



Decision Notice and Statement of Reasons

Site visit made on 23 June 2025

Decision By Bhupinder Thandi BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 2 July 2025

Application Reference: S62A/2025/0106

Site address: Land to the rear of 6 Tyndalls Park Road, Cotham, Bristol BS8 1PY

- 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 28 April 2025 is made by Mr R Bendle and was validated on 13 May 2025.
 - The development proposed is partial demolition of boundary wall and construction of a two storey Use Class C4 small house in multiple occupation with associated provision of amenity space, refuse and cycle storage.
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Decision

1. Planning permission is granted for the partial demolition of boundary wall and construction of a two storey Use Class C4 small house in multiple occupation with associated provision of amenity space, refuse and cycle storage in accordance with the terms of the application dated 28 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 (BCC) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 20 May 2025 which allowed for responses by 18 June 2025. A number of interested parties and local residents submitted responses. I have taken account of all written representations in reaching my decision.

4. I carried out an unaccompanied site visit on 23 June 2025 which enabled me to view the property, the surrounding area and nearby roads.
5. I have been made aware of the planning history for the site which includes planning permission for the construction of a two-storey single family dwelling granted in December 2020. A Lawful Development Certificate was issued in August 2023 confirming that the planning permission had lawfully commenced within the three-year time limit. As such, an extant permission for a two-storey residential development on the site exists and represents a legitimate fallback position and material consideration which I afford great weight to.

Main Issues

6. Having regard to the application, comments from interested parties, together with what I saw on site, the main issues for this application are:
 - the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Whiteladies Road Conservation Area (CA);
 - the effect of the proposed development upon the character of the area;
 - the effect upon the living conditions of existing occupiers;
 - whether the proposal would provide satisfactory living conditions for future occupiers; and
 - whether associated parking would be accommodated safely and without harm to the amenities of the area.

Reasons

Character and appearance including effect upon the Whiteladies Road CA

7. The application site is located to the rear of 6 Tyndalls Park Road comprising a parking area laid out to gravel enclosed behind high stone rubble walls and timber gates. The area is characterised by villas of grand proportions although many properties have been converted into flats, offices and uses associated with the University of Bristol (UoB). This has resulted in change to the areas around these buildings introducing cycle storage, parking areas and built form to the side and in the former rear gardens of properties. There are also examples of modern infill developments locally.
8. The site sits within the Whiteladies Road CA and its significance is, in part, derived from its traditional architecture, including solid built, high-quality detailed and local stone buildings and boundary walls.
9. The proposed development is for a two storey, three-bedroom building to be occupied as a 5 person House in Multiple Occupation (HMO). The building would have the characteristics of a coach-house displaying a

modern appearance incorporating stone and cedar cladding. It would have a similar position, height and scale to the extant scheme.

10. Given the varied architectural styles found locally the contemporary design proposed would be acceptable. Its simple and contemporary appearance and proportions would be subordinate to the grand scale of neighbouring buildings and overall, its modest scale would discreetly integrate into the Elmdale Road street scene. It would sit comfortably within its context reflecting the pattern of built form to the side and rear of properties found locally.
11. The proposal also involves alterations to the existing wall in part necessary to achieve a street frontage and pedestrian access. Whilst stone boundary walls are a feature of the Whiteladies Road CA frontage boundaries vary considerably in terms of their height and design. Taking into consideration the presence of the existing opening and that the proposal involves removal of only a small section of it I am satisfied that it would not undermine the character or appearance of the CA.
12. As such, I conclude that the proposed development would not unduly harm the character and appearance of the area and would preserve the significance of the Whiteladies Road CA. It therefore accords with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM26, DM27, DM29 and DM31 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP) which, amongst other things, expect a high standard of design, proposals to contribute positively to an area's character and identity, respecting local pattern and grain of development and to safeguard or enhance heritage assets including elements which contribute to the special character or appearance of conservation areas.

Character of the area

13. SADMP Policy DM2 relates to shared 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 bicycles.
14. Supplementary Planning Document – Managing the development of houses in multiple occupation (2020) (SPD) provides further guidance on the implementation of Policy DM2. The SPD identifies situations where harmful concentrations of HMOs are likely to arise at a neighbourhood area level.
15. At neighbourhood level the SPD establishes a threshold test, which sets out that where a proposal would result in 10% or more of the total housing stock within a 100m radius of the site being occupied as HMOs it is unlikely to be consistent with the SADMP and likely to be the tipping point whereby

negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.

