shows that average rental costs in Bristol (the city region, which would include Filton), at £9,200 per room for the 2023/24 period, are the highest outside London, and have increased by 9% from 2021/22. An Article 4 Direction, removing Part 3, Class L PDR to create small houses in multiple accommodation, was introduced in the North Bristol (within the Bristol City Council boundary) area in June 2020, following on from earlier Article 4 Directions applying to the Central, Clifton, Cotham and Redland wards, and South Gloucestershire has now introduced Article 4 Directions for the Filton, Stoke Park and Cheswick Village areas. Whilst these seek to limit the spread of HMOs, they have also contributed

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<sup>1</sup> [UK student housing reaching 'crisis point' as bad as 1970s, charity warns | Student housing | The Guardian](#)

<sup>2</sup> [Students left in 'nightmare' accommodation as UK cities short of 620,000 beds by 2026 \(inews.co.uk\)](#)

<sup>3</sup> [More than 20,000 extra student beds needed to cope with Bristol's expanding universities - Bristol Live \(bristolpost.co.uk\)](#)

<sup>4</sup> <https://www.hepi.ac.uk/2023/10/26/student-rents-now-swallow-up-virtually-all-of-the-of-the-average-maintenance-loan-as-market-reaches-crisis-point-in-affordability/>

to rising rents, for both young people in employment and students. Restricting supply will naturally increase demand.

Within this context, policy PSP39 recognises that HMOs can make a valuable contribution suitable for smaller households and single people. The policy supports the creation of HMO properties (and the sub-division of existing HMOs) subject to five criteria, which are discussed below.

The Council's Supplementary Planning Document (SPD) for Houses in Multiple Occupation requires HMOs to provide a good standard of accommodation (ensuring compliance with HMO Licensing requirements), consider issues of noise disturbance (between adjoining communal rooms and bedrooms), and to support mixed and balanced communities.

The SPD recognises that HMOs meet a variety of needs for private rented housing, ranging from young professional 'house-shares' and students wanting to live off campus, as well as providing a vital source of housing supply for people on lower incomes. For many people, HMOs provide a practical and affordable housing option that meets their housing needs, whether that be as student accommodation, or for professional sharers.

The SPD includes two additional explanatory guidance notes. The first of these relates to sandwiching (defined as proposals for HMOs that sandwich a C3 residential dwelling between two HMOs, or the creation of 3 or more adjacent HMOs), and the harmful impact this may have on the amenity of neighbours. The second states that harm may result when an HMO change of use would result more than 10% of dwellings within the Census Output Area, or more than 20% of dwellings within a 100-metre radius, being HMO properties.

#### *Design, and impact on character and amenity of the area*

It is proposed to erect a rear dormer roof extension, and a single storey extension.

The single storey extension would replace an existing conservatory and, at 4.4 metres deep, would be compliant with the Council's Household Design Guide (HDG).

With regards to the rear dormer extension, the HDG states that flat-roofed dormers should be set back 300mm from the sides and ridge, and 500mm from the eaves. The dormer would be set back 240mm from the eaves, 480mm from the ridge, and 100mm from the side elevations. Whilst the distances from the ridge and the eaves are less than the HDG recommends. However, the HDG does contain the caveat that it only applies where development requires expressed planning permission.

In this instance, that the works proposed to the roof could be carried out under permitted development rights (PDR) is a strong material consideration. The Council has previously taken the approach that, where a certificate of lawfulness (LDC) has been issued for the works, then the fallback position of PDR will be treated as a material consideration. The concurrent LDC application is expected to confirm that the dormer would constitute lawful development. Given that, if the current planning application were refused, the applicant would in any case erect the dormer and use the property within the C4 use class, thereby demonstrating that the fallback position is more than theoretical. As such, the fallback position provides justification for a departure from the Local Plan with regards to design policies.

#### *Amenity of neighbours*

Refuse storage can be accommodated within the rear garden, and so there would be no additional impact on visual amenity. Any additional noise that may result from the increase in accommodation would not be unacceptable, and issues of noise and anti-social behaviour, 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.

