



Decision Notice and Statement of Reasons

Site visit made on 28 May 2025

Decision By Jack Hobbs MRTPI MCD BSc (Hons)

A person appointed by the Secretary of State

Decision date: 10 June 2025

Application Reference: S62A/2025/0096

Site address: 399 Filton Avenue, Bristol BS7 0LH

- 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 19 March 2025 is made by M T H Development Ltd and was validated on 15 April 2025.
 - The development proposed is change of use of dwelling to small house in multiple occupation (Use Class C4), with associated cycle parking and refuse/recycling storage.
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Decision

1. Planning permission is granted for the change of use of dwelling to small house in multiple occupation (Use Class C4), with associated cycle parking and refuse/recycling storage in accordance with the terms of the application dated 19 March 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 (the Council) has been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 24 April 2025 which allowed for responses by 22 May 2025. Responses were received from the parties listed in Appendix 1. The Council submitted a Statement on 22 May 2025. The Statement summarises the Council's objections to the proposed development. I have taken account of the written representations in reaching my decision. I also carried out a site visit on 28 May 2025, which enabled me to view the application property and the surrounding area.

Main Issues

4. Having regard to the application, the consultation responses, the Council's Statement, together with what I observed on site, 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; and,
 - whether the proposal appropriately promotes the use of sustainable transport modes.

Reasons

Background and Planning History

5. The application property is an end of terraced dwelling. It is located close to commercial development centred around the junction between Filton Avenue, Toronto Road, and Bridge Walk. However, the area is mainly characterised by dense residential development largely comprising of terraced housing and apartments.
6. The application property is within an area that is subject to an Article 4 Direction. This Direction removes the ability to change the use of a property between a small HMO and a dwellinghouse, under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
7. The application property has been the subject of several applications. The most pertinent, is the refused planning application¹ for the proposed conversion of the dwelling to a 6 person HMO. In that instance, the Council concluded that there was a harmful concentration of HMOs at street level.

Location and principle of development

8. Policy DM2 of the Site Allocations and Development Management Policies Local Plan, July 2014 (SA&DM) concerns residential sub-divisions, shared and specialist housing. It indicates that proposals for the conversion of dwellings to HMOs will not be permitted where it would harm the residential amenity or character of the locality as a result of one the specified matters, or it would create or contribute to a harmful concentration of HMOs by reducing the choice of homes in the area.
9. SA&DM Policy DM2 is supported by the Managing the development of houses in multiple occupation, Supplementary Planning Document, November 2000 (SPD). To assess whether a proposal could create or contribute to a harmful concentration of such uses, the SPD advises two

¹ Application Ref. 23/00809/F

assessments need to be undertaken, one at the street level, another at the neighbourhood level.

10. With regard to the street level assessment, the SPD advises that a harmful concentration would occur when a dwelling is 'sandwiched' between two HMOs. In accordance with Figure 3 of the SPD, 401 Filton Avenue (No 401) would be sandwiched by the application property and 11 Buxton Walk (No 11), despite the significant separation to No 11. The SPD is clear that proposals for the development of HMOs are unlikely to be consistent with Local Plan policy if it results in a property being sandwiched by HMOs. This does not mean a proposal would automatically be contrary to Local Plan policy. Instead, it is necessary to undertake an assessment based upon the matters listed within SA&DM Policy DM2.
11. Occupiers of HMOs are more likely to live independently than people living within a shared household. As such, it is likely that the proposed change of use would increase the amount of residential activity associated with the property. Given the application property is currently a 5-bedroom dwelling, and the proposed HMO would be restricted to a maximum of 6 occupants, the increase in activity would be minimal. Accordingly, the resultant increase in activity would not cause excessive noise and disturbance. This conclusion is supported by the Pollution Control team's lack of objection to the proposal.
12. Notwithstanding this, SA&DM Policy DM2 is concerned with a harmful concentration of HMOs exacerbating issues such as noise and disturbance. As above, No 401 would be 'sandwiched' by No 11 and the application property. Occupants of No 401 would experience increased noise and disturbance, particularly when using their gardens or with their windows open due to the activity associated with two neighbouring HMOs. However, the local area is densely developed and includes commercial development. Consequently, there is already a significant amount of activity within the local area. Given the existing context including the separation to No 11, the cumulative noise and disturbance generated by two neighbouring HMOs would not be harmful.
13. With regard to on-street parking, there is no evidence of parking stress in the area. Also, to access No 11 you have to walk a significant distance from the application property around a corner via Bridge Walk and Melton Crescent. Consequently, occupants of No 11 would be unlikely to park near to the application property and vice versa. The proposal, alone and in combination with No 11, would not result in a level of on-street parking which could not be adequately accommodated.
14. The proposal does not include any physical alterations to the building. Furthermore, appropriate cycle and recycling/refuse storage could be secured by condition. This would be away from No 11's recycling/refuse storage, to the front of the application property. As such, the proposal, alone and in combination with No 11, would not have a detrimental effect on the character and appearance of the area or waste management.