16. Based on the available information within 100m of the site around 19% of the properties are HMOs. As such, the 10% threshold has already been exceeded. That said, the character of the area is diverse largely defined by non-family accommodation including flats, HMOs and properties associated with UoB. The proposal would not result in the loss of existing family housing but rather it would provide a further housing option in the area.
17. Overall, I am satisfied that the proposal would not unduly affect the mix and balance of the local community or undermine the character of the area.
18. It would therefore accord with CS Policy BCS18 and SADMP Policy DM2 which, amongst other things, seek to provide a mix of housing types and help support mixed, balanced and inclusive communities.

Living conditions of existing occupiers

19. A development of a 5 person HMO would likely result in separate comings and goings associated with occupier's independence and own daily routines. That said, there is nothing to suggest these activities would result in demonstrable harm to the living conditions of existing nearby occupiers in terms of noise or disturbance when taking into account the character of the area.
20. In coming to my decision, I have also paid regard to the fallback position whereby a single-family dwelling could be occupied by up to 6 persons. On this basis I am satisfied that the impact of the proposal would be similar or materially no worse than the fallback position.
21. The outdoor amenity space serving the basement flat in No.6 neighbours the application site. The proposed development would not be particularly perceivable from this space due to its position away from the boundary and its modest height. Furthermore, the amenity space is already enclosed by tall fencing and planting, and, in my view, the proposal would not increase the sense of enclosure or result in unacceptable visual intrusion in respect of the occupiers of this property.
22. I acknowledge that the proposed development would introduce built form into a currently open area. However, given the local pattern of development, orientation of properties and degree of separation between the built form I am satisfied that the proposal would not unduly affect daylight and sunlight or the outlook of neighbouring occupiers.
23. The main habitable room windows proposed would look onto the street and the garden whilst the bedrooms would be largely served by rooflights. There is adequate separation between the proposal and nearby properties to ensure that satisfactory living conditions are maintained. Planning conditions would ensure that some side windows and rooflights are obscurely glazed to prevent overlooking. As such, I am satisfied that the proposal would not give rise to actual or perceived overlooking.

24. I conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers. It would therefore accord with CS Policy BCS21 and SADMP Policy DM2 which, amongst other things, expect development to safeguard the amenity of existing residents including in respect of noise, disturbance, light and outlook.

Living conditions for future occupiers

25. The habitable rooms would be of an adequate size and would benefit from natural outlook. The HMO would benefit from a kitchen/ living area and outdoor amenity space providing functional and adequately sized spaces for residents to spend time in preparing and eating meals and undertaking recreational activities. The garden would be usable and private providing reasonable space for relaxation, play and domestic chores and activities.
26. The applicant has indicated that separate bin and bicycle storage would be located within the amenity area close to the pedestrian access onto the street. Based on the evidence before me I am satisfied that the facilities for refuse and recycling proposed are satisfactory.
27. I conclude that the proposed development would provide satisfactory living conditions for future occupiers. It would accord with CS Policies BCS15 and BCS21 and SADMP Policies DM2 and DM32 which, amongst other things, expect development to provide a high-quality environment for future occupiers.

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

28. Parking along Elmdale Road and on surrounding roads is subject to parking restrictions in the form of parking permits. At the time of my site visit, on a weekday morning, roads were heavily parked, but spaces were still available.
29. No on-site car parking spaces would be provided. The applicant advises that future residents would not be able to apply for parking permits in the Kingsdown Residents' Parking Zone, however, I have not been provided with any evidence to support this.
30. On this basis, it is assumed that the proposed development would generate some parking demand, albeit given the modest size of the HMO it is unlikely to be significant.
31. Future occupiers would be within walking distance of nearby services and facilities including UoB and the city centre and public transport in the form of bus and train services which would reduce the need for vehicle traffic. Furthermore, it would be perfectly feasible for occupants to live in the property 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.
32. For these reasons, I conclude that 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 development not to give rise to unacceptable traffic conditions and parking to be reasonably accommodated on street without impacting on residential amenity.

