

Section 62A Applications Team
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Our ref: PR02720

Date: 18th March 2025

Sent via e-mail only

Dear Sir/Madam,

Town and Country Planning Act 1990

399 Filton Avenue, Bristol BS7 0HL

Change of use of dwelling to small house in multiple occupation (Use Class C4).

We write on behalf of our client, MTH Developments Ltd, to apply for a change of use of the above property, from a dwellinghouse (Use Class C3) to a small house in multiple occupation (HMO, Use Class C4). No external alterations are proposed to the property to facilitate the conversion. The applicant has chosen to take the Section 62A route and submit the proposal directly to the Planning Inspectorate. Notice of this intention was given on the 6th March 2025. We can confirm that the development would not generate any CIL liability (no change in floorspace). We attach the following documents as part of this application: -

- Completed Application Form and Ownership Certificate;
- CIL Form 1;
- Drawing no. 21156 P1 – Existing Plans and Elevations;
- Drawing no. 21156 P2 – Proposed Plans and Elevations;
- Drawing no. 21156 P1 – Site Location Plan, and Existing and Proposed Site Plans; and
- BNG Exemption Statement.

Site and planning history

The application site comprises a two-storey end-of-terrace house, recently extended with a single-storey rear extension and a roof hip-to-gable and rear box-dormer extension (see planning history, below), resulting in a five-bedrooms, lounge, study, open-plan kitchen and dining area, and three WC/shower/bathrooms. The property boasts a long (40m) rear garden and enclosed front yard.

The surrounding area is predominantly residential in character, although Filton Avenue designated local centre commences 50m to the south, and contains a mix of food and drink uses, convenience store, Tesco Express, dentist, and other town centre-type uses. The site itself is undesignated, unlisted, does not sit close to listed properties, and is within Flood Zone 1 (lowest risk of flooding), but does sit within an Article 4 area that restricts permitted changes of use from C3 to C4 usage.

There are bus stops within short distances (40-160 metres), within the local centre, to both the south and north on Filton Avenue providing multiple, regular services towards Bristol City Centre, and the northern urban fringes of the city. Filton Abbey Wood Railway Station lies within 1.5km/20mins' walk, and provides hourly services towards Bristol Temple Meads, for connecting services to multiple destinations. The Concord Way cycle path (a mainly traffic-free route between the city centre and UWE/Bristol Parkway Railway Station) passes next to the route to the station. Given the edge-of-local centre location, the site has excellent access to a range of services and facilities and is in a sustainable urban setting.

In terms of planning history, certification (ref. 22/01247/CP) was given to a permitted development proposal in April 2022 for *"...for a proposed rear dormer roof extension including hip to gable end."* Similarly, prior approval (ref. 22/03323/HX) was deemed not to be required in August 2022 for a *"a single storey rear extension that would exceed beyond the rear wall of the original house by 4.1 metres, have a maximum height of 2.92 and have eaves that are 2.92 metres high."* These permitted developments have been undertaken on site.

A further planning application (ref. 23/00809/F) was refused in November 2023 for the *"...conversion of dwelling to 6 person HMO."* This would have reconfigured the five-bedroom house into a six-bedroom shared HMO. No external alterations were proposed. The Council concluded that the proposal would result in a 'sandwiching' arrangement, thereby a harmful

concentration of HMOs at street level. Although, the Council did not elaborate on what harms would come about.

Proposal

This is a direct resubmission of the refused application ref. 23/00809/F, as the HMO context has changed (see Planning Analysis section, below). Our client proposes to change the use of the five-bedroom dwellinghouse into a six-bedroom HMO, utilising internal reconfiguration only, placing a sixth bedroom in the ground floor front room, and replacing the ground floor study with a shared lounge. The open plan kitchen and dining area will remain. As per the existing arrangements, three bedrooms and a shower room/WC would be on the first floor, and two bedrooms and a shower room would be within the converted roofspace. All bedrooms are proposed as single occupancy.

Externally, a dedicated store for recycling receptacles would be in the front garden, with both wheelie bins sited adjacent. To the rear garden a cycle store would house 8no. bikes, all of which can be independently locked from each other, against 4no. Sheffield stands.

