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date 22 May 2025

Dear Sir/Madam

## **LPA S62A Statement**

**Bristol City Council Ref. no:** 25/11372/PINS

**Planning Inspectorate Ref no:** S62A/2025/0096

**Site address:** 399 Filton Avenue, Bristol, BS7 0LH

**Proposal:** Application for Planning permission for Change of use of dwelling to small house in multiple occupation (Use Class C4) with associated cycle parking and refuse/recycling storage.

## **INTRODUCTION**

This statement of case relates to a full planning application (LPA reference: 25/11372/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use of dwelling to small house in multiple occupation (Use Class C4) with associated cycle parking and refuse/recycling storage.

The LPA considers that the application does not overcome reason for refusal within the previous submission (LPA reference: 23/00809/F) and would therefore recommend refusal on for the following reason:

The proposed conversion of the existing dwellinghouse to an HMO (Use Class C4) would sandwich a residential property (Use Class C3) at 401 Filton Avenue between two HMO uses (at 399 Filton Avenue and 11 Buxton Walk). Consequently, the proposed development would result

in a harmful concentration of HMO uses at street level. The application is therefore recommended for refusal due to conflict with the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2024).

## **APPLICATION SITE**

This application relates to the property known as 399 Filton Avenue, which is located within the boundaries of the Lockleaze ward.

The application site comprises a 2-storey end-of terrace dwelling which has a recently been extended by a single storey rear extension and hip-to-gable and rear dormer roof extension. The property benefits from a small garden area to the rear and garden to the rear.

The property is faced in render with a tiled roof and uPVC windows.

The application site is not located within a designated Conservation Area and there are no Listed Buildings or trees protected by a Tree Preservation Order in the immediate surrounding area of the proposed development.

The application site is located within an area of Article 4 Direction where permitted development right for a change of use between a dwelling house (Use Class C3) and a small House in Multiple Occupation (Use Class C4) has been removed from 29 June 2020.

## **RELEVANT PLANNING HISTORY**

Ref. No: 23/00809/F - Proposed Conversion of Dwelling to 6 Person HMO (REFUSED).

Ref. No: 22/03323/HX - Notification of Prior Approval for the erection of 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 (Prior Approval NOT REQUIRED).

Ref. No: 22/01247/CP - Application for a Lawful Development Certificate for a proposed rear dormer roof extension including hip to gable end. (Certificate of Lawfulness ISSUED).

## **CONSULTATION RESPONSES**

### **Transport Development Management (TDM):**

TDM has no objection, subject to applying conditions and advice note.

### **Pollution Control:**

No objection.

## KEY ISSUES

### **(A) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN PRINCIPLE IN LAND USE TERMS?**

The NPPF (2024) highlights the need to significantly boost the supply of housing and to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (average of 1,500 residents).

Development of HMOs is covered by Bristol City Council Site Allocations and Development Management (2014) Policy DM2. The policy provides an approach to addressing the impacts and issues that may result from this form of development and aims to ensure that the residential amenity and character of an area is preserved and that harmful concentrations do not arise. This policy does not permit new HMOs or the intensification of existing HMOs where development would create or contribute to a harmful concentration within a locality. The policy identifies a harmful concentration as a worsening of existing harmful conditions or a change to the housing mix that reduces housing choice.

The Council has an adopted Supplementary Planning Document (SPD) relevant to the determination of applications concerning houses in multiple occupation (HMOs): Managing the development of houses in multiple occupation, SPD (Adopted) November 2020 - referred to hereafter as the SPD. The SPD provides guidance in applying Policy DM2 (see above), relating

specifically to houses in multiple occupation.

The document recognises that HMOs form part of the city's private rented housing stock and contribute positively to people's housing choice. This form of accommodation is generally more affordable and flexible and therefore suitable for younger people, including students, and other households that are not living as families. It is however recognised that HMOs are more intensive form of accommodation than traditional flats or dwellings. Typically, this increases dependent on the level of occupancy.

General issues associated with HMOs include:

- Noise and disturbance
- Detriment to visual amenity (through external alterations and poor waste management)
- Reduced community facilities
- Highway safety concerns (from increased parking)
- Reduced housing choice
- Reduced community engagement
- Reduced social cohesion

The SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a single family dwelling (use class C3) becomes sandwiched with HMOs at sites adjacent, opposite or to the rear. This can happen within a flatted building with HMOs above and below also. With regards to the wider area, a harmful concentration is found to exist where a threshold proportion of 10% HMOs within a 100m radius of the site occurs. This is generally identified as a tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.

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. However, the Council also has access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. This data (as of May 2025) indicates that within 100m of the application site there are a total of 109 residential properties, 2 of which are HMOs.

This means that the percentage of HMOs within 100 metres of the site is 1.83%, which is below the 10% desirable threshold at area level quoted within the SPD. As per the SPD guidance, this suggests that significant adverse impacts to amenity and character are not likely to be experienced and housing choice and community cohesion is not currently starting to weaken at the area level.

At street level, the SPD advises that a harmful concentration is found to exist where 'sandwiching' occurs. This is where a dwelling (Use Class C3) is sandwiched on both sides by HMOs. The HMO SPD states that a potential sandwiching situation can include where single HMO properties are located in any two of the following locations; adjacent, opposite and to the rear of a single residential properties. The SPD states sandwiching situations apply irrespective of limited breaks in building line, such as a vehicle or pedestrian access.

Previously under application ref. no: 23/00809/F, it was identified that sandwiching impacts would occur to 401 Filton Avenue as at the time of decision 11 Buxton Walk to the east of application site had a mandatory HMO license for 6 occupants.

The cover letter accompanying the application outlines a view that 11 Buxton Walk is no longer a licenced HMO at the time of the submission, and therefore it views that planning circumstances have changed. The LPA acknowledges that the Council's public mapping system no longer identified 11 Buxton Walk as a licenced HMO at the time of the submission of the cover letter accompanying the application. The licence period of usually 5 years applies for mandatory HMO licences under the licencing regime. The LPA can confirm that since the previous application (ref.no: 23/00809/F) and the submission of this S62A application, the mandatory licence for 11 Buxton Walk had expired, and therefore did not appear on the Council's public mapping system.

Since the submission of this S62A application, the Council's Public Register has been updated, and the LPA can confirm that mandatory HMO licence at 11 Buxton Walk for 6 occupants was issued on 20.03.2025, and the property is in use as an HMO for the purposes of this assessment.

It is therefore evident that the neighbouring 401 Filton Avenue would be sandwiched to the side and rear by HMO uses as identified within the HMO SPD (as illustrated within SPD fig.3.).

There is a small access path between the properties, however this cannot be considered a separating road (as illustrated within SPD fig.3.) This would result in a harmful concentration of HMOs at street level, failing the sandwiching test as identified in the HMO SPD. This can intensify impacts on individual households even if few HMOs exist locally and can create an

imbalance between HMOs and other housing at a street level. This is likely to cause amenity issues to the sandwiched neighbouring occupiers due to cumulative impacts of HMO uses and character of the area at street level, which include

- noise and disturbance associated with intensification of the residential use and/or the lifestyles of occupants;
- pressure for on-street parking;
- poor waste management.

The cover letter accompanying the application presents a view that due to the urban context, level of separation and nature of the proposals that harm to amenities of neighbouring occupiers would not occur. The application property together with properties within the immediate context benefit of relatively long gardens used as external amenity spaces associated to the residential uses. The LPA considers that the gardens provide an attractive space for future occupiers which should not be considered as a separating entity between the neighbouring occupiers and how these gardens are used between HMO uses which are associated with increased levels of activity in comparison to single family dwellings.

As, such the application fails to comply with the requirements of the HMO SPD due to sandwiching 401 Filton Avenue between HMO uses. It is recognised that HMO's form part of city's private rented housing stock and contribute positively to people's housing choice. This form of accommodation is generally more affordable and flexible and therefore suitable for younger people, including students, and other households that are not living as families. However, the small benefit associated with a house in multiple occupation would not outweigh the harm identified with sandwiching impacts and amenity of neighbouring occupiers in planning balance. The LPA therefore requests that the application is refused on this basis.

### **(B) WILL THE PROPOSAL PROVIDE A SATISFACTORY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?**

Bristol City Council Site Allocations and Development Management (2014) Policy DM2 states that houses in multiple occupation will not be permitted where:

i. The development would harm the residential amenity or character of the locality as a result of any of the following:

- Levels of activity that cause excessive noise and disturbance to residents; or
- Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or
- Cumulative detrimental impact of physical alterations to buildings and structures; or
- Inadequate storage for recycling/refuse and cycles.

ii. The development would create or contribute to a harmful concentration of such uses within a

locality as a result of any of the following:

- Exacerbating existing harmful conditions including those listed at (i) above; or
- Reducing the choice of homes in the area by changing the housing mix.

Where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

Adopted Bristol Core Strategy Policy (2011) BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable. In addition, Policy BCS21 sets out criteria for the assessment of design quality in new development and states that development will be expected to create a high-quality environment for future occupiers. An HMO at this site may require a Mandatory License under the Housing Act 2004. The Local Authority also has adopted amenity standards which apply to HMO's under this separate legislative framework. Whilst it is recognised that this is non-planning legislation and therefore not a material consideration in planning decision making, these standards also provide an indication of the standard of accommodation expected within shared occupancy housing locally.