Policy PSP38 requires extensions to avoid prejudicing the amenity of neighbours. The single storey rear extension will replace an existing conservatory, and would not project beyond the existing outrigger, thereby ensuring there is no additional impact on 17 Bath Street to the southeast. The extension would be over 6 metres from the boundary with 13 Bath Street, and would therefore have no impact on this dwelling.

There is a car park to the rear of the site and as such, the dormer would not result in any overlooking or loss of privacy. In respect of the adjoining properties, views across to adjoining gardens would be oblique and of a level with views from existing first floor windows. Furthermore, the same dormer could be erected under Permitted Development Rights, as the concurrent certificate of lawfulness is expected to establish. As such, the works are not considered to result in any detrimental impact to neighbour amenity.

#### *Amenity space*

Policy PSP43 sets out a requirement for amenity space based on the number of bedrooms at the property; for a property with 4+ bedrooms, 70m<sup>2</sup> of amenity space should be provided, although it should be noted that this applies to C3a houses and not HMOs. The policy states that, "*For proposal(s) for specialist residential accommodation, including care homes, nursing homes and*

*other non-custodial institutions, the development must ensure sufficient external space to accommodate the normal recreational and other needs of residents, visitors or employees.”* In respect of HMO uses, the Council more typically applies the one-bed flat amenity standard of 5m<sup>2</sup>, equating to 35m<sup>2</sup> for a 7-bed HMO.

This recognises that amenity space within specialist accommodation will be used in a different way to within family housing for example. In any event, the property would have 180sqm of usable rear garden (excluding the garage), which is considered more than adequate for a 7-bed HMO use.

#### *Refuse storage and servicing*

Refuse and recycling bins would be stored within the rear garden, within dedicated stores. There is side access from the garden to the highway for bin collection day.

#### *Parking*

Cycle storage for 8 bicycles is to be provided within a dedicated and secured store within the rear garden. As per the refuse storage, there is gated access through to the front, and also via the alleyway to Byron Place.

PSP16 requires HMO accommodation to provide 0.5 parking spaces per bedroom, equating to 4 parking spaces for the current proposal. However, where there is an existing under-provision of parking, applicants are not required to make up for that shortfall.

The Council's Parking SPD states that a parking space must have minimum dimensions of 2.4 metres by 4.8 metres. For garages, minimum internal dimensions of 3 metres x 6 metres are specified, though the SPD goes on to state that, given the propensity for garages to be used for storage it will not be acceptable to provide garages as the sole parking space serving a dwelling.

Neither the existing garage nor the driveway to the side of the property are of a sufficient depth to provide access to parking spaces, and as such, the existing on-site parking provision is zero.

The requirement for all C3 dwellings is two spaces for dwellings with 3 bedrooms. As a result, the proposal would generate the need for two additional parking spaces, excluding the current shortfall.

It is acknowledged that the outline application recently refused on this site was refused on parking grounds, with the Council stating that Bath Street could not accommodate four further vehicles. However, this was based on the site currently providing 2no. parking spaces which would be displaced on to the road, whereas, as evidenced above, the site currently has no policy-compliant parking.

The site adjoins the town centre boundary, there is a Tesco supermarket to the rear of the site, and bus stops on Broad Street provide regular services (every ten minutes) towards Bristol City Centre and Emersons Green. As such, it is a highly sustainable location (as indicated by its proposed inclusion within the Staple Hill Urban Lifestyle Area under the draft new Local Plan). The site is conveniently located on the extensive Bristol Cycle Network, as noted earlier in this covering letter.

As a result of this highly sustainable location, car ownership in the area is understandably lower than the district-wide average. At both ward and LSOA level the proportion of car-free households (20.6% and 19.6%) is significantly higher than the district-wide figure of 12.3%. Similarly, the figures for multi-car households locally (36.9% at ward level, 34.6% at LSOA level), are significantly lower than the district-wide figure of 47.5%. To summarise, approximately two-thirds of households locally have access to no more than one car.

Whilst a common objection to HMO accommodation is that each occupant will own a car, of relevance is a 2019 report produced by Bath and Northeast Somerset Council<sup>5</sup>, which recorded (para 3.2.2.) that the average number of vehicles per HMO household was 0.9 (increasing to 1.1 for non-student HMOs), whilst just 2% of HMOs had access to 4 vehicles (the parking requirement for the current application). It is acknowledged that this survey relates to Bath and not South Gloucestershire, however, it does indicate that the Council's parking requirement for HMOs is higher than necessary.

I attach a recent appeal relating to a site in Brislington, Bristol (ref: APP/Z0116/W/23/3326501), which was in a less sustainable location (in terms of access to services and public transport) than the current proposal. The LPA had suggested a figure of 4 additional vehicles for a change of use from a C3 dwelling to an 8-bed HMO. There are parallels with the current application in that the Inspector, at para 20, accepted the appellant's Census data which demonstrated that within the local area, occupiers of HMO's were more likely to have access to no private motor vehicles,

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<sup>5</sup> [parking\\_survey\\_report\\_pbsa\\_hmo\\_and\\_new\\_housing\\_2019.pdf \(bathnes.gov.uk\)](#)

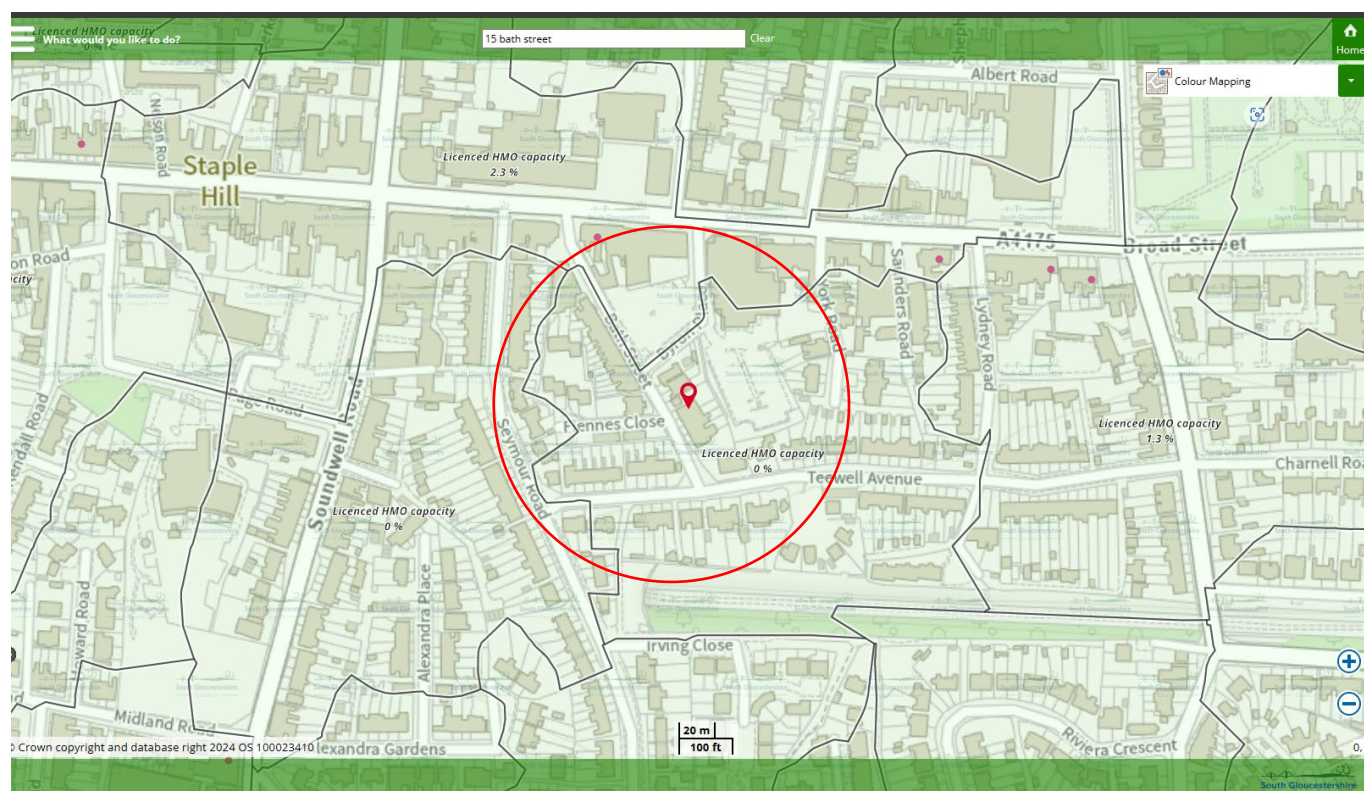


and they also noted that the appeal site was within a location that was a short walk from a number of services, and was well connected by cycling and public transport which would reduce the reliance on future occupiers needing to have access to a private motor vehicle. As such, they were not convinced that the proposed development would generate four additional cars on the highway network.

Taking all of this into account, the proposal would not result in severe adverse impacts on the local highway network such as to warrant refusal.

### HMO SPD

In respect of the sandwiching assessment, as can be seen from the extract from the Council's HMO map below, there are no HMOs in the immediate vicinity.

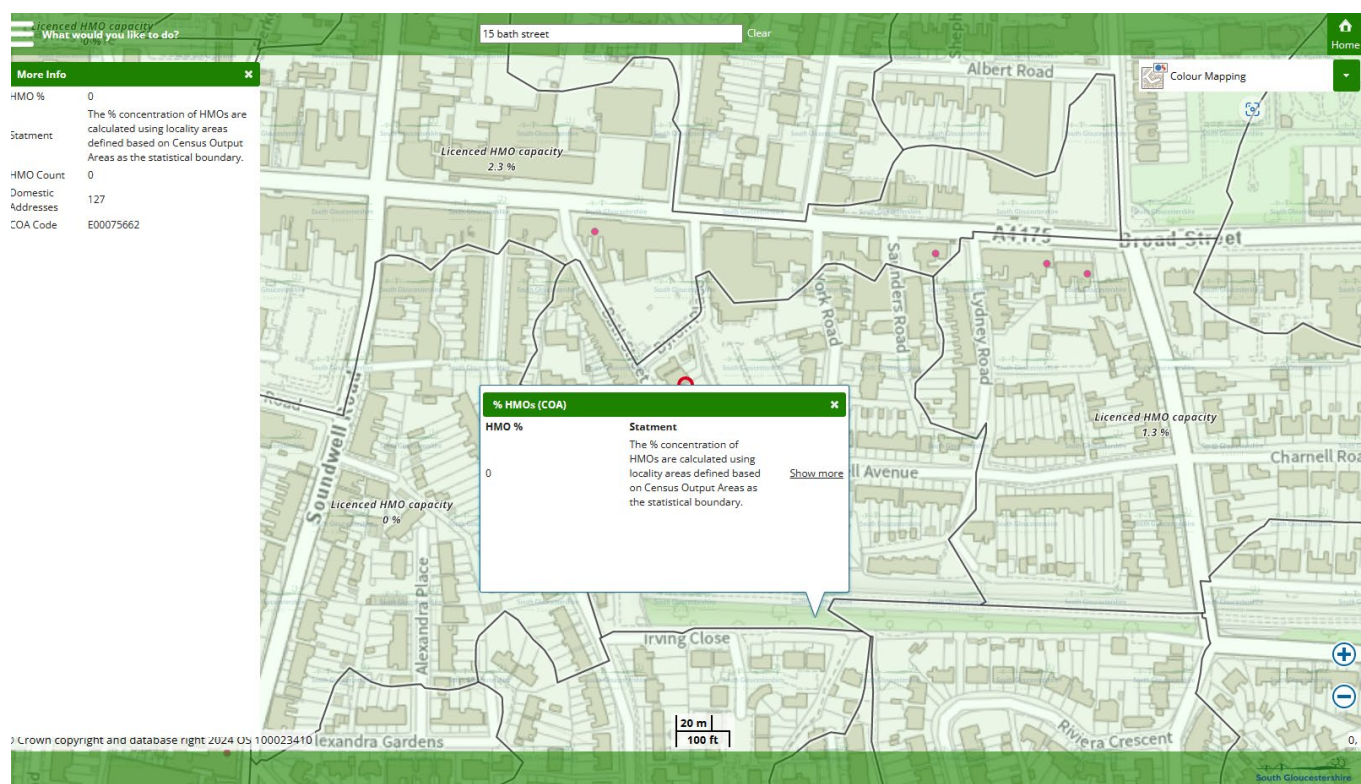


Existing HMOs (red dots) within 100m of application site (outlined in red)

With regards to additional explanatory guidance 2, the SPD does not clarify where the 100-metre radius should be measured from i.e., whether houses/gardens need to be wholly within the 100m radius.