Planning analysis

Principle of development

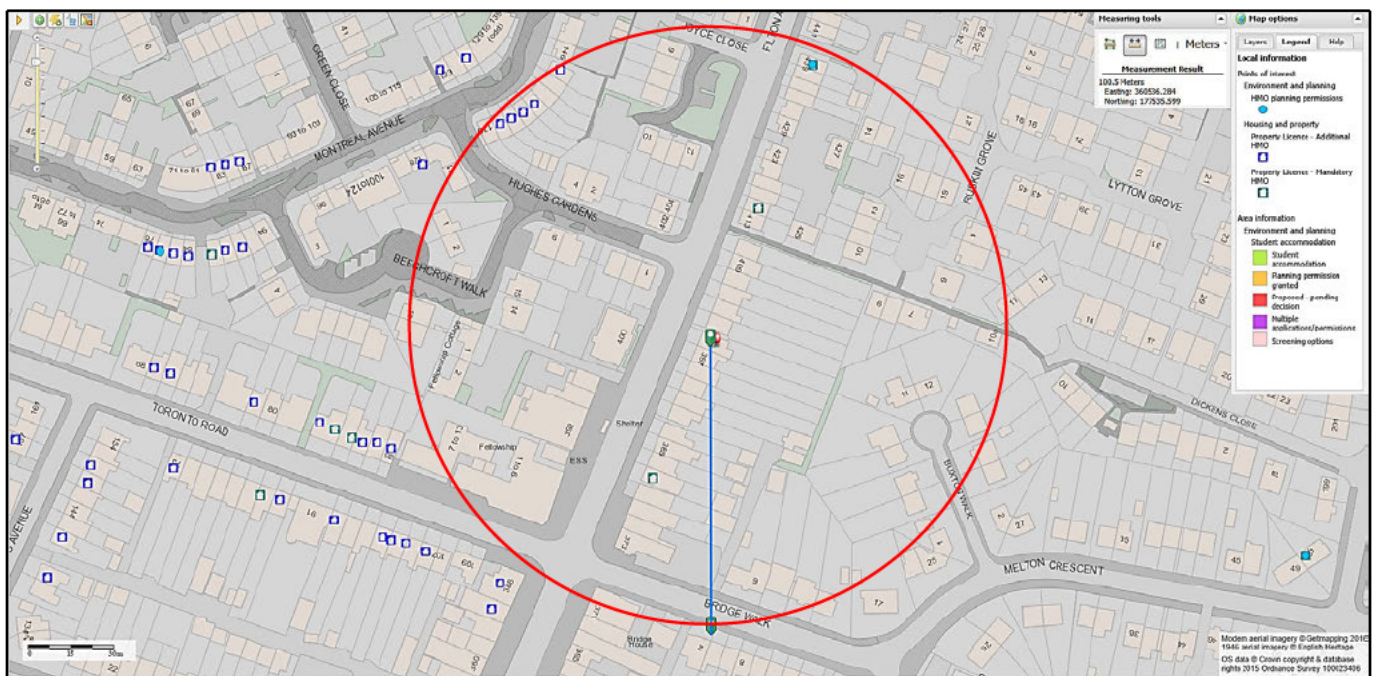
The refused application, ref. 23/00809/F, failed the 'sandwiching test' as set out within their Supplementary Planning Document: Managing the development of houses in multiple occupation ("the HMO SPD"), insofar that the application site becoming an HMO would result in No.401 Filton Avenue having an HMO to one side and to the rear, at No.11 Buxton Walk. However, the Council failed to then make any assessment of potential harms arising, as required by the planning policy from which the HMO SPD hangs, and refused the application on the grounds of 'harmful concentration of HMOs at street level', but not specifying what harms would arise. It is regrettable that this second stage of assessment was not undertaken by the Council, as No.11 Buxton Walk is over 50m to the rear of No.401 Filton Avenue, in a separate cul-de-sac, within intervening gardens; therefore, it is difficult to conclude that any harm would be forthcoming from such modest proposals.