Planning permission is sought for the change of use of the property from a single dwellinghouse to a 5-bedroom HMO (Use Class C4). The property will be of the following specification:

Bed 1 – 10.8 square metres

Bed 2 – 9.8 square metres

Bed 3 – 7.6 square metres

Bed 4 – 7.8 square metres

Bed 5 – 11.8 square metres

Kitchen/breakfast room – 25 square metres

Study – 8.3 square metres

Lounge – 10.4 square metres

Every bedroom in the property will comply with the 6.5 square metre footprint for a 1 person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015). The scheme also includes an adequate amount of internal communal living space which will also meet the Council's HMO licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards.

Most habitable rooms will contain a window, providing adequate light for future occupants, with

the property as a whole offering adequate levels of outlook and ventilation. One of the bedrooms within the loft space would include 2 rooflights – whilst this would be subordinate to a window in terms of outlook, is not considered that the proposal would warrant a refusal on amenity grounds.

### **(C) IMPACT ON AMENITY OF SURROUNDING PROPERTIES**

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that shared housing will not be permitted where it would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents.

Policy BCS21 in the Bristol Core Strategy (Adopted 2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies (2014) states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels. DM30 expands on this commenting that alterations to existing buildings will be expected to safeguard the amenity of neighbouring occupiers.

No external alterations or extensions are proposed to the property under the current application, and therefore no concerns are raised in relation to increased overlooking, overshadowing or overbearing on neighbours.

### **(D) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?**

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that the subdivision of dwellings into houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; as well as inadequate storage for recycling/refuse and cycles.

Policy BCS10 in the Bristol Core Strategy (2011) states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport. Policy DM23 within the Site Allocations and Development Management Policies (2014) states that the provision in new development of secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.



Policy BCS15 in the Bristol Core Strategy (2011) states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies (2014) states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

The application has been reviewed by the Council's Transport Development Management Team (TDM) who raised no objections to the application on highway grounds. A car-free development is proposed with no dedicated car parking. TDM find this acceptable given the sustainable location; the site is within close proximity to transport links along Filton Avenue to the City Centre and Cribbs Causeway/UWE. The Concorde Way traffic-free cycle route (connecting the City Centre with the University of the West of England Main Campus) lies 350 metres to the east. Filton Abbey Wood railway station lies 1200 metres to the northeast. The Filton Avenue local centre lies 70 metres to the south.

In terms of on street parking it is considered that there will likely be sufficient space in the local area to accommodate the development and any increased demand. Should a residents parking scheme be introduced in the future however future occupants will be ineligible for parking permits given that the application has been assessed as car free, on the basis that future occupants will utilise sustainable modes of travel given the sustainable location.

Sufficiently sized covered refuse/recycling store is proposed in the curtilage of the site which is considered acceptable.

It is noted that TDM is not confident that a cyclist and their bicycle can pass through the side access without resulting in any damage to the bicycle or difficulty to manoeuvring the bicycle. It is considered that 1.2 metre access should be sufficient to prevent damage and be sufficient to manoeuvre a bicycle in and out of the site. However, given the site constraints and the existing access available, it is not considered that the proposed bicycle storage within the rear garden of the site would be so inaccessible to warrant a refusal on this ground. The bicycle store would have space for 8 covered bicycles, it would be lockable and would therefore be considered acceptable.

## **(E) SUSTAINABILITY**

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings.

The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

Policy BCS14 states that new development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

1. Connection to existing CHP/CCHP distribution networks
2. Site-wide renewable CHP/CCHP
3. Site-wide gas-fired CHP/CCHP
4. Site-wide renewable community heating/cooling
5. Site-wide gas-fired community heating/cooling
6. Individual building renewable heating

No strategy has been submitted with the application however, in this instance; the change of use does not result in an increase in floor space of subdivision of units and so is exempt from these energy demands.

## **CONCLUSION**

The LPA is of the view that the application is unacceptable and respectfully requests that planning permission is refused.

### **Reason for refusal:**

The proposed conversion of the existing dwellinghouse to an HMO (Use Class C4) would sandwich a residential property (Use Class C3) at 401 Filton Avenue between two HMO uses (at 399 Filton Avenue and 11 Buxton Walk). Consequently, the proposed development would result in a harmful concentration of HMO uses at street level. The application is therefore recommended for refusal due to conflict with the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2024).

Should the Inspector be minded granting the permission, please see below conditions and advice note.

### **List of Conditions**

#### **Time Limit for Commencement of Development**

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Pre-Occupation Conditions**

#### **2. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans**

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

#### **3. Completion and Maintenance of Cycle Provision - Shown on approved plans**

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

### **Post occupation management**

#### **4. List of approved plans and drawings**

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

*List as appropriate.*

**Advice note:**

**Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme**

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.