



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: 20 May 2025

Application Reference: S62A/2025/0084

Site address: 37 Sandholme Road, Brislington, Bristol BS4 3RP

- 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 12 February 2025 is made by Mr T McGreene of TMC GI Ltd and was validated on 24 February 2025.
 - The development proposed is demolition of existing rear extension and erection of a single storey rear extension; alterations to roof including construction of a rear dormer and change of use of property from a single dwelling to two flats.
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Decision

1. Planning permission is granted for demolition of existing rear extension and erection of a single storey rear extension; alterations to roof including construction of a rear dormer and change of use of property from a single dwelling to two flats in accordance with the terms of the application dated 12 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) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 3 March 2025 which allowed for responses by 1 April 2025. BCC submitted a statement which sets out that the Council has no objection to the proposed development but recommends refusal on the grounds of the absence of a CIL payment.

4. I carried out an unaccompanied site visit, on 26 March 2025 which enabled me to view the property, the surrounding area and the nearby roads.
5. I have taken account of all written representations in reaching my decision.

Relevant Planning History

6. In March 2025 a Certificate of lawfulness (reference number 24/00934/CP) was issued for a loft conversion including dormer and an extension to the ground floor at the rear was granted at the application property. This certificate establishes a legitimate fallback position and is a material consideration that I must give great weight to in coming to my decision.

Main Issues

7. Having regard to the application, the Council's report, 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 living conditions of existing and future occupiers;
 - whether associated parking would be accommodated safely and without harm to the amenities of the area; and
 - the effects of the proposed physical alterations upon the character and appearance of the host property and area.

Reasons

Impact upon the character of the area

8. The proposed development involves demolition of existing dilapidated rear extensions and the construction of a rear extension and alterations to the roof including a dormer window to facilitate the change of use of the property to a two-bedroom flat at ground floor and a further two-bedroom flat on the first floor and within the roof space. The proposal also involves the reinstatement of a front boundary wall and the siting of cycle storage and bin stores along the frontage.
9. 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.
10. The application property comprises a two-storey mid terrace dwelling located within an established residential area characterised by terraced

dwellings and a tight urban grain. The property although currently vacant appears to have been previously occupied as a single dwelling. The proposal would result in the loss of a family dwelling, however, as both flats would have large open plan kitchen/ living rooms and two bedrooms they could be capable of occupation by families. This would particularly be the case for the ground floor flat which would benefit from an outdoor space in the form of a rear garden.

11. In addition, there is no evidence to suggest that the proposal would result in an overconcentration of non-family dwellings in the area. Therefore, I am satisfied that the proposal would not unduly affect the mix and balance of the local community.
12. For the reasons set out above, 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 development to contribute to the diversity of housing in the local area and to contribute positively to an area's character and identity.

Living conditions of existing and future occupiers

13. A development of two flats would likely result in separate comings and goings associated with occupier's independence and own daily routines. That said, as the flats could be occupied by young families it is likely that a greater proportion of their day-to-day activities would be undertaken together as a family.
14. In my view occupation of the property as two separate units is unlikely to lead to markedly different and more intensive activities or movements compared to a single family and would not result in neighboring occupiers experiencing unacceptable increased levels of noise and disturbance.
15. The bike store and bins would lead to more activity within the frontage close to a bedroom window, but this is likely to be low-key, not excessively noisy and for a very short length of time whilst residents collect or put away their bicycles and refuse. As such, I am satisfied that occupiers of the ground floor flat would not experience undue noise or disturbance in this regard.
16. As such, I am satisfied that the proposed development would provide adequate living conditions for future occupiers and would not unacceptably harm the living conditions of neighbouring residents. It would therefore accord with CS Policy BCS21 and SADMP DM2 Policy which, amongst other things, expect development to safeguard existing amenity including in respect of noise and disturbance and provide a high-quality environment for future occupiers.

