

Section 62A Applications Team
The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: PR002235
Date: 22nd October 2025

Sent via e-mail

Dear Sir/Madam,

Town and Country Planning Act 1990

357 Filton Avenue, Bristol BS7 0BD

Erection of a first floor side extension to existing first floor flat. Partial demolition of rear extensions, to facilitate the change of use of part of the ground floor to a takeaway (sui generis), and part of the ground and first floors to a small HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 24/03459/F).

I write on behalf of my clients, Mr and Mrs [REDACTED] to apply for development at the above site, comprising the change of use the ground floor retail unit to a takeaway, a first floor side extension to the existing first floor flat, and the partial demolition of the ground floor rear extensions to facilitate the creation of a 5-bed/person HMO at ground and first floor levels. I attach the following documents as part of this application:

- Application forms and certificates
- Drawing no. 579-PLA-001 A - Existing site location plan
- Drawing no. 579-PLA-010 A - Existing ground floor plan
- Drawing no. 579-PLA-011 A - Existing first floor plan
- Drawing no. 579-PLA-012 A - Existing roof plan
- Drawing no. 579-PLA-020 A - Existing west and east elevations
- Drawing no. 579-PLA-021 - Existing north elevation

- Drawing no. 579-PLA-022 A - Existing south elevation
- Drawing no. 579-PLA-100 D - Proposed site location plan
- Drawing no. 579-PLA-110 D - Proposed ground floor plan
- Drawing no. 579-PLA-111 D - Proposed first floor plan
- Drawing no. 579-PLA-112 D - Proposed roof plan
- Drawing no. 579-PLA-120 B - Proposed west and east elevations
- Drawing no. 579-PLA-121 B - Proposed north elevation
- Drawing no. 579-PLA-122 B - Proposed south elevation
- Drawing no. 579-PLA-123 C - Proposed sections
- BNG Exemption statement
- Energy statement
- Marketing report

Site and planning history

The site comprises a two-storey end of terrace property located on Filton Avenue, with a commercial unit (Use Class E) at ground floor level and a self-contained flat (Use Class C3a) at first floor level. The site has been extended to the rear.

The site is within Flood Zone 1, and the Filton Avenue designated local centre. No other policy designations apply.

Planning permission was refused in 2023 for a similar scheme (ref: 22/05818/F), on three grounds. At the subsequent appeal, the Inspector concluded that the design of the side extension would be acceptable¹, that acceptable cycle, refuse and recycling storage would be provided², and

¹ "The form of the terrace as a whole would therefore remain legible, and the development would result in a well-proportioned and balanced form that would sit comfortably with the existing consistent character and appearance of the street scene. It would therefore not be overly prominent in this regard." (para 13)

² "The proposed bicycle and bin storage would be located close to the entrance of the HMO, accessed off the entrance corridor. The corridor would not be too narrow to prevent access with a bicycle and given the short distance to the front door, there would not be any significant difficulty in manoeuvring required to access the store." (para 15)

that the HMO bedrooms would have suitable levels of natural light and privacy³, but that the proposal would not achieve suitable levels of outlook for the future occupants of the HMO.⁴

A second application (ref: 24/03459/F) was refused on three grounds; housing mix, neighbour amenity and occupier amenity. At the subsequent appeal (attached) the Inspector concluded that the housing mix was acceptable, but that the proposal would result in harm to the neighbouring property, and that the outlook for future occupants would be poor.

Proposal

The current proposal seeks to overcome the upheld reasons for refusal. No changes are proposed to the street elevation, or the layout of the first floor flat, the ground floor takeaway unit, and the refuse and cycle storage (all of which were previously found to be acceptable by the LPA or the Planning Inspector).

The main change relates to the layout of the HMO. It is proposed to reduce the amount of built form, and the number of bedrooms (from 6 to 5), to allow for a revised fenestration layout that ensures suitable amenity levels for both occupiers and neighbours.

