



Decision Notice and Statement of Reasons

Site visit made on 28 March 2025

By C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 2 April 2025

Application Reference: S62A/2025/0081

Site address: 14 Marlborough Street, Bristol BS5 6RH

- 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 7 February 2025 is made by Mr Julien Potez of Picturesque Living and was validated on 20 February 2025.
 - The development proposed is described as 'change of use from a dwellinghouse used by a single person or household (use class C3a) to a small dwellinghouse in multiple occupation (use class C4), including reinstatement of front boundary wall and front parapet wall, demolition of rear outrigger, and the erection of a part single, part two-storey rear extension, and cycle and refuse/ recycling storage, and installation of additional first floor front elevation window'.
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Decision

1. Planning permission is granted for 'change of use from a dwellinghouse used by a single person or household (use class C3a) to a small dwellinghouse in multiple occupation (use class C4), including reinstatement of front boundary wall and front parapet wall, demolition of rear outrigger, and the erection of a part single, part two-storey rear extension, and cycle and refuse/ recycling storage, and installation of additional first floor front elevation window' in accordance with the terms of the application dated 7 February, 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 (the Council) have been designated for non major applications since 6 March 2024.

3. Consultation was undertaken on 26 February which allowed for responses by 27 March 2025. Responses were received from the parties listed in Appendix 1. A number of local residents also submitted responses. The Council submitted an officer report and that consultation response sets out the Council's support for the proposed development, subject to conditions. I have taken account of all written representations in reaching my decision. I also carried out a site visit to the property on 28 March 2025, which enabled me to view the site, the surrounding area and the nearby roads and public rights of way.

Main Issues

4. Having regard to the application, consultation responses and the findings of my site visit, the main issues for this application are:
 - Whether the site is suitably located for a new house in multiple occupation (HMO);
 - Whether the proposal would provide an acceptable standard of accommodation for future occupants;
 - Effects on the living conditions of occupants of the nearby properties;
 - Effects on the highway, in particular parking;
 - Effects on the character and appearance of the area, and;
 - Whether the proposal would deliver appropriate provisions for sustainable energy use.

Reasons

Location of the site for a new HMO

5. Policy BCS18 of the Council's Core Strategy 2011 (the CS) requires development to contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The supporting text acknowledges that new developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type. Policy DM2 of the Council's Site Allocations and Development Management Policies 2014 (the ADMP) relates to proposals including the conversion of existing dwellings to houses in multiple occupation, which is the case for the proposed development. The policy contains criteria which should be met, including consideration of harmful concentrations of such uses where they would exacerbate existing harmful conditions, or reduce the choice of homes in the area. The policy is supported by the 'Managing the development of houses in multiple occupation' Supplementary Planning Document 2020 (the SPD).
6. While the proposal would see the loss of the existing dwelling, the Council recognise the importance of HMO's to the choice of housing available in the city, being generally more affordable and flexible, and often more suitable for young people and groups not living as families. Based on the information before me together with the findings of my site visit, the proposal would not result in 'sandwiching' of any existing dwelling as defined by the SPD. Census and licensing data provided by the Council also

suggests that the percentage of HMOs within 100 metres of the application site is 5.61%. Accordingly, the proposal would not result in a harmful concentration of HMOs within the neighbourhood area, as set out in the SPD. For these reasons, the proposal would be suitably located for a new HMO, and would comply with that part of policy DM2.

Standard of Accommodation

7. Policy DM2 of the ADMP also requires the proposal to provide a good standard of accommodation. The proposal would provide five bedrooms across both the ground and first floor levels of the property and each could accommodate a single occupant. Each bedroom would exceed the minimum floorspace standards set out in the Council's HMO License Standards and would be served by windows providing suitable natural lighting, ventilation and outlook. The proposal would provide an adequate kitchen/ living room and a bathroom on the first floor, as well as providing access for future occupants to the garden at the back of the building. For these reasons the standard of the proposed accommodation would be acceptable.
8. The Coal Authority (CA) have confirmed that the application site falls within their defined Development High Risk Area, being in area of probable historic unrecorded shallow coal mining. The CA agree with the applicant's findings that further site investigations should be undertaken to assess the ground conditions and any risks which may require mitigation. This can be adequately dealt with by conditions in line with their recommendations. In addition, the Council note the site to be close to an area of landfill which could be a potential source of contamination. Appropriate measures can similarly be secured by condition. There is not substantive evidence before me relating to any risk of mine gas at the site although measures for unexpected contamination can also be secured.
9. Overall, the proposal would provide an acceptable standard of accommodation and would be safe for its future occupants subject to compliance with conditions. The proposal would comply with policies DM2 and DM29 of the ADMP, as well as policies BCS21 and BCS23 of the CS insofar as they relate to safe and healthy conditions for future occupiers.