15. The SPD advises within a neighbourhood area, proposals for a change of use from a dwelling to a HMO are unlikely to be consistent with Local Plan policy where it would result in more than 10% of dwelling stock in that area being HMOs. If the application property was converted the percentage of the dwelling stock in the neighbourhood area would still be significantly below 10%. Therefore, the proposal would not harmfully reduce the choice of homes in the area by changing the housing mix.
16. I conclude that the application site is suitably located for a new HMO. The proposal would be in accordance with SA&DM policies DM2 and DM35 which indicate that development which would have an unacceptable impact on environmental amenity by reason of noise will not be permitted unless appropriate mitigation can be provided, amongst other matters. It would also be in accordance with paragraph 135 of the National Planning Policy Framework (the Framework) where it indicates that planning decisions should ensure that developments create places with a high standard of amenity.

Standard of accommodation

17. The proposal would include a large area of internal communal space, as well as a large communal garden. Whilst local planning policy does not require proposals to conform with specified space standards, each of the bedrooms would comply with the Nationally Describe Space Standard for a single bedroom.
18. Nonetheless, the proposed bedroom in the loft toward the front of the property would have a limited ceiling height in some areas due to the sloping roof. However, this room would have a large floor area which would adequately compensate for the lower ceiling in parts of the room.
19. Furthermore, the only outlook from that bedroom would be through two roof lights. Nevertheless, they are set low within the slope of the roof. Therefore, they still offer a forward outlook from within the room. All other bedrooms have windows which offer appropriate outlook and natural light.
20. I conclude that the proposal would provide an acceptable standard of accommodation for future occupants. It would therefore comply with policies BCS18 and BCS21 of the Bristol Development Framework, Core Strategy, June 2011 (Core Strategy). These policies indicate that residential development should provide sufficient space for everyday activities and should create a high-quality environment for future occupiers.

Sustainable transport modes

21. The proposal includes the construction of cycle storage within the rear garden which would be accessed by a narrow path. The path is particularly narrow for a short section, the depth of the house. Nonetheless, it would still be possible to manoeuvre a bicycle along this section. Whilst it is not ideal, I do not consider that the width of the access would unduly discourage future occupants using the cycle store. In turn, the provision of the cycle store could encourage future occupants to use bicycles.

22. The application property is also near to a bus stop which provides services to the City Centre and University of West England, and the Concorde Way traffic-free cycle route is in proximity to the application property. In addition, the nearby shops include a small convenience store which could service most of the day-to-day needs of future occupants. All of these factors would encourage the use of sustainable transport modes.
23. I conclude that the proposal appropriately promotes the use of sustainable transport modes. It would be in accordance with CS Policy BCS10 and SA&DM Policy DM23 which indicate that proposals should be located where sustainable travel patterns can be achieved and provide adequate access to public transport. It would also be in accordance with paragraph 115 of the Framework, where it indicates that it should be ensured that sustainable transport modes are prioritised.

Other Matters

24. During my site visit I observed that the recycling storage would be constructed on a sealed surface, and the cycle store would be constructed on an area which is partly a sealed surface and partly lawn. Based on the evidence and my observations, the proposed development would be below the de minimis threshold, as specified with The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Consequently, the proposal would be exempt from the mandatory biodiversity net gain requirement.
25. I have found that the proposal accords with the expectations of the Framework in relation to housing delivery and as such the application should be approved without delay.

Conditions

26. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance within the Framework and the Planning Practice Guidance. Conditions specifying a time limit to implement the permission, and approved plans are required in the interest of certainty. A condition requiring the construction of both the recycle box store and cycle store prior to the use commencing is necessary to ensure that the property is appropriately serviced and to encourage the use of sustainable transport modes.

Conclusion

27. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I recommend that planning permission should be granted.

J Hobbs

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: 21156_P2 and 21156_P3 Rev. A.

Reason: To provide certainty.

3. The use hereby permitted shall not commence until the recycle box store and cycle store have been fully constructed in accordance with the details shown on the approved plans. The recycle box store and cycle store shall be retained thereafter and remain available for those purposes at all times.

Reason: To protect the living conditions of future occupiers, encourage the use of sustainable transport modes, and protect the character and appearance of the area; also, to comply with CS Policy BCS21 and SA&DM policies DM23 and DM32.

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. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 indicates that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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.

For clarity, the planning authority in this instance is 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 because one of the statutory exemptions is considered to apply; the development would be below the de minimis threshold, meaning development which:

- (a) 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
 - (b) 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.

Appendix 1 - Consultee responses

Bristol City Council – Local Planning Authority (incorporating comments of the Pollution Control Team and Transport Development Management Team).

Avon & Somerset Constabulary – Crime Prevention Unit