Other Matters

33. Some disruption is to be expected during construction works but which are likely to be short term given the modest scale of the proposed development. On this basis I am satisfied that the construction works would not unacceptably affect the living conditions of existing occupiers in respect of noise and disturbance.

Community Infrastructure Levy

34. BCC consider that the proposed development is chargeable development under the Community Infrastructure Levy (CIL) Regulations. Based on the evidence before me I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration.
35. 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.
36. A CIL payment of £6,371.21 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.
37. As such, I am satisfied that the necessary mitigation under CIL can be achieved.

Conditions

38. I have considered the imposition of planning conditions in the context of the National Planning Policy Framework and the Planning Practice Guidance.
39. 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.
40. To ensure the satisfactory appearance of the development conditions for details of the external materials and the access have been imposed. In the interests of mitigating and adapting to climate change conditions for details of sustainable drainage, solar panels and incorporation of energy efficiency measures have been imposed.
41. Conditions for the bicycle storage and refuse bins to be implemented prior to occupation are necessary to provide satisfactory amenities for future occupiers.

42. Although the proposal is for a HMO a judgement¹ has determined that buildings in such uses are 'dwellinghouses' for the purposes of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore benefit from permitted development rights.
43. As such, restrictions on permitted development rights relating to extensions, alterations to the roof and the erection of outbuildings, are necessary to safeguard the living conditions of the occupiers of the development and adjoining residents. Conditions relating to obscure glazing in relevant windows and restricting the installation of additional windows are necessary to safeguard the privacy of neighbouring occupiers.

Conclusion

44. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore planning permission is granted.

B Thandi

Inspector and Appointed Person

¹ London Borough of Brent v Secretary of State for Levelling up, Housing and Communities [2022] EWHC 2051 (Admin)

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 Map Drawing Number 1749(L)01; Existing Block Plan Drawing Number 1749(L)06; Existing Site Plan 1749(L)11; Existing West Elevation Drawing Number 1749(L)12; Existing North and South Elevations Drawing Number 1749(L)13; Existing East Elevation Drawing Number 1749(L)14; Proposed Block Plan Drawing Number 1749(L)40 Rev A; Proposed Site Plan/Ground Floor Plan Drawing Number 1749(L)45; Proposed First Floor and Roof Plan Drawing Number 1749(L)46; Proposed South Elevation Drawing Number 1749(L)50; Proposed East Elevation Drawing Number 1749(L)51; Proposed North Elevation Drawing Number 1749(L)52 and Proposed West Elevation Drawing Number 1749(L)53.
Reason: To provide certainty.
3. The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the local planning authority. The drainage strategy must demonstrate that the proposed drainage system will limit discharge to the capacity of the existing sewer network or existing discharge rate. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.
Reason: To reduce the risk of flooding in accordance with policy BCS16.
4. No development above ground shall commence until detailed drawings of the following shall be submitted to and approved in writing by the local planning authority. The detail thereby approved shall be carried out in accordance with that approval.
 - (a) All new windows, doors and gates
 - (b) All Roof Coverings
 - (c) External cladding
 - (d) All Balustrade materials
 - (e) Stone work details
 - (f) Rainwater Goods

Reason: To ensure the satisfactory appearance of the development in

accordance with policy BCS21.

5. Prior to the installation of the solar panels hereby approved, details (including the exact location, dimensions, design/ technical specification and method of fixing) relating to the equipment shall be submitted to and agreed in writing by the local planning authority. The approved equipment shall be installed and operational prior to the first occupation of the building and retained as such thereafter.

Reason: To mitigate and adapt to climate change in accordance with policy BCS13.

6. The development hereby approved shall incorporate energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development. A total 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved through improved building fabric, and a 20% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To mitigate and adapt to climate change in accordance with policy BCS13.

7. The building hereby permitted shall not be occupied 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 or internally within the building that form parts 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 provide satisfactory living conditions for future occupiers in accordance with policy DM32.

8. The bicycle 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.

9. The building hereby permitted shall not be occupied until the means of access for pedestrians have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: To provide suitable access in accordance with policy BCS10.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.

Reason: To safeguard the character and appearance of the area in accordance with policy BCS21.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the elevation of the building hereby permitted.

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with policy BCS21.

12. The proposed specified windows shall be glazed with obscure glass and shall be permanently maintained thereafter.

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with policy BCS21.

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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.