



Decision Notice and Statement of Reasons

Site visit made on 13 June 2025

Decision by C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 1 July 2025

Application Reference: S62A/2025/0102

Site Address: 87A Redland Road, Redland, Bristol BS6 6RD

- 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 23 April 2025 is made by GHL Properties Ltd and was validated on 9 May 2025.
 - The development proposed is described as 'change of use of existing maisonettes into single house in multiple occupation (HMO) containing 10no. bedrooms (sui generis), with associated bin and bike storage'.
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Decision

1. Planning permission is granted for change of use of existing maisonettes into single house in multiple occupation (HMO) containing 10no. bedrooms (sui generis) with associated bin and bike storage, in accordance with the application dated 23 April 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) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken from 14 May 2025 which allowed for responses by 13 June 2025. Responses were received from the parties listed in Appendix 1 and a number of interested parties and local residents also submitted responses. The Council's response comprised an officer report and sets out the reasons that the Council object to the proposal. I have taken account of all written representations in reaching my decision. I

also carried out a site visit on 13 June 2025, which enabled me to view the site and the surrounding area.

Background and Main Issues

4. An earlier planning application was refused by the Council on 16 February 2024 for development described as 'conversion of existing maisonettes into 2no. houses in multiple occupation containing 6no. bedrooms (class C4) and 7no. bedrooms (sui generis) respectively, with associated bin and bike storage'¹. I refer to this as 'the earlier scheme'.
5. A subsequent appeal against that refusal was dismissed in March 2025². The Inspector's concerns included the effects of the proximity to no.87 Redland Road, inadequate cycle parking facilities and unsatisfactory living conditions for future occupants. This planning application seeks to address those concerns and the covering letter sets out that changes have been made to the proposal as reflected in the description of development and proposed drawings.
6. Having regard to these matters, as well as the consultation responses and the findings of my site visit, the main issue for this application is whether the site is suitably located for a new HMO, with particular regard to the concentration of HMOs in the locality and the effects on nearby residents.

Reasons

7. The existing building comprises maisonettes accessed via two doors on the side of the building. The application proposes one HMO of 10 bedrooms served by a single side entrance, whereas the earlier scheme proposed two HMO units with separate entrances, comprising 13 bedrooms in total.
8. Policy DM2 of the Council's Site Allocations and Development Management Policies 2014 (the SADMP) relates to proposals including the conversion of existing dwellings into HMOs and is supported by the 'Managing the development of houses in multiple occupation' Supplementary Planning Document 2020 (the SPD).
9. The SPD acknowledges that HMOs form a significant part of the city's private rented provision, providing homes and contributing to people's housing choice. It states HMOs are generally more affordable and flexible and therefore suitable for younger people and other households that are not living as families, and can provide positive social benefits to their occupiers. The SPD finds that higher numbers of HMOs in recent years reflect changes in the city's housing market, as increasing numbers of individuals are unable to buy a home or rent a flat in the city. However in acknowledging that they have the potential to create harmful effects, Policy DM2 together with the SPD, seek to ensure that new HMOs would not harm residential amenity and the character of an area and they seek to avoid harmful concentrations of HMOs from occurring.

¹ Council reference 22/01845/F

² Appeal reference APP/Z0116/W/24/3341445

10. The SPD sets out how harmful considerations will be considered using two tests. The Council state that its planning and licensing data demonstrate that 4.88% of the residential properties within 100m of the site are HMOs. I note an interested party refers to other unlicensed HMOs nearby. However, I do not have details of the likelihood of those being retained or becoming lawful, and even if they were to contribute to the local HMO count, they would be unlikely to tip the local percentage of HMOs beyond the 10% threshold. Accordingly, the proposal would not breach the 10% threshold test for the neighborhood, as set out in the SPD.
11. The SPD describes considerations for 'sandwiching' of residential properties between HMOs. There is an existing HMO at the western end of this group of properties at no.91A. This is separated from the application site by three properties, comprising a number of flats as well as a dental practice. As acknowledged by the earlier Inspector, the exact scenarios set out in the SPD do not apply here. However, having regard to the intervening uses between the application site and no.91A, I do not consider that 'sandwiching' or harmful cumulative effects would occur as a result of the site's proximity to no.91A. Based on the information before me I see no strong reason why the presence of the dental practice would create the need for a greater gap between the HMOs, having regard to the purpose of the test.
12. The earlier Inspector, however, raised concerns regarding the impacts of noise and disturbance on the occupants on no.87 next door. No.87 similarly has its entrance in its side elevation, directly opposite that at no.87A. As acknowledged by that Inspector, occupants of HMOs would be likely to have their own individual routines and carry out activities independently of other occupants within the building, unlike if it were occupied by a family group. Activities would therefore be likely to be intensified from the site. While the applicant refers to the proposed HMO bedrooms as being single occupancy, there is not a mechanism before me to ensure this, and some of the room sizes would be generous enough to accommodate two occupants.
13. Despite this, the proposal before me has important differences to the earlier scheme. The number of bedrooms and associated capacity for occupants has been reduced and the points of entry and exit would be reduced to a single door on the side of the building. Refuse storage is shown in front of the building, removing the need for bins to be moved along the side of the property. As a consequence, the potential for disturbance arising at the side of the building is reduced from the earlier scheme. While cycles would still need to use the side of the building to access the store at the back, I see no strong reason that this should cause significant noise or disturbance.
14. There are windows in the side elevation of no.87 which face towards the proposed entrance and I do not have evidence relating to the types of rooms which those windows serve. However, I observed one window to be partially obscure glazed and others appeared to be predominately covered with netting. Together with the presence of soil and vent pipes emerging close to those windows, it is unlikely that they serve the habitable rooms of

the flats in no.87. Therefore the use of the proposed entrance would be unlikely to cause significant disturbance in the main living spaces of the flats in no.87.

15. Overall, while there is still scope for some disturbance to occur, this is unlikely to be significant or excessive. I have had regard to the other concerns of local residents, however there is not substantive evidence to suggest that noise would carry unacceptably from the first floor living room, or that the proposal would cause a harmful increase in noise or overlooking from the rear garden above the level which could currently be experienced.
16. The Council have set out the local housing mix, of which the majority of properties are of four or more bedrooms. While the proposal would entail the loss of the existing maisonettes, there is not substantive evidence to demonstrate the proposal would reduce the choice of homes in the area by changing the housing mix.
17. For the reasons given, the site can be considered suitable for the proposed HMO and the proposal would not cause harm to residential amenity as a result of excessive noise or disturbance. It would comply with the relevant parts of Policy DM2 relating to these matters, as well as Policy DM35 of the SADMP relating to noise. The proposal would also comply with Policy BCS18 of the Bristol Core Strategy 2011 through contributing to the diversity of housing in the local area.

Other Matters

18. The proposal would include the provision of a covered and secure cycle store at the back of the site, meeting the policy requirement and in turn encouraging the use of sustainable means of travel. The issue of on-street parking pressure was considered by the earlier Inspector and that proposal was found to be acceptable in terms of parking and highways impacts. This was in light of evidence surrounding car ownership in HMO's together with the site's accessibility to services and facilities including public transport. Based on the evidence, and as the proposal before me would entail less occupants, I have no reason to reach a contrary view.
19. The bedroom sizes would be compliant with the standards set out in the SPD and all rooms would benefit from natural lighting and ventilation. Following alterations to the proposed internal layout, and as the bedrooms in the roof level would no longer be subject to change, the outlook from the proposed rooms would also be acceptable. Areas for refuse storage are shown to the front of the site, where they would be partially obscured by the front boundary wall and planting. The Council have commented that the bin areas generally meet the requirements for quantum and location of bins and, given the containment behind the front wall, they would be acceptable in terms of their visual effects.
20. Overall, for these reasons, the proposal would provide an acceptable standard of accommodation to its future occupiers. Taken together with the considerations above, it can be concluded that the proposal would comply with the provisions of Policy DM2 of the SADMP. I am not aware of a policy

requirement for the applicant to further substantiate the need for the proposed development.

21. I have had regard to the other matters raised by interested parties however these do not amount to considerations of sufficient weight to indicate the decision should be made other than in accordance with the development plan. Matters relating to enforcement and the upkeep of the public realm are for the Council.
22. The site lies within the Cotham and Redland Conservation Area (CRCA) which is described as a leafy suburb characterised by its individually developed urban streets, dominated by high quality Victorian townscape. No.87A is one such property and it contributes positively to the significance of the CRCA. The building would maintain its residential character as a result of the proposal and the cycle store would appear typical of a garden outbuilding. The proposal would also see the removal of the upper level side entrance and associated metal staircase on the side elevation which is a visually prominent feature in views from the street. Its removal would assist in reinstating the simplicity of the side elevation and would be an enhancement to the character and appearance of the CRCA.
23. Interested parties have highlighted that the CRCA Appraisal 2011 identifies threats to the area to include the increase in the number of HMOs putting increased pressure on the public realm. That document pre-dates the SADMP policies referred to above. Nonetheless, in this case the proposal includes appropriate refuse storage and has been found to be acceptable in terms of impacts on parking. As such the proposal would not be in conflict with the Appraisal. Accordingly the proposal would preserve and enhance the character and appearance of the CRCA, which I am required to pay special attention to in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. The applicant has set out the reasons they consider the proposal would be exempt from the statutory biodiversity net gain requirement. In summary this is because the proposal relates to the change of use of the existing building and the external structures proposed would not exceed 25sqm, thereby impacting less than 25sqm of non-priority habitat. I have no strong reason to reach a different view and I am satisfied the proposal can be considered as exempt, having regard to the de minimis threshold.

Conditions

25. The Council have suggested a number of conditions which could be imposed if planning permission were granted. I have imposed a condition to secure delivery and retention of the refuse store, although I do not consider it reasonable for planning purposes to condition refuse to be placed on the highway only on collection days, particularly since other powers exist outside planning to assist with this should it occur.

Conclusion

26. For these reasons, and having regard to all other matters raised, the proposal would comply with the development plan and planning permission is granted.

C Shearing

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:
PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL11, PL12, PL13.
Reason: To provide certainty.
3. Prior to the first occupation of any part of the building, the cycle and refuse storage facilities shall be installed in full and in accordance with the details shown on the approved plans. Those facilities shall be maintained thereafter and shall remain available for use as such at all times.
Reason: To ensure appropriate cycle and refuse storage for future occupiers, and to comply with policy DM2 of the SADMP.
4. Prior to the first occupation of any room on the first or second floor of the building, the external staircase to the side of the building shall be removed in full.
Reason: To ensure the reduction in entry/ exit points on the side of the building is delivered, to comply with policies DM2 and DM35 of the SADMP.

End of Schedule

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. 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 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 the following statutory exemption is considered to apply.

Development below the de minimis threshold, meaning development which:

- 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;
- 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 and any applications related to the compliance with the conditions must be submitted to the Council.

Appendix 1 - Consultee responses

Bristol City Council- Local Planning Authority