Planning analysis

As the principle of development has been accepted (for both the HMO and the takeaway), and many of the issues (loss of employment, highways and parking, energy efficiency etc) have been dealt with previously, the remainder of this letter will address the two remaining reasons for refusal following the most recently dismissed appeal. The changes to the external design of the building are all to the rear of the building and are not visible from the public realm, and it is not considered that these would have altered the Inspector's decision in respect of design and impact on the character of the building or the surrounding area. Mandatory Biodiversity Net Gain is now

³ "The proposed windows, facing small, enclosed spaces, would provide limited natural light into these bedrooms. However, each room would be served by a rooflight in a close to flat roof, and there remains sufficient space around the building and rooflights to ensure that sufficient natural light would reach these modestly sized rooms.

The windows serving rooms 2, 3, and 5 do not directly face other windows, or where they do in the case of room 2, the office store/room windows would be obscure glazed. As such, there would be no opportunity for direct overlooking and the occupants of each room would have an acceptable level of privacy in this regard." (paras 6-7)

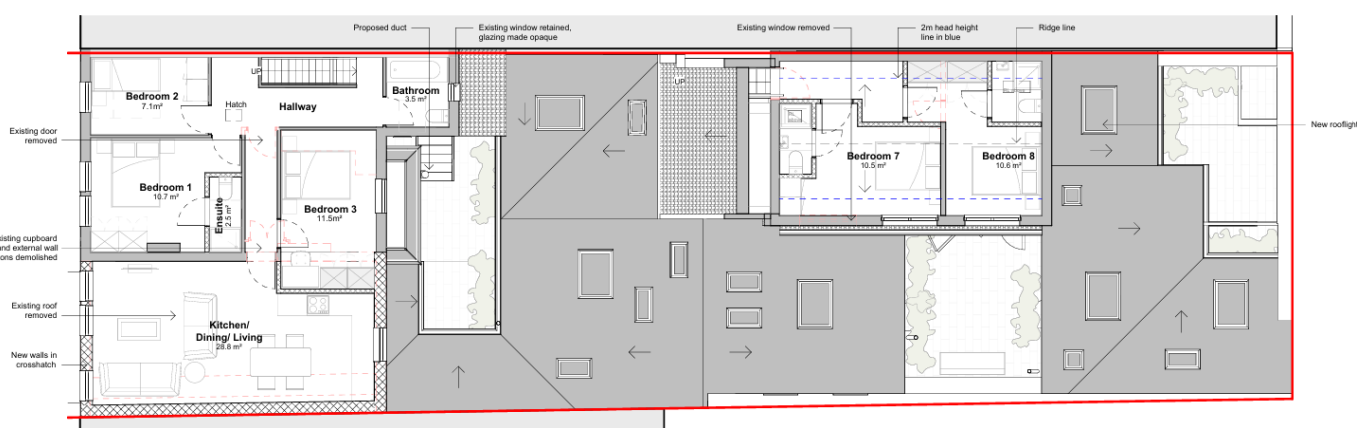
⁴ "The ground floor bedrooms (1-6) would be served by windows facing courtyard areas. These enclosed courtyard areas are limited in size, and the outlook from these windows therefore would be mostly of substantial and visually dominant walls in close proximity." (para 4)

required on all sites, though as the site comprises 100% sealed surfaces with no habitat, it would be exempt from the requirement. Photovoltaic panels and air source heat pumps would once more ensure that the proposal complies with the heat hierarchy, and achieves a greater than 20% reduction in carbon emissions.