Living Conditions of Neighbouring Properties

10. The SPD acknowledges that noise and disturbance can be among the harmful impacts arising from HMOs, although, for the reasons set out above, this proposal would not lead to a harmful concentration in this area. Given the size of the HMO proposed, together with the informal comments of the Council's Environmental Health Officer and, in the absence of evidence to the contrary, the proposal would not cause unacceptable noise or disturbance. Legislation exists outside the planning system to assist should such disturbance occur.
11. The applicant's Energy Statement refers to a new air source heat pump although it is not shown on the proposed drawings. As such its effects on the occupants of neighbouring properties cannot be established. However, a

condition can be used to ensure that if one were intended, details would first be submitted to the Council for approval.

12. The proposed extensions to the rear of the building would replace the existing and would follow a similar pattern of extensions and projections on other properties within the terrace to the north. The neighbouring property to the north, no.12, has an existing ground level infill extension incorporating a rear facing window. However, given the presence of the existing lean-to at the application site, the proposal would not unacceptably reduce the lighting and outlook from that window.
13. To the south, no.16 does not include any rear extensions or projections, and the nearest ground level opening of no.16 would be directly adjacent to the proposed new infill extension. However, given the difference in ground levels between the two sites, the height of the existing close board boundary fence and as the proposed infill extension would be positioned to the north of no.16, the effects on the living conditions of that property overall would be acceptable. Other alterations to the site, including those to the front of the property, would not have unacceptable effects on the living conditions of nearby occupants.
14. Overall, the proposal would be acceptable in terms of its effects on the living conditions of nearby occupants. It would comply with policies DM2, DM27, DM29, DM30 and DM35 of the ADMP as well as policies BCS21 and BCS23 of the CS, insofar as those policies relate to healthy residential amenity including noise effects.

Highways and Parking

15. Policy BCS10 of the CS sets out transport priorities, of which the private car is at the bottom. Instead, the policy seeks to promote sustainable transport patterns, prioritizing pedestrian and cycling movements as well as use of public transport. The proposal does not include any proposed parking for future occupants. However, the site is close to public transport on Fishponds Road and there are a number of services and facilities within walking and cycling distance of the site to serve the needs of future occupiers. On this basis the absence of additional parking spaces is acceptable. The proposal includes an enclosure for cycles at the front of the site, and would therefore appropriately support the use of cycling as a means of sustainable transport.
16. I observed during my site visit that there were no parking restrictions on Marlborough Street, and there were several cars parked on the road including some partially on the footpath. There were, however, opportunities to park on the street in the wider area. Although I appreciate this was only a snapshot of time in the middle of the day, I am satisfied that even if some additional parking pressure were to occur this would not necessarily cause unacceptable harm to highway safety. The Council have raised concerns for the size of the proposed refuse store, which may result in refuse being stored on the footpath. Given the size of the front garden area this could be adequately addressed by a planning condition to ensure the refuse storage area were fit for purpose.

17. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the highway. It would comply with policies DM2, DM23 and DM32 of the ADMP, and policies BCS10 and BCS15 of the CS which relate to sustainable travel and parking, as well as refuse storage.

Character and Appearance

18. No.14 is a two storey mid-terrace property set within a predominantly residential area. The property shares many of the same characteristics as the terraced properties which adjoin it to the north, having rendered front elevations, decorative window pediments and a traditional front parapet which conceals the roof form behind. The neighbouring property to the south, and the properties beyond that, display a different character of red brick elevations, projecting front bay windows and pitched roof forms. The front gardens across the terrace as a whole are consistent in their size and are generally enclosed by a low front boundary wall. The above mentioned features contribute positively to the character and appearance of this terrace and the street. No.14 is in a severe state of disrepair with a partially collapsed front parapet at the roof level, irregular render finish, and its front boundary wall has been removed.
19. At the rear of the property, the proposed extensions would largely replace those existing and would include a single storey infill extension against the main back wall of the house. The proposal would conform to the regular pattern of rear projections across the terrace to the north, and the materials and finishes would be appropriate to the character of the area.
20. To the front of the property an additional window would be inserted at the first level which would be at odds with the established regular pattern of the first floor windows in the terrace. However, the package of works proposed to the front of the property would include important improvements, notably the reinstatement of the roof parapet and the front boundary wall. Considered as a whole the works to the front of the building would be acceptable and respect the character and appearance of the area. Given the acceptability of the new first floor window relies on the other improvements, a condition is recommended to ensure they are delivered. The proposed cycle and refuse stores would dominate much of the front garden area, however they would be positioned behind a new front wall and given the varied treatments of the front gardens in this terrace, they are considered acceptable.
21. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on the character and appearance of the property and the area. It would comply with policy BCS21 of the CS, as well as policies DM26, DM27 and DM30 of the ADMP which together require high quality design which responds to local distinctiveness.

Sustainable Energy

22. The applicant refers to the installation of an air source heat pump and upgrading of the building fabric to meet the policy requirement for

sustainable energy set out in CS policy BCS14. However, there are significant inconsistencies between the applicant's Energy Statement dated 6 February 2025 and the proposed drawings in terms of the measures proposed to mitigate and adapt to climate change. Nonetheless, given the nature and scale of the proposal, together with the conclusions of the Energy Statement, I am satisfied that a solution could reasonably be achieved to reduce carbon dioxide emissions from residual energy use in the building by at least 20%. This would need to be secured by condition in order to comply with the development plan requirement.