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

17. Parking along Sandholme Road and on surrounding roads is largely unrestricted and at the time of my site visit, on a weekday morning, roads were heavily parked but that spaces were still available. Occupiers of the proposed flats and who own a motor vehicle would rely on street parking.
18. That said, given their small size, the flats are unlikely to generate significant parking demand. Convenient cycle storage would be available and residents would be within walking distance of a supermarket and nearby services and facilities and bus stops into the city centre. Therefore, future occupiers need not be overly reliant on private vehicles as suitable options exist for residents to access services and facilities on foot and by public transport.
19. For these reasons, I conclude the parking generated by the proposal would be accommodated safely and without harm to 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 in respect of flats parking to be reasonably accommodated on street without impacting on residential amenity.

Effects of the physical alterations upon the character and appearance of the host property and the area

20. So as to facilitate the subdivision of the property into two flats a single storey rear extension and alterations to the roof including the construction of a dormer window are proposed.
21. The rear extension would be modest in size replacing existing dilapidated structures and whilst the dormer window would change the form and appearance of the roof, it would be set in from the sides and eaves leaving adequate roof slope. As such, it would not unacceptably dominate the roof. I find that the proposed extensions and alterations to the host property would be proportionate to its size and would not be overly dominant.
22. Moreover, a Certificate of lawfulness has been granted for very similar alterations to the property which could be constructed under permitted development rights. I afford this matter great weight in coming to my decision.
23. As such, the proposed development would not unduly affect the character and appearance of the host property and the surrounding area. It would accord with CS Policy BCS21 and SADMP Policies DM2, DM26, DM27 and DM30 which, amongst other things, expect high quality urban design that responds appropriately to the proportions of existing buildings, local characteristic architectural styles and extensions to be physically and visually subservient to the host building including its roof.

Community Infrastructure Levy

24. BCC consider that the proposed development is chargeable development under the Community Infrastructure Levy (CIL) Regulations. I acknowledge that there would be no additional floorspace created as the floorspace proposed under the development would be similar to that of the existing building. Despite this, as the proposal involves the creation of an additional new dwelling it is liable for CIL and this is capable of being a material consideration as a local finance consideration.
25. 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.
26. A CIL payment of £2,443.75 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 the BCC, as the charging authority, to issue a Liability Notice following the grant of planning permission.
27. As such, I am satisfied that the necessary mitigation under CIL can be achieved.

Conditions

28. 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.
29. 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.
30. To ensure a satisfactory development conditions for the external materials of the proposed development to match the host property and for details of the proposed air source heat pump have been imposed.
31. Conditions requiring the proposed cycle parking, refuse and recycling facilities to be provided prior to occupation have been imposed to ensure the proposal provides satisfactory living conditions for the existing neighbours and future occupiers of the two flats.
32. The Council has suggested a condition for the development to incorporate energy efficiency measures. The applicant's Energy Strategy Statement demonstrates that through improvements to the fabric of the building and the installation of renewable technologies the proposed development would achieve at least a 20% reduction in carbon emissions which is satisfactory in terms of the application. Furthermore, the informative nature of this condition indicates it is not necessary. As such, it has not been imposed.

Conclusion

33. 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

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: Location Plan Drawing Number 101; Existing/ Proposed Site Plan Drawing Number 201; Proposed Floor Plans Drawing Number 302; Proposed Elevations Drawing Number 402 and Proposed Sections Drawing Number 502.
Reason: To provide certainty.
3. No development shall take place until details of the proposed air source heat pump system including dimensions, position and design/ technical specifications have been submitted to and approved in writing by the local planning authority. The air source heat pump system shall be installed in accordance with the approved details prior to first occupation of the development.
Reason: To safeguard the living conditions of neighbouring occupiers in accordance with CS Policy BCS21.
4. The refuse storage and recycling facilities and cycle storage shall be completed prior to first occupation of the development and thereafter maintained as such.
Reason: To provide adequate living conditions for future occupiers in accordance with CS Policy BCS10 and SADMP DM32.
5. The materials to be used in the construction of the external surfaces of the development, including the front boundary wall, 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.

Appendix 1 - Consultee responses

Bristol City Council