That said, No.11 Buxton Walk is no longer a licenced HMO, as can be seen on the image below, which has been taken from the Council's online mapping system, and identifies HMO licensed premises, HMOs with planning permission, and other student accommodation (with

characteristics akin to HMOs). As such, the application site no longer fails the sandwiching test. Notwithstanding, given the urban context, level of separation, and modest nature of the proposals, the Applicant maintains that no harm to the amenities of nearby neighbours would occur in any event.

For completeness, the HMO SPD identifies what constitutes a harmful concentration of HMOs. As noted above, on a street level, this arises when a proposed dwelling is sandwiched between two HMOs. On a neighbourhood level, this arises when HMOs comprises 10% or more of the housing stock within a 100-metre radius.

The proposal would not result in sandwiching. The Council's assessment for the refused application ref. 23/00809/F, found that there was less than a 3% saturation of HMOs in within 100 metres of site. However, our own calculations, now updated since the removal of No.11 Buxton Walk as an HMO, is 7.3%, based on circa. 110no. properties within the radius, and 8no. identified HMOs, which is still comfortably within the 10% trigger for further assessment at neighbourhood level, with the proposal taking the figure to 8.2% of approved. The existing HMOs are shown on the extract from the Council's Pinpoint mapping system below, and shows a cluster of 5no. of the 8no. HMOs located on Montreal Avenue, just within the 100m radius, northwest of the site. Closer to the application site are HMOs at Nos.381 (6-person) and 415 (5-person) Filton Avenue.



Existing HMOs within 100 metres of application site (red circle denotes 100 metre radius)

Given the change in circumstances, on the ground, and the clear separation from any potential cumulative impacts of HMO properties; the principle of HMO accommodation in this location is therefore acceptable, subject to an analysis of neighbour impact, design and parking, which is included below, in accordance with policy DM2 of the local plan.

Housing mix

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. The supporting text states that evidence provided in the Strategic Housing Market Assessment (SHMA) suggests that new developments should provide for more accommodation for smaller 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%.

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). The SHMA 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%).

During the assessment of the refused application, the Council found that: -

"The application site is located within the Filton Avenue North Lower Super Output Area (LSOA) in the Lockleaze Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data. With regards to household types, census data for the ward indicates there are 1312 one person households, 2936 single family households, 747 multiple family households. Therefore, based on census data 26.3% of household within the ward are single person households, 58.8% of are single family households and 15% are multiple family households (all full-time students and other).

At a more local level, the census data can be reviewed at Lower Super Output Area (LSOA) level to provide an idea of demography more immediately surrounding the site. The site is located within the Filton Avenue North LSOA. With regard to household types

within the Filton Avenue North LSOA, census data indicates that 28.8% of households within the LSOA are single person households, 54.7% are single family households and 16.5% are multiple family households (all full time students and other).

It is acknowledged that there is a high proportion of multiple family households within the Filton Avenue North LSOA." (page 4 of the Delegated Report for refusal ref. 23/00809/F).

The Applicant does not dispute the Council's review of the local Census 2021 figures, and we note that there is no one prevailing household typology in the area, which the proposals would exacerbate. As such, the proposals go some ways to providing a housing type for an identified need, in support of an appropriate housing mix for the area, in accordance with policy BCS18 of the local plan.

Residential amenity

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage. The HMO SPD requires proposals to have regard to the current minimum room size standards applied by the Council to licensable HMO properties.

For single occupancy bedrooms, this amounts to a minimum room size of 6.51sq.m. All six bedrooms would range in size from 7.6sq.m to 11.8sq.m, with four of the six bedrooms exceeding the 9sq.m minimum requirement for a combined bedroom and living room. The rooms would all have good-sized windows and appropriate outlooks (as per the existing arrangements for five of the bedrooms).

The standards require a six-bed HMO to have 20.0sq.m of total communal living space. The communal ground floor lounge is 8.4sq.m and the open plan kitchen/dining room is 26.0sq.m, exceeding the minimum requirements by over 70%, and this does not account for the four bedrooms that are large enough to provide combined living space. Given these standards, and access to a generously sized private rear garden; the proposal would comfortably meet the needs of future occupant in terms of residential amenity.