Other Matters

23. With regard to biodiversity net gain, the applicant asserts the proposal would not impact a priority habitat and impacts less than 25 sqm of on site habitat, or 5m of on-site linear habitats. I observed on my site visit that the majority of the proposed rear extensions would replace existing built form and the new rear infill would be on an area currently hard paved. While much of the front garden of the property would accommodate cycle and refuse storage, I similarly found that area to be predominantly hard surfaced and littered and provided little, if any, onsite habitat. As such I have no strong reason to reach a different view to the applicant, that the proposal would be exempt from the mandatory biodiversity net gain requirement as development below the threshold.
24. Having regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework), I have found that the proposal accords with an up-to-date development plan and as such the application should be approved without delay. Consideration of paragraph 11d) of the Framework is therefore not required.

Conditions

25. Conditions imposed are set out below following the reasoning above. Having regard to the Planning Practice Guidance (PPG), I have amended the land contamination conditions from the Council's suggestions to be more concise and relate only to those parts where new ground works are proposed in the interests of reasonableness. Other conditions recommended by the Council have been consolidated or made more concise where appropriate. In the absence of any substantive reason for it, and being mindful of the advice in the Framework and the PPG surrounding the matter, I have not removed permitted development rights for the development.

Conclusion

26. For these reasons, and subject to conditions, the proposal complies with the development plan and planning permission should be granted.

C Shearing

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: Z-862-D001, Z-862-D002, Z-862-D003, Z-862-D004, Z-862-D005, Z-862-D006, Z-862-D007, Z-862-D008, Z-862-D009, Z-862-D010, Z-862-D011.

Reason: To provide certainty.

3. The extensions hereby permitted shall not commence until:
 - a) a scheme of intrusive site investigations has been carried out on the site to establish the risks posed to the development by past coal mining activity, and, if necessary details of remedial works compiled, and;
 - b) any remediation works and/ or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in full on the site in order to ensure that the site is made safe and stable.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the development is safe for its future occupiers and to comply with Policy BCS23 of the Core Strategy 2011 and Policy DM37 of the Site Allocations and Development Management Policies 2014.

4. The extensions hereby permitted shall not take place (other than demolition and clearance) until an assessment of the risks posed by any contamination, carried out in accordance with British Standard and Model Procedures in place at the time, has been submitted to and approved in writing by the local planning authority. If any contamination is found, no related development shall take place until:
 - i. a report specifying the measures to be taken, including the timescales, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is safe for its future occupiers and to comply with Policy BCS23 of the Core Strategy 2011 and Policy DM37 of the Site Allocations and Development Management Policies 2014.

5. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is safe for its future occupiers in the event of unexpected contamination being found, and to comply with Policy BCS23 of the Core Strategy 2011 and Policy DM37 of the Site Allocations and Development Management Policies 2014.

6. Not later than 6 months from the installation of the new window to the first floor level of the front elevation, the works to the front roof parapet and front boundary wall shall be completed in accordance with the details shown on the approved plans.

Reason: To ensure the development overall respects the character and appearance of the area, and to comply with policy BCS21 of the CS, as well as policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies 2014.

7. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable, shall be submitted to and approved in writing by the local planning authority. The document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/ or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the development is safe for its future occupiers and to comply with Policy BCS23 of the Core Strategy 2011 and Policy DM37 of the Site Allocations and Development Management Policies 2014.

8. Prior to the first occupation of the development, the building shall be installed with the intended renewable energy technologies in accordance with details which have first been submitted to, and approved in writing by, the local planning authority. Those details shall include the design, location, technical specification and noise reports for that equipment as required, as well as details of their energy generation and associated CO2 emissions to demonstrate compliance with the requirements of policy BCS14 of the Core Strategy 2011. Notwithstanding the approved drawings, the development shall not include a gas combi boiler.

Reason: To ensure appropriate provisions for reduction of carbon emissions in line with Policy BCS14 of the Core Strategy 2011, and to ensure those aspects of the proposal preserve the character and appearance of the area as well as the living conditions of the neighbouring occupants.

9. Prior to the first occupation of development, and notwithstanding the

approved drawings, an amended scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage, as well as the approved cycle storage facility, shall be installed in accordance with the approved details. Those facilities shall be available for use for these purposes at all times and waste and recycling materials shall be stored only in the allocated areas.

Reason: To ensure appropriate refuse and recycling facilities and to comply with Policy BCS15 of the Core Strategy 2011.

End of Schedule

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 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 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 the following statutory exemption is considered to apply:

Development below the de minimis threshold, meaning development which:

- 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;
- 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 and any applications related to the compliance with the conditions must be submitted to the Council.

Appendix 1 - Consultee Responses

Bristol City Council- Local Planning Authority (incorporating comments of a Contaminated Land Officer and Transport Development Management)

The Coal Authority