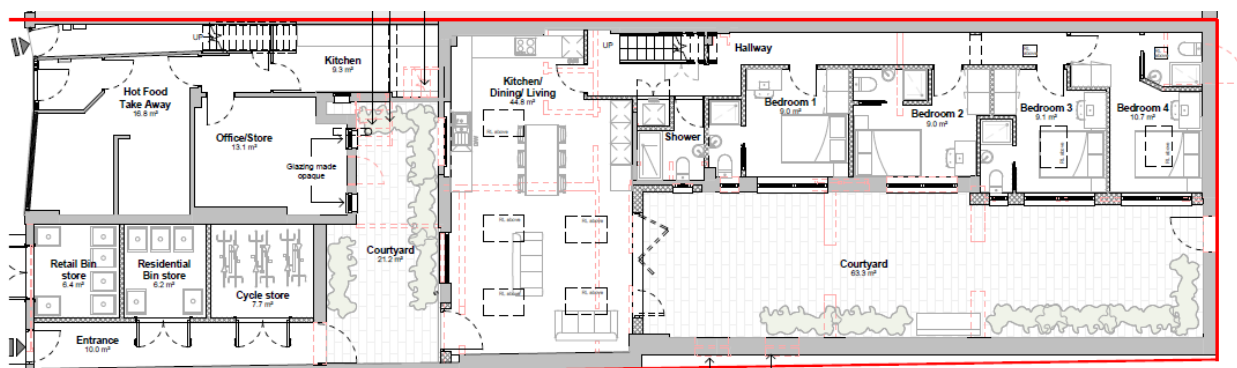
Residential amenity

In dismissing the previous appeal, the Inspector raised concerns with overlooking from the first floor windows to the first floor windows of Rosemead. It should be noted that this issue did not form part of any reason for refusal in the first application, though the Inspector stated at §14 that, *“the Council states that the proposals were in fact different, with first floor windows proposed to be obscurely glazed.”*

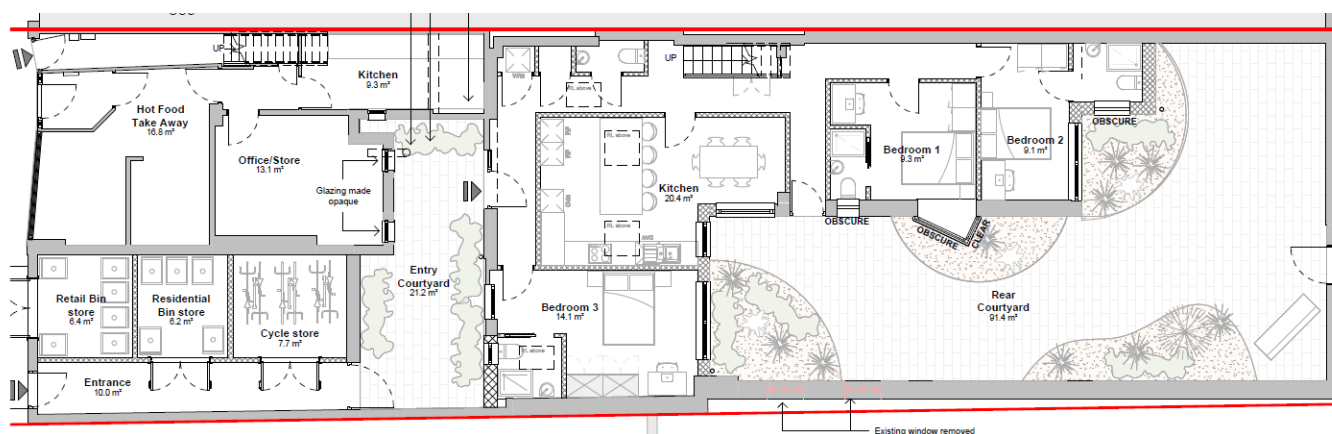
For the avoidance of doubt, there was no proposal to obscurely glaze these windows, which are existing, as the extracts from the relevant plans below demonstrate, and it is not clear why the Council made this erroneous claim. However, to overcome the appeal decision (which is now a material consideration), it is now proposed to obscurely glaze these windows. If the Inspector considers that an error was made, then the applicant respectfully requests the opportunity to provide revised plans, showing the clear glazing to be retained (only the bathroom window to the flat above the main building was to be obscurely glazed).



Extract from proposed first floor plan (refused application 22/05818/F)



Dismissed appeal ground floor plan



Proposed ground floor plan

The previous Inspector raised issue with the outlook from the ground floor bedroom windows (though noted that they would not be overlooked harmfully by Rosemead, an issue which had formed one of the Council's reasons for refusal), due to the distances between windows and walls (between 3.7m and 4m). To address this, the ground floor has now been reconfigured, as the plans above demonstrate.

Bedroom 3 would have a distance of 15.9 metres to the rear boundary wall, which raises no concerns. Bedroom 2 would have a distance of 6.4 metres, which again, is considered acceptable. Bedroom 1 would be provided with an L-shaped privacy window with 9.5 metres from the clear-glazed panel to the rear boundary wall, and the obscurely-glazed panel ensures that sufficient natural light would reach the room.