For the avoidance of doubt, the centre of the house has been taken as the centre point, and dwellings are included if some or all of the house is within 100 metres (but not if only garden space is within the radius). The map below shows there to be no existing licensed HMO properties within the 100m radius, and as such, the proposal would not result in the 20% threshold being breached.

The site falls within Census Output Area (COA) E00075662, a map of which is shown below. The COA contains 127 dwellings, resulting in a 10% threshold of 12.7. Currently there are no licensed HMOs in the COA, indicating that the area is below HMO capacity. The proposal would increase this figure to 0.8%, and therefore would not breach the 10% threshold.



With regards to amenity, space standards, parking, refuse and recycling and cycle storage, it has been demonstrated earlier in this letter that the proposal would meet the requirements of the SPD.

### *Unstable land*

The site is shown to fall within the High-Risk Development Area on the Coal Authority's online mapping. Accordingly, the application is accompanied by a Coal Mining Risk Assessment, which concludes that recorded workings beneath the site are considered to be at a sufficient depth (46mbgl) as to not affect the proposal. In respect of unrecorded shallow-depth workings, the

report recommends precautionary site investigations prior to works commencing, which could be secured by condition.

### *BNG*

Under the Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) Biodiversity net gain (BNG) is mandatory for all sites from April 2024 (minor development having been exempted until the 2<sup>nd</sup> April 2024). However, development below the threshold (less than 25sqm of on-site habitat, or 5 metres of linear habitat) will continue to be exempt, where sites are more than 500 metres from a priority habitat.

There are no priority habitats within 500 metres of the site, and the proposed extension measures less than 25sqm and would in any case be on existing sealed surface, which returns a nil value for habitat units on the Small Sites Metric. As such, the proposal is not required to provide BNG.

### **Conclusion**

The existing dwelling could be used, through the implementation of PDR, as a six-person small HMO. The change of use to a large HMO for up to 7 people, would not impact on residential or neighbour amenity, or the character and appearance of the area or host dwelling.

The scheme will provide appropriate cycle and refuse storage facilities, and this letter details why the proposal would not be likely to lead to an increase in on-street parking. As such it would be in full compliance with local and national planning policy.

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, would keep the proportion of HMOs within 100 metres below 20%, and within the Census Output Area to below 10%. 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. As such, we hope that the application can be supported, and permission granted.

Yours faithfully,

**Stokes Morgan Planning Ltd**

**Attached:**

Appeal decision at 15 Hollywood Road, Bristol BS4 4LF (ref: APP/Z0116/W/23/3326501)



# Appeal Decision

Site visit made on 20 February 2024

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 March 2024**

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**Appeal Ref: APP/Z0116/W/23/3326501**

**15 Hollywood Road, Brislington, Bristol BS4 4LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Joseph Lovatt on behalf of Plot Investments Ltd against Bristol City Council.
  - The application Ref 23/02109/F is dated 26 May 2023.
  - The development proposed was originally described as change of use from a dwellinghouse used by a single person or household (C3a) to a large dwellinghouse in multiple occupation (sui generis) for up to nine people, including the erection of a ground floor front extension.
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## Decision

1. The appeal is dismissed and planning permission is refused.

## Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the change of use from a dwellinghouse used by a single person or household (C3a) to a large dwellinghouse in multiple occupation (sui generis) for up to eight people. The Council dealt with the proposal on this basis and so shall I.
3. The appellant has submitted an amended existing and proposed block plan<sup>1</sup> with the appeal showing an alternative arrangement for bin storage and cycle parking to the front of the appeal site. The amended plans have not been the subject of further consultation. However, I am satisfied that no prejudice would occur to any interested parties since the amendments relate to the future living conditions of the occupiers of the proposed development. I therefore base my decision on the amended plans as the proposed development is not changed to an extent that all those with an interest in the application should have an opportunity to comment.
4. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.