With regards to the residential amenity of neighbours, no external alterations are proposed, and the presence of the bin and bike stores are domestic in scale and character, so would not create any harmful arrangements. Additionally, the requirement for a mandatory HMO licence will help

ensure that the property is well-managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, these issues, should they arise, can be dealt with through environmental protection legislation or via the licencing regime, and it would be considered unreasonable to request an HMO management plan in respect of this planning application, or to condition the provision of any such plan, when this separate legislation would apply in any case.

Furthermore, the change in potential occupancy of a five-bedroom dwellinghouse to a six-bedroom (person) HMO is negligible, which was observed by the Council's Environmental Health Officers on the refused HMO application (ref. 23/00809/F) noting *"As this is only an increase in one bedroom I find it difficult to show that there is likely to be any unreasonable or significant intensification of residential use that should not in turn lead to any increase in noise issues. I therefore have no objection to the application."* The same level of occupancy is once again proposed for the current application.

In conclusion, the proposal would not give rise to significant harm to neighbour amenity.

Design

There are no external alterations to the building proposed. The change of use would not require further adaptation or augmentation of the house, only internal rearrangement of rooms.

The cycle store to the rear is identical to a domestic outbuilding, commonplace in this location. Similarly, the refuse/recycling storage is well contained within the front garden, with recycling receptacles kept within dedicated stores, and the two wheelie bins stood adjacent, behind the front boundary. As such, the proposals are visually acceptable.

Parking, cycle and refuse/recycling storage

The Council's Waste Guidance states that HMOs require one set of containers (a refuse bin, two dry recycling boxes (44ltr & 55ltr), kitchen waste bin (29ltr) and cardboard sack (90ltrs)) for every three bedrooms. For six-bed HMOs, this equates to 2no. sets of containers, which would be accommodated to the front of the building, as per the refused scheme, and there is level access through to Filton Avenue for collection day. This arrangement was not objected to previously by the Council, and the recycling stores have been updated to accommodate the requisite number of containers. The 2no. black general waste wheelie bins will stand adjacent to the stores, all within the confines of the front garden.

The site is within an edge-of-local centre location and easy walking distance of bus stops (less than 1 minutes' walk away), offering regular services into Bristol City Centre, and multiple other destinations. The existing use as a five-bedroom dwelling operates successfully without off-street parking, and the proposed development is similar in terms of potential occupancy. Again, a car-free development was accepted by the Council during the refused scheme (ref. 23/00809/F), with Officers noting a review by Transport Development Management Team found the site to be a sustainable location, close to public transport options and local transport links "As such, a car-free development can be supported in this instance." There has been no change in context since that recent assessment and the proposals remain the same in terms of traffic and transport. Therefore, it is concluded the proposals remain acceptable on highways grounds, in accordance with the local plan and the Framework.

Sustainability

Whilst a change of use of this nature is not required to provide renewable energy sources or detail measures within an Energy Statement; the reuse of an existing building for a more efficient form of residential occupation, in an appropriate location, is a sustainable form of development.

Biodiversity net gain

The application site is wholly developed and hard surfacing, and as such would be exempt from mandatory 10% BNG. However, should a gain in biodiversity be required, the Applicant would accept the imposition of planning conditions to install bat and/or bird boxes on the property to encourage nature conservation.

Planning balance and conclusion

In the context of the Council not meeting any of the previous four Housing Delivery Tests, having a 2.2-2.4 year housing supply and paragraph 11d of the NPPF currently being engaged, the provision of an additional six single-person HMO rooms (which would add to the housing mix locally) should be given substantial weight, and the re-use of previously developed land for a more efficient form of use, is clearly in line with the recent Ministerial Statement and revisions to the Framework. As such, the default response to the proposal should be to approve.

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a sustainable location, within easy reach of excellent sustainable transport links.

This letter outlines that the current proposal raises no issues that would justify refusal, given the removal of the previous 'sandwiching' arrangement. Irrespective of this, the proposals would not result in any identifiable harms to neighbours' amenity or to the detriment of the local area. For these reasons, any perceived harms do not significantly and demonstrably outweigh the benefits of development, and the application should be supported.

The fee of £578.00 will be paid on request. If you have any further queries, then please do not hesitate to contact us.

Yours faithfully,

Stokes Morgan Planning Ltd