To accommodate the bedroom revisions, the communal kitchen has been reduced in size (though still exceeds the minimum size requirement of 18sqm for a 5-bed HMO) and the fenestration revised. As the previous Inspector noted, the nature of HMO living is that occupants tend to live more independently than would a single household, and thus are likely to spend

significant time in their own rooms, as opposed to the communal space. Notwithstanding, the communal room would be dual aspect, with good outlook over the courtyard.

The Inspector also raised concern with potential loss of privacy due to, *“the communal nature of the courtyard would mean that other occupants, and visitors, could utilise the space immediately in front of the windows, which would allow for direct, invasive views into the bedrooms, leaving occupants of those rooms with a similarly unwelcome choice as occupants on the first floor between having light and some outlook or maintaining privacy.”*

Whilst noting that it is common in HMO conversions to have ground floor bedrooms with windows looking out on to communal gardens, soft landscaping buffers are now proposed around the bedroom windows, to preserve amenity. Notwithstanding, it should be noted that the essence of HMO accommodation is that it is a communal living arrangement, often involving groups of friends (or people that become friends) and that occupants interact, including in the communal indoor space, and the communal outdoor space. Nevertheless, the buffers would ensure a sufficient degree of privacy is maintained.

In respect of the first floor bedrooms, as noted above, the existing windows would be obscurely glazed to protect the privacy of occupier and neighbours. New windows are proposed to ensure suitable outlook is provided. For bedroom 4, this would face towards the rear of the site and look out towards the garage to 2 Bridge Walk, and therefore raises no amenity issues. For bedroom 5, this would face towards the main building, and has been aligned so that it looks towards the space between the (obscurely-glazed) bathroom window to the first floor flat, and the window to bedroom 3, to avoid direct overlooking between bedroom windows. The distance of 5.4 metres from the window to the rear wall of the main building would ensure a suitable outlook, and the window would also be afforded angled views over the green space between the site and Horfield library, and through to Filton Avenue.

The revised proposal is therefore considered to achieve suitable levels of outlook and general amenity for future occupants.

Planning balance and conclusion

The Council has had a housing supply shortfall since June 2021, when changes to the standard method published in December 2020 came into force. At the time, its supply was at 3.7 years, and it has not updated its website with a five year housing land supply report since June 2021. It has dropped as low as 2.2 years, and the latest position made available is 4.14 years (BCC

Examination note – 5 year housing land supply (prepared in response to Inspectors' document IN9), as part of the current Local Plan examination). Furthermore, its housing delivery test results for the last six years are (in chronological order from 2018 to 2023) are 99%, 87%, 72%, 74%, 88% and 75%.

With §11d of the NPPF thus engaged, the provision of an additional dwelling, suitable for five individuals, would make a more efficient use of the land, and in the context of the Council's current Housing Delivery and Land Supply issues, this should be given significant weight, and Inspectors have consistently given significant weight to the provision of even single dwellings in recent appeal decisions, given the chronic shortage of housing in the city.

The proposal would provide accommodation for five, single-person households, (which the most recent SHMA identifies as constituting the greatest need over the next Local Plan period) in an accessible location well-served by public transport and other services and facilities.

The remaining issues following the recent appeal decision were occupier and neighbour amenity, which the current proposal has addressed. For these reasons, it is hoped that the Inspectorate can now support the application.

The fee will be paid on request. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

Stokes Morgan Planning Ltd

Appeal Decision

Site visit made on 2 April 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/Z0116/W/24/3357125
357 Filton Avenue, Horfield, Bristol BS7 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs [REDACTED] and [REDACTED] [REDACTED] and [REDACTED] [REDACTED] against the decision of Bristol City Council.
- The application reference is 24/03459/F.
- The development proposed is erection of a first-floor side extension to existing first floor flat. Partial demolition of rear extensions, to facilitate the change of use of part of the ground floor to a takeaway (sui generis), and part of the ground and first floors to a 6-bedroom HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 22/05818/F).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the housing mix in the area;
 - b) the effect of the proposal on the living conditions of neighbouring occupants, and;
 - c) whether the proposal would provide a suitable standard of accommodation for future occupants.