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<sup>1</sup> 4171.PL.02 Revision F

## **Main Issues**

5. The main issues are:

- whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outlook, daylight and ventilation,
- whether the proposed development would provide adequate and practical provision for the storage and manoeuvring of bicycles and bins; and
- the effect on highway safety with particular regard to the demand for on street parking.

## **Reasons**

### *Living conditions for future occupiers*

6. The proposed bedrooms would be set over three floors, with each bedroom exceeding Nationally Described Space Standards. Bedrooms 4 and 5 are located on the first floor and overlook a courtyard area which can be accessed externally from a set of steps to the side. The courtyard has a further set of steps which gives access to the garden which is on the second floor level.
7. Bedroom 4 has a large window which faces toward the steps that lead to the rear garden. However, the steps are steep and provide very limited views of the garden. Furthermore, due to the courtyard being enclosed on all other sides by high walls, the space experiences very limited daylight. As a result, the views from bedroom 4 would be poor and the amount of daylight received in the room would be very low throughout the majority of the year.
8. Bedroom 5 has a large window and also a door that gives access to the courtyard. However, these would face onto the high side wall of the neighbouring property which would mean that the outlook for the occupiers of this room would be dominated by this. As the courtyard is mostly enclosed on all other sides daylight would be very limited to this bedroom also.
9. The door to bedroom 5 could also encourage future occupiers of this room to access the room by the external steps and would mean that they would walk next to the window of bedroom 5. This could mean that the occupiers of bedroom 4 would be more likely to keep their curtains closed which would further harm their outlook and the amount of daylight received.
10. The Council consider that the bedrooms would not be adequately ventilated. However, while I have found outlook and daylight would be unacceptable, both rooms would have opening windows which would provide sufficient ventilation.
11. Notwithstanding my findings on ventilation, I conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to outlook and daylight. It would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy Adopted June 2011 (CS) and Policies DM2 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies Adopted July 2014 (LP). Amongst other things, these seek to ensure that development creates a high-quality environment for future occupiers.

### *Storage and manoeuvring of bicycles and bins*

12. The initial plans submitted to the Council showed that bin storage would be provided within the courtyard which would be accessed by a set of steps to the side of the property. It was also shown that a covered area for the parking of bicycles would be provided within the rear garden which would require another set of steps to be accessed.
13. On the basis of the steps that would need to be used to access these storage areas, it is clear that this would not be a practical solution for future occupiers and would have resulted in bins and bicycles being carried up and down several sets of steps.
14. The appellant has submitted an amended plan with the appeal which demonstrates that there is sufficient space to be able to provide the bin and cycle storage to the front of the site, within the existing driveway. This would allow all future occupiers to be able to access the storage facilities without the need to use any steps. Therefore, I am satisfied that subject to appropriately worded conditions that an adequate and practical provision for the storage and manoeuvring of bicycles and bins away from the highway could be provided.
15. I therefore conclude that the proposed development would provide adequate and practical provision for the storage and manoeuvring of bicycles and bins. I find no conflict with Policies DM2, DM23 and DM32 of the LP. Amongst other things, these seek to ensure that development provides adequate storage for recycling/refuse and cycles and that there is sufficient capacity to serve the proposed development as a whole.
16. I also find no conflict with guidance contained within the Department for Transport Cycle Infrastructure Design Local Transport Note 1/20 July 2020 and the Council's Waste and Recycling Storage and Collection Facilities Guidance for Developers of Residential, Commercial and Mixed-Use Properties Adopted December 2021-Updated March 2022. Amongst other things, these seek to ensure provision of safe and convenient access to waste storage and cycle storage.

### *Highway safety*

17. The proposed development includes no parking provision for future occupiers. The area nearby the site has some parking restrictions through a narrow one way road that is close to the site and some road markings which also prevent parking. As a result, there is a high number of cars parked on the road close to the site. However, I noted during my site visit that while demand for on street parking seemed to be high, spaces were available within a short walking distance.
18. I have also had regard to the appellant's study of available parking spaces which found that there were a number of on street parking spaces available near to the appeal site during a weekday evening.
19. The Council consider that the proposal would generate four additional cars on the highway network. This estimate of car ownership has been taken from census data from 2011. The Council have no parking standards for large HMO's.

20. The appellant has provided more recent census data from 2021 which demonstrates that within the local area, occupiers of HMO's are more likely to have access to no private motor vehicles. The appeal site is also within a location that is a short walk from a number of services and is well connected by cycling and public transport which would reduce the reliance on future occupiers needing to have access to a private motor vehicle. I am also mindful that the existing use as a large family dwelling would have likely had access to private motor vehicles, so I am not convinced that the proposed development would generate four additional cars on the highway network.
21. In any case, even if the proposed development would generate four additional cars, I am satisfied that there is sufficient on-street parking within a short walking distance from the site to accommodate an increased demand.
22. I therefore conclude that the proposed development would not unacceptably harm highway safety. I find no conflict with Policy DM23 of the LP, Policies BCS10 and BCS13 of the CS and Paragraph 108 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure development provides an appropriate level of parking provision, ensures the provision of safe streets and encourage sustainable means of transport.
23. I also find no conflict with guidance contained within the Council's Managing the development of houses in multiple occupation Supplementary Planning Document Adopted 3 November 2020 and the Councils Transport and Development Guide which amongst other things, seek to ensure a reasonable level of safe, accessible and convenient car parking.
24. The Council have suggested the proposal would be contrary to Policy DM35 of the LP, however, this relates to noise for which the Council have found the proposal would not adversely effect.

### **Other Matters**

25. The appellant has put forward a fallback position in the form of permitted development rights which would allow the conversion of the dwelling to a HMO for 6 persons. I accept that the fallback position is available.
26. The appellant has stated their intention to carry out the fallback position should this appeal fail. I therefore accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
27. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
28. The appeal scheme would result in an increase of two bedrooms over the fallback position. I appreciate that the rooms shown to be bedrooms 4 and 5 could still be used as bedrooms for the fallback position. However, there is no information before to suggest that this would be the case. Even if these bedrooms were still used, there would be two fewer bedrooms in which this space could be used to provide more shared internal space, or bigger bedrooms through the fallback position which could be of benefit to the occupiers of these bedrooms. I therefore find that the appeal scheme would be more harmful than the fallback position.



29. Consequently, for these reasons considered cumulatively, the fallback position carries limited weight in favour of the proposal.
30. The appeal site is located within the Brislington Hill Conservation Area (CA). The Council has not found that the proposed development would harm the character or appearance of the CA. The CA is centred around St. Lukes Church and its significance is derived from its architectural character of pantiled roofs, random stone walling, painted rendered walls and 17<sup>th</sup> century brick/stone boundary walls. The appeal proposes no external alterations, other than the demolition of a non-original conservatory to the rear and the infilling of a garage door with render to match the existing dwelling. I therefore find that the proposal would have a neutral impact on the setting of the CA.

### **Planning Balance**

31. The proposal would be contrary to Policy BCS21 of the CS and Policies DM2 and DM30 of the LP. These Policies are consistent with the Framework in focusing on creating places with a high standard of amenity for future users.
32. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. The figure quoted by the appellant is between a 2.2-2.4 year supply which is a substantial shortfall. The figure quoted is not disputed by the Council.
33. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
34. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall, albeit the provision would be small. The proposal would result in the provision of housing suitable for single-person households with communal areas for future occupiers. It would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. There would also be some environmental benefits through the efficient use of land and potential reduced energy use through the heating of a single building.
35. In this instance, the inadequate living conditions that would be provided for future occupiers would significantly and demonstrably outweigh the very modest benefits and as such, the proposal would not constitute a sustainable form of development in terms of the Framework.
36. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

**Conclusion**

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed and planning permission should be refused.

*D Wilson*

INSPECTOR