



Decision Notice and Statement of Reasons

Site visit made on 26 March 2025

By Bhupinder Thandi BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 19 May 2025

Application Reference: S62A/2025/0080

Site address: 17 Clarendon Road, Bristol BS6 7EX

- 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 February 2025 is made by Mr Vishal Shaunak and was validated on 24 February 2025.
 - The development proposed is erection of single storey rear extension at lower ground level and conversion of property from a 13-bedroom House in Multiple Occupation (HMO) to a 3-bedroom HMO at lower ground level; a 2-bedroom flat at ground floor and a 7-bedroom HMO at first and second floor.
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Decision

1. Planning permission is granted for the erection of single storey rear extension at lower ground level and conversion of property from a 13-bedroom House in Multiple Occupation (HMO) to a 3-bedroom HMO at lower ground level; a 2-bedroom flat at ground floor and a 7-bedroom HMO at first and second floor in accordance with the terms of the application dated 4 February 2025, 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 (BCC) has been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 1 April 2025 which allowed for responses by 22 April 2025. No responses have been received.
4. I carried out an unaccompanied site visit on 25 March 2025 which enabled me to view the site and the surrounding area.

5. I have taken account of all written representations in reaching my decision.

Relevant planning history

6. In October 2023 a Lawful Development Certificate was granted establishing the use of the application property as a 13-bed HMO under application Ref: 22/05293/CE. Planning permission has also been granted for a single storey rear extension at the property in January of this year under application Ref: 24/04069/H. These applications establish a legitimate fallback position and are a material consideration that I must give great weight to in coming to my decision.

Main Issues

7. Having regard to the application together with what I saw on site, the main issues for this application are:
- The effects of the proposed development upon the character of the area;
 - The effects of the proposed physical alterations upon the character and appearance of the area including whether they would preserve or enhance the character or appearance of the Cotham and Redland Conservation Area (CA);
 - Whether associated parking would be accommodated safely and without harm to the amenities of the area; and
 - The effects upon the living conditions of existing occupiers

Reasons

Effects upon the character of the area

8. Policy DM2 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP) relates to residential sub-divisions, shared and specialist housing. It seeks to ensure that the residential amenity and character of an area is preserved and that harmful concentrations of non-family housing do not arise. It specifies that harmful concentrations would arise where a development would reduce the choice of homes in the area, or exacerbate existing harmful conditions, including through excessive noise and disturbance, unacceptable levels of parking, the impact of physical alterations and inadequate storage for bins and cycles.
9. The host site comprises an end terrace property located within an established residential suburb. The property is currently occupied as a 13-bedroom HMO. A number of properties in Clarendon Road and surrounding roads have been converted into HMOs and flats including neighbouring properties. However, at the time of my visit there were no obvious signs that properties in non-family use are having an adverse impact upon the character of the area.

10. The proposed development is for the provision of a small 3-bedroom HMO in the basement, a 2-bedroom flat at ground floor and a large 7-bedroom HMO at first and second floor level. The proposal would result in the further subdivision of 17 Clarendon Road resulting in three separate properties.
11. This arrangement would result in a further intensification of HMOs in the area. However, taking into account that the proposal would reduce the number of HMO bedrooms overall, the lawful use of No.17 as a large HMO and the surrounding context I am satisfied that the proposed development would not create a harmful concentration of HMOs in the area.
12. The proposal, in my view, would offer a greater choice of homes in the area through the provision of both small and large HMOs and a self-contained flat. The flat would have a large open plan kitchen/ living area and two bedrooms that could be capable of occupation by a young family. Therefore, I am satisfied that the proposal would not unduly affect the mix and balance of the local community.
13. I conclude that the proposed development would have an acceptable effect on the character of the area. In this regard it would accord with Policies BCS18 and BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policy DM2 of the SADMP which, amongst other things, require new developments to contribute to the diversity of housing in the local area and to contribute positively to an area's character and identity.

Effects upon the character and appearance of the area including the CA

14. The host property comprises an imposing three and a half storey end terrace dwelling dressed in pennant stone with ashlar stone window detailing and quoins. Due to local topography the rear gardens are set at a lower level and when viewed from the rear the property has the appearance of a four-storey dwelling.
15. The significance of the CA is in part due to its high-quality Victorian townscape. Its tree lined streets, mature gardens and areas of public landscaping give the area a verdant and spacious appearance.
16. The proposal includes a single storey rear extension to be constructed from matching stone and timber windows. It would be modest in size and projection and would not unacceptably mask original features of the building or erode the garden area or unduly affect mature vegetation. It would only be visible in localised views from the rear of neighbouring dwellings and largely filtered by mature vegetation.
17. As such, the proposed development would not unduly affect the character and appearance of the host property and the surrounding area. It would have a neutral effect upon the character and appearance of the CA. It would accord with CS Policies BCS21 and BCS22 and SADMP Policies DM2, DM26, DM27, DM30 and DM31 which, amongst other things, expect high quality urban design that responds appropriately to the proportions of existing buildings, local characteristic architectural styles, the special character or appearance of conservation areas and extensions to be physically and visually subservient to the host building.

Whether associated parking would be accommodated safely and without harm to the amenities of the area

18. Parking along Clarendon Road and on surrounding roads is largely subject to parking restrictions in the form of parking permits. The application advises that based upon the lawful use of the property there would be no net increase in parking demand in the area. I have no reason to come to a different view.
19. Given the number of bedrooms proposed the flat is unlikely to generate significant parking demand and occupiers of HMOs are less likely to own a vehicle. Convenient cycle storage would be available for residents and visitors both inside and outside the property.
20. The site is located close to the city centre, within convenient reach of day-to-day services and facilities. It is also accessible by different means of transport including by foot and public transport in the form of bus services and nearby railway stations. It would therefore be perfectly feasible for occupants to live in the proposed development without the need for a car and who would be able to travel for work, services or leisure by public transport, bicycle or on foot.
21. For these reasons, I conclude that the parking generated by the proposal would not harm highway safety or the amenities of the locality. As such, the scheme accords with CS Policy BCS10 and SADMP Policies DM2 and DM23 which, amongst other things, expect developments not to give rise to unacceptable traffic conditions and parking to be reasonably accommodated on street without impacting on residential amenity.

The effects upon the living conditions of existing occupiers

22. As set out earlier the proposal would result in the further subdivision of No.17 resulting in three separate properties. The occupiers of an HMO are likely to live independently whilst a family are likely to undertake a greater proportion of their day to day activities together as a family. Taking into consideration the likely number of individual occupiers residing in the property the proposal would be more intensive with comings and goings and residential activity.
23. That said, I am mindful of the lawful use of the property as a 13-bedroom HMO which would equally result in a degree of independent activities and comings and goings. On this basis I am satisfied that the impact of the proposal would be similar or materially no worse than the current situation.
24. As such, I am satisfied that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers. It would therefore accord with CS Policy BCS21 and SADMP DM2 Policy which, amongst other things, expect development to safeguard the amenity of existing residents including in respect of noise and disturbance.

Community Infrastructure Levy

25. BCC consider that the proposed development is chargeable development under the Community Infrastructure Levy (CIL) Regulations. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration.
26. The Council advise that the CIL payment would be spent on funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
27. A CIL payment of £1,309.15 is required. The applicant has submitted a CIL Liability Form and whilst I am the person appointed by the Secretary of State under Section 62A of the Town and Country Planning Act 1990 to determine the application it is the responsibility of BCC, as the charging authority, to issue a Liability Notice following the grant of planning permission.
28. As such, I am satisfied that the necessary mitigation under CIL can be achieved.

Conditions

29. 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.
30. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
31. To ensure a satisfactory development conditions for the external materials of the proposed development to match the host property has been imposed.

Conclusion

32. 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.

B Thandi

Inspector and Appointed Person

Schedule of 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: Site Location Plan Drawing Number 14.052-100; Existing Floor Plans Drawing Number 24.052-001; Proposed Floor Plans Drawing Number 24.052-010a and Elevations Drawing Number 24.052-002.
Reason: To provide certainty.
3. The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used in the existing building.
Reason: To ensure a satisfactory appearance in accordance with CS Policy BCS21.

Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- ii. 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 11 (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).
- 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, any applications related to the compliance with the conditions must be submitted to the Council.