Reasons

Housing Mix

3. Policy DM2 of the Site Allocations and Development Management Policies document (July 2014) (the SADMP) resists the conversion of dwellings to houses in multiple occupation (HMOs) where, among other criteria, it would create or contribute to a harmful concentration of HMOs within the locality. It is stated that this can result either from exacerbating existing harmful effects on the character of the area of neighbours' living conditions, or by reducing the choice of homes in the area through changes to the housing mix.
4. Supporting the policy is the Managing The Development Of Houses In Multiple Occupation Supplementary Planning Document (November 2020) (the SPD), which defines a 'harmful concentration' as where a residential dwelling is 'sandwiched' between HMOs, or where the concentration of HMOs within a 100m radius of the application site exceeds 10% of the dwelling stock.

5. The Council accepts that a sandwiching effect would occur in this case. It instead refers to data on the number of licenced HMOs and properties which have been granted permission to convert to HMOs. Of 133 properties within 100m of the application site, the Council indicates that 14 are HMOs, a concentration of 10.53%. The proposal would increase the concentration to 11.19%.
6. The SPD sets out the adverse impacts resulting from an overconcentration of HMOs, including reduced social cohesion due to demographic imbalance; reduced housing choice; reduced community engagement; increased noise and disturbance; overlooking and loss of privacy; harm to visual amenity from poor maintenance and waste management; reduced community services and increased parking pressure.
7. The proposal would result in the 10% threshold of the SPD being exceeded. While this is an indicator of the aforementioned adverse impacts occurring, it is still necessary to consider whether the proposal would actually cause harm. In this case, the Council accepts that single person/family households make up the prevailing occupancy type in the ward, and shared housing is not disproportionately represented. The Council points to there being a material increase in the concentration of HMOs since an earlier application on the same site in 2022, but this is not attended by any evidence of this causing demonstrable harm in terms of the impacts set out in the SPD. In particular, there is no evidence of social cohesion being undermined or the demographic balance being significantly altered.
8. Notably, the site is located on a commercial parade at the junction of Filton Avenue and Bridge Avenue, where greater levels of activity exist compared to residential side streets. In this respect, the location of the site is suitable for a higher density form of accommodation. The HMO accommodation would also be located to the rear of the existing building, out of public view, and would not have a tangible effect on the character of the area.
9. Importantly, the proposal would not involve the conversion of an existing dwelling, and therefore there would be no loss of housing choice for other residents in the area. Conversely, it would add to the stock of lower cost housing sought by younger residents, students and single person households. At 11.19%, the HMO concentration would be minimally over the SPD threshold and the balance would remain very much in favour of single dwellinghouses. In these respects, the proposal would accord with the overarching aims of Policy BCS18 of the Core Strategy (2011) (the CS) 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.
10. I have had regard to the appeal decisions cited by the appellant at 85 Whiteladies Road¹ and 102 Gloucester Road.² Both relate to HMO development, and I note the Inspectors' reasoning in each with respect to the application of the SPD methodology. However, each relates to a different location in Bristol and thus neither is directly comparable to the appeal before me, or decisive to my considerations which are based on the specific merits of the proposal.
11. In summary, whilst there would be technical conflict with the SPD in terms of the concentration of HMOs exceeding 10%, there is no persuasive evidence that this

¹ Appeal Ref APP/Z0116/W/20/3260047

² Appeal Ref APP/Z0116/W/23/3335671

would translate to harm to the character of the area, housing choice, social cohesion or general population imbalance within the local community. Therefore, with the exception of neighbours' living conditions to be addressed separately below, I find no conflict with the aforementioned aims of Policy DM2.

Neighbours' Living Conditions

12. The nearest neighbours to the appeal site would be occupants of flats in Rosemead, an age exclusive housing complex. The presence of a 2.83 metre boundary wall would prevent direct views between the respective ground floor windows, and also views from the ground floor of the HMO to the first floor of Rosemead. Intervisibility would therefore be between the first-floor windows – serving two bedrooms in the HMO and indicated to serve a bathroom and two kitchens in the neighbouring flats. The first-floor windows of the proposed HMO rooms would be some 6.8 metres from the first-floor windows of flats in Rosemead.
13. I saw on site that, at this distance, there would be views possible between the properties. Although the first-floor windows already exist at the appeal site, they serve commercial storage rooms and are therefore accessed infrequently. However, the nature of HMO living is that bedrooms are used for multiple purposes by occupants beyond sleeping, including studying, eating and relaxing. As such, occupancy levels have the potential to be high, intensifying the risk of overlooking of the neighbouring flats. One of the neighbouring windows, serving a bathroom, is obscurely glazed, but the others serving kitchens are not. These are habitable rooms where occupants are likely to spend significant time. Therefore, the proposal would lead to a harmful increase in overlooking and loss of privacy for neighbouring occupants.
14. The appellant points to the plans submitted under the previous application³ that showed a similar layout at the first-floor level, which it is claimed the Council did not oppose in terms of the effect on neighbours' living conditions. That application was appealed and neighbours' living conditions did not form a main issue. However, the Council states that the proposals were in fact different, with first floor windows proposed to be obscurely glazed. I do not have full particulars of the previous application before me and cannot therefore be certain as to the specific design proposed. I have therefore considered the appeal on its own merits.
15. For the reasons set out, I conclude that the proposal would cause harm to the living conditions of neighbouring occupants through overlooking and loss of privacy, contrary to Policy BCS21 of the CS and Policies DM2, DM27 and DM29 of the SADMP, which together seek a high standard of development that safeguards the amenity of existing development and create a high-quality environment for future occupiers, including by enabling appropriate levels of privacy, outlook and daylight.

Standard of Accommodation

16. The proposed HMO bedrooms would exceed the Council's floorspace standards of 6.5 square metres. The Council's concern is instead in relation to outlook from the rooms and their being overlooked by flats in Rosemead. In respect of the rooms proposed at ground floor level, I have already found above that no intrusive overlooking would occur due to the screening provided by the high boundary wall with Rosemead.

³ Council Ref 22/05818/F

17. However, given the proximity of the respective first floor windows set out above, future occupants of Rooms 5 and 6 would be subject to potentially significant overlooking at close range from the flats in Rosemead. Occupants would have to draw blinds/curtains to maintain privacy and, as a consequence, would sacrifice outlook and light to the detriment of their living conditions, as the windows in question would be the only ones serving the bedrooms at first floor level.
18. Elsewhere, the appellant has made changes to the layout following dismissal of the previous scheme at appeal, wherein the Inspector stated that occupants would suffer poor outlook from rooms in which they would spend a majority of their time. The layout now includes a single, large, shared courtyard in place of two smaller, enclosed courtyards. This layout would be slightly more open, with better levels of light due to the bedroom windows all facing roughly south-west. However, the ground floor windows would still face towards a tall boundary wall at a distance of between 3.7m and 4m that would severely limit outlook. Moreover, although not specifically raised by the Council, the communal nature of the courtyard would mean that other occupants, and visitors, could utilise the space immediately in front of the windows, which would allow for direct, invasive views into the bedrooms, leaving occupants of those rooms with a similarly unwelcome choice as occupants on the first floor between having light and some outlook or maintaining privacy.
19. I accept that the other changes to the layout to create an enlarged kitchen and living area would provide an improved communal living space for occupants. However, as already stated, the nature of HMO living is that occupants tend to live more independently than would a single household, and thus are likely to spend significant time in their own rooms. Given this, I am not satisfied that the proposed communal space would be sufficient to mitigate for the poor living conditions occupants would suffer in the bedrooms.
20. In this matter, therefore, I find that the proposal would fail to provide an acceptable standard of accommodation for future occupants, in conflict with the aforementioned requirements of Policy BCS21 of the CS and Policies DM2, DM27 and DM29 of the SADMP.

Other Matters

21. In the event permission is refused, the appellant indicates an intention to utilise permitted development (PD) rights under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This permits a change of use of building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) and is raised specifically in respect of the potential overlooking from first floor windows toward Rosemead. I have no evidence before me of an alternative scheme; however, I note that Class MA relates to provision of dwellinghouses, not HMOs, which would necessitate a different site layout with larger, self-contained units that would provide occupants with private access to more than just a single bedroom. This would alter the extent to which any bedrooms provided on the first floor are used and thus the degree to which overlooking might occur. I am also doubtful that there is sufficient space on the first floor for a self-contained flat falling within Class C3. Therefore, I am not persuaded that a fall-back position involving a change of use under Class MA would represent a more harmful outcome compared to the appeal scheme. Consequently, it is not a factor weighing in the proposal's favour.

22. The proposal would involve the loss of existing commercial employment floorspace. I note a marketing exercise was undertaken several years ago which showed no interest in continuing the existing use. Although this evidence is no longer current, the Council accepts that it is a particularly large unit, but one which lacks off-street parking and is in an out-of-town location where there is a surplus of office accommodation. I have no firm evidence to contradict the Council's conclusions and am satisfied that the proposal accords with Policy DM12(i).
23. The evidence indicates that even with the addition of a takeaway, retail uses would continue to predominate within the Filton Avenue Local Centre, and the takeaway would be adjacent to a retail use, thus not contributing to a fragmented frontage dominated by non-retail uses. The Council recognises that the use would contribute to increased footfall within the local centre and provide an active frontage, both of which would help in maintain the vitality of the area.
24. The proposal would involve a side extension to the main building. It would replace the existing hipped roof and would maintain the general form and rhythm of the terrace. The replaced of the existing roller shutter door would be an improvement to the front elevation. The works to the rear would be away from public view and mainly within the interior of the site and at low level where they would not have a significant visual impact. I am satisfied that the design of the proposal would preserve the character and appearance of the area.
25. The application includes details of proposed mechanical extraction equipment to control fumes and odour from the hot food takeaway. However, no details of the location and/or design of necessary external flues have been provided. Neither is there any evidence of potential noise output from the extraction equipment, the proposed air source heat pumps or the use of the takeaway generally. Were the appeal to be allowed, it would be necessary to consider whether to attach conditions requiring suitable noise assessments, which may in turn dictate the form and nature of equipment installed.
26. The site is located within a local centre with access to various shops and facilities, and public transport on Filton Avenue. The local highway authority has raised no concern with the lack of off-street parking for either the HMO or the takeaway, and in light of the accessible location and nature of the uses, this arrangement is acceptable in the circumstances. Bin and cycle storage has also been proposed within the building, further details of which could be secured by condition.
27. The appellant has provided a sustainability/energy statement which demonstrates that the proposal would achieve a 20% reduction in carbon emissions through provision of an air source heat pump, in accordance with the requirements of Policy BCS14 of the CS.

Planning Balance and Conclusion

28. For reasons set out, there would be conflict with Policy BCS21 of the CS and Policies DM2, DM27 and DM29 of the SADMP. In light of the Framework stating that development should achieve a high standard of amenity for existing and future users, I afford the conflicts with these policies very significant weight.
29. The appellant states that the Council cannot demonstrate a five-year supply of deliverable housing sites in accordance with the Framework, with supply stated to be between 2.2 and 2.4 years. The Council has neither confirmed nor denied this,

but it did accept that position in the appeal determined in July 2024. In the absence of more up-to-date evidence to the contrary, I find that Paragraph 11(d) of the Framework is engaged.

30. The proposed HMO would count as one unit in terms of the overall housing stock. It would nevertheless accord with the Framework's objective of significantly boosting the supply of homes and would respond to the high demand for rented accommodation, particularly from students, outlined in evidence by the appellant. This attracts considerable weight in favour of the proposal in the circumstances. Enlargement of the existing first floor flat to the front of the site would not add to the housing stock, but it would modestly improve the quality of accommodation.
31. The proposal would also provide investment and employment during construction, spending in the local economy by future occupants and the takeaway would generate further employment and economic activity, albeit there is no substantive evidence this would be greater than that currently generated by the existing commercial use. Given the scale of the development, these are factors attracting limited weight in favour of the proposal. There would also be modest environmental benefits from proposed carbon reduction measures.
32. Set against these benefits, the proposal would have permanent adverse impacts in terms of the standard of accommodation and neighbours' living conditions, contrary to the Framework's expectations for high quality design and developments which create places with a high standard of amenity for existing and future uses. I afford very significant weight to these impacts. In light of this, whilst the proposal would make use of an existing building, the shortcomings in the quality of the accommodation means the proposal would not gain support from the Framework in terms of making effective use of land.
33. Overall, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, Paragraph 11 does not indicate that permission should be granted, and the proposal does not benefit from the presumption in favour of sustainable development.
34. For these reasons, the proposal does not accord with the development plan, taken as a whole, and material planning considerations do not indicate that permission should be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR