Planning Inspectorate

Decision Notice and Statement of Reasons

Site visit made on 02 January 2026

By N Robinson BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 08 January 2026

Application Reference: S62A/2025/0136
Site address: 357 Filton Avenue, Horfield, Bristol, BS7 0BD

- 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 22 October 2025 is made by Mr & Mrs Harpreet and Harrminder Sehmbi and Kaur Sehmbi and was validated on 19 Nov 2025.
- 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 small HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 24/03459/F).

Decision

1. Planning permission is refused for the development described above, for the following reason:

   1.) The development would fail to provide a high-quality living environment for future occupants, in particular in relation to privacy. The development would therefore conflict with Core Strategy (2011) policy BCS21 and policies DM2, DM27 and DM29 of the Site Allocations and Development Management Policies (2014).

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) has been designated for non major applications since 06 March 2024.

3. Consultation was undertaken on 26 November 2025 which allowed for responses by 30 December 2025. BCC submitted an officer report on 29

December 2025. The consultation response sets out the Council's comments on the development. I have taken account of all written representations in reaching my decision.

4. I carried out an accompanied site visit on 02 January 2026 which enabled me to view the site and the surrounding area.

Background

Planning history

5. **24/03459/F** 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). (REFUSED. APPEAL DISMISSED).

   22/05818/F Change of use of part of the Ground Floor to Takeaway use (Sui Generis), and part of the Ground and First Floors to an 8-bedroom HMO (Sui Generis); new extract flue for Takeaway. Extension of existing 2-bedroom flat to create a 3-bedroom flat. (REFUSED. APPEAL DISMISSED)

   22/03341/F Change of use of part ground floor to takeaway use and part ground and first floor to 8 bedroom HMO (both sui generis use). New extract flue, entrance doors and windows (REFUSED).

   22/01322/F Change of use of existing office (Use Class E) to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of one new building housing 3.no flats over three storeys and associated amenity space, bin and cycle storage (REFUSED. APPEAL DISMISSED)

   21/03822/F Change of use of existing shop [Use Class E(a)] to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of two new buildings housing 6.no flats over three storeys and the vertical extension of the existing garage to house 1.no flat (7.no new flats in total). Associated amenity space, bin and cycle storage (APPLICATION WITHDRAWN).

Main Issues

6. Having regard to the application and BCC's statement, I consider the main issues for this application are:

   - *whether the proposal would provide an acceptable living environment for future occupiers;*
   - *the effect of the proposal on the living conditions of the occupiers of neighbouring properties;*
   - *the effect of the proposal on the highway network;*
   - *the effect of the proposal on the character and appearance of the area;*
   - *the principle of the proposed House in Multiple Occupation (HMO);*

- *the principle of the loss of the existing commercial/ office use; and*
- *the impact on the local centre.*

Reasons

Living environment for future occupiers

7. The site comprises a 2-storey end of terrace building located on Filton Avenue which has been extended to the rear. The building is in commercial/ office use to the ground floor with a 2-bedroom flat above. The site is located in the Filton Avenue Local Centre.

8. The proposal is for the erection of a first floor side extension which would extend the first floor flat, creating an enlarged kitchen/ diner and third bedroom. The proposal includes the change of use of part of the ground floor to a takeaway and the change of use of part of the ground and first floors to a 5-bedroom HMO. The HMO would accommodate 3 bedrooms and a communal kitchen at the ground floor and 2 bedrooms to the first floor. Each HMO bedroom would be provided with an en-suite shower room. The HMO would be accessed via an entry courtyard, from which the bin and cycle stores would be accessed.

9. Future occupiers of the HMO would be provided with bedrooms which would exceed the Nationally Described Space Standards and the Council's standard of 6.5m^2 set out in the Councils HMO License Standard. A satisfactory level of internal and external communal living space would be provided within the communal kitchen and rear courtyard.

10. The 3 ground floor HMO bedrooms would overlook the rear courtyard. I am satisfied that all 3 bedrooms would receive adequate levels of natural light and an acceptable outlook over the courtyard. However, given the proximity between the courtyard and the openings to bedrooms 1,2 and 3, I cannot be assured that future occupiers of these bedrooms would not be subject to harmful levels of overlooking whilst this communal amenity space is in use, resulting in a harmful lack of privacy for the occupier of these rooms, to the detriment of their living conditions. Whilst noting that landscaped areas are proposed in the areas immediately surrounding these openings, it has not been demonstrated that this landscaping would prevent views into these bedrooms from other parts of the courtyard which are also close to the openings.

11. There would be a separation of approximately 10.7m between the window in the western elevation of HMO bedroom 5 and the window to bedroom 3 to the first-floor flat. Given this, occupiers of HMO bedroom 5 and the first floor flat would experience direct overlooking, resulting in a harmful lack of privacy for future occupiers of these units, to the detriment of their living conditions.

12. In support of the proposal the applicant states that it is common for HMO conversions to have ground floor bedrooms with windows looking out onto communal gardens. However, the existence of harmful relationships elsewhere does not justify the creation of further living environments where such a harmful relationship arises. Additionally, whilst it is suggested that the

communal nature of HMOs ensures that occupants interact, including within outdoor spaces, this cannot be guaranteed or relied on to ensure that no harmful overlooking would occur when the courtyard is in use by the occupants and their visitors. Given this, the communal nature of the HMO would fail to address the harm arising from the loss of privacy.

13. I have considered whether the overlooking of HMO bedrooms 1,2,3 and 5 and the first floor flat could be overcome by condition which requires the inclusion of obscurely-glazing to these windows. However, such a measure would also have the effect of restricting outlook from these windows, which would compromise the quality of the living environment within these rooms. Given this, whilst the concerns outlined above in regard to overlooking could be addressed by condition, this would still not achieve an acceptable standard of accommodation for future occupiers.

14. Drawing on the above, future occupiers of HMO bedrooms 1,2,3 and 5 and the first floor flat would be subject to harmful levels of overlooking. The development would therefore fail to provide an acceptable standard of accommodation for future occupiers, in conflict with Core Strategy (2011)(CS) policy BCS21 and Site Allocations and Development Management Policies (2014) (DMP) policies DM2, DM27 and DM29 which require developments to provide a good standard of accommodation for future occupiers.

Living conditions for neighbouring occupiers.

15. The proposal would not result in detrimental loss of light or overshadowing of neighbouring properties. The openings within the southern elevation would be obscurely glazed and I am satisfied that the development would not result in overlooking of Rosemead, an age exclusive housing complex to the south of the site, or other properties in the surrounding area. The building and site are sizeable and there is no particular evidence that the HMO would cause excessive noise disturbance to the occupiers of the neighbouring properties from the activities associated with future occupiers.

16. The proposal includes a takeaway to the ground floor and there is limited information before me regarding where the extraction system would be located and terminate or the predicted noise levels resulting from the plant/equipment associated with the takeaway use or the use of the takeaway generally. Nonetheless, based on the information before me I am satisfied that this matter could be controlled by a condition requiring the submission of details of the plant/ equipment, a noise survey and any necessary noise mitigation measures. This view is shared by the Council. Subject to this condition, and a condition restricting the hours of operation of the takeaway, I am satisfied that the proposed takeaway would not result in harm to the living conditions of the occupiers of neighbouring properties.

17. I am satisfied that the proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. In regard to this main issue, the proposal accords with DMP policy DM2, DM27, DM29, DM30 and DM35 and CS policies BCS21 and BCS23 which, amongst other matters, seek to ensure development safeguards the amenity of existing premises.

Highway network

18. The proposal would not make provision for any off-road car parking spaces. Nonetheless, the site is located within convenient reach of day-to-day services and is accessible by different means of transport including by foot and public transport. Future occupiers of the HMO would be provided with 6 cycle parking spaces which would be provided in accordance with locally adopted standards. It would therefore be feasible for occupants to live in the HMO without the need for a car and who would be able to travel for work, to educational establishments, services or leisure by public transport, bicycle or on foot. Given this I am satisfied that the proposed HMO would not result in harm to the operation of the highway network or increase parking stress elsewhere.

19. The site is in an accessible location and there is no suggestion that the effect of the takeaway on the operation of the highway network would substantially differ from that of the existing retail unit/ office. The Council has raised no concern about the lack of off-street parking for the takeaway. Based on the information before me and my observations on site there is no indication that the takeaway would result in harm to highway safety or the operation of the highway network.

20. It is noted that the access door of the retail bin store would open outwards over the pavement to the site frontage and that, when open, this could reduce the width of the pavement and interfere with the pedestrian flow to the site frontage. This could be addressed by a condition requiring the submission of amended plans showing inward-opening doors and I note that this view is shared by the Council. I am therefore satisfied that, subject to the inclusion of this condition, the proposal would not compromise the usability of the pavement to the site frontage.

21. The proposals would not result in harm to highway safety or the operation of the highway network. It would therefore accord with DMP policies DM2, DM23 and DM32 and CS policies BCS15 and BCS10 which require that developments do not give rise to unacceptable traffic conditions.

Effect on character and appearance of the area

22. The site comprises a 2-storey hipped-roof end of terrace property located on Filton Avenue which comprises commercial units on the ground floor of differing shop front designs with residential uses above. The proposal includes a first-floor side extension which would have a hipped roof and would be finished in materials to match the host building. The extension would match the building line and form of the terrace, including its hipped roof, and would have a ridge and eaves height consistent with the remainder of the terrace. The fenestration would be consistent with the pattern and rhythm of fenestration in the terrace, and the HMO entrance door and bin store door would not appear out of keeping within the street scene of varied shop fronts. I am satisfied that the form of the terrace as a whole would remain legible and the proposal would be consistent with the character and appearance of the street scene. It would therefore accord with CS Policy BCS21 and DMP Policies DM26, DM27 and DM30 which seek, to ensure that

development contributes positively to an area's character and identity and the broader street scene.

Principle of the proposed HMO

23. DMP policy DM2 sets out general criteria for shared housing to ensure that the residential amenity and character of an area is preserved and that harmful concentrations do not arise. It states that development will not be permitted where it would create or contribute to a harmful concentration of such uses within a locality as a result of exacerbating existing harmful conditions or reducing the choice of homes in the area by changing the housing mix. The managing the development of houses in multiple occupation Supplementary Planning Document (2020) (SPD) advises that a harmful concentration of HMOs can arise where 10% or more of dwellings within 100m of the application site are HMOs, and where the 'sandwiching' of a family dwelling between HMOs occurs, as a result of which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion weaken.

24. The sandwiching of a family dwelling would not occur as a result of the proposal. However, the percentage of HMOs within 100m of the site is 10.53%. Given this, the desirable 10% threshold within the SPD has been exceeded, indicating that the choice of housing around the site is already imbalanced by the concentration of HMOs. However, the increased activity associated with 5 persons living in the HMO would be modest and, given the scale of the site, there is no suggestion that this would harm the character of the area or the living conditions of neighbouring residents in respect of noise and disturbance from activity. The plans show that future occupiers would be provided with adequate refuse and cycle storage. There is no evidence before me that the proposal would result in increased parking pressure, in particular noting my observations regarding the accessibility of the site. As the property is not currently in residential use, the proposal would not reduce the choice of family homes in the area. Furthermore, there is no evidence before me that the existing proportion of HMOs has resulted in harm to the mix and balance of housing or to the character and amenity of the area.

25. Drawing on the above, I find that, despite the concentration of HMOs in the area, in these particular circumstances the proposal would not result in an imbalance in the city's housing stock and communities to the detriment of social cohesion or community engagement. Given this, there is no evidence that the harmful effects arising from an overconcentration of HMOs would occur as a result of this application. Thus, there is justification for departing from the guidance in the SPD. I find that the proposal accords with LP policy DM2 as set out above and CS Policy BCS18 which 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.

The loss of the existing commercial/ office use

26. The site includes a commercial/ office use which would be replaced with a takeaway. LP Policy DM12 states that employment sites should be retained

for employment use unless it can be demonstrated that set criteria are met, one of which is that there is no demand for employment uses. The applicant has provided evidence in the form of a Marketing Report which indicates that there is no demand in the building for commercial/office purposes. I am satisfied that it has been demonstrated that there is no demand in the property for employment uses, a view which is shared by the Council. Thus, the loss of the employment use would not be harmful to the economy and local employment opportunities and would therefore accord with LP policy DM12, the aims of which are set out above.

Impact on the local centre

27. Hot food takeaways are commonly found in local centres and attract a high level of footfall and customer flow which help maintain the viability of the centre. The unit would retain an active frontage, with a shopfront that would be accessible to the public from the street. The Council indicates that within the Local Centre 63% of units are in retail use and 18% of units operate as takeaways. Given this, retail would remain the dominant use within the Local Centre, and there is no indication that the proposal would result in an overconcentration of takeaways.

28. I am satisfied that the development would generate a reasonable level of footfall, maintain an appropriate balance of uses in the Local Centre and would not dominate or fragment the centre's retail frontage and thus would maintain the function of the centre. Given this, the proposal would be in accordance with CS policy BCS7 and DMP policies DM9 and DM10 which seek to ensure that proposals maintain the vitality, viability and diversity and the balance of uses in and function of Local Centres and do not result in a harmful concentration of food and drink uses.

Other Matters

29. Even if I were to accept that the 2022 application[1] did not include obscure glazing to south-facing windows, that application was ultimately refused and the appeal of that decision[2] was dismissed, as was the 2025 appeal decision[3] to which my attention is drawn. Thus, there are no extant permissions for the redevelopment of the site which include clear glazing to the southern elevation. Even if I were to allow the applicant the requested opportunity to provide amended plans to show clear glazing to the southern elevation, this would fail to address my concerns regarding the overlooking of proposed rooms resulting from the proposed layout.

30. The Council consider that the proposal is not chargeable development under the Community Infrastructure Levy (CIL) Regulations. This is on the basis that the existing floorspace (374m^2) is in lawful use for the purposes of CIL and it is greater than the floorspace of the proposed development (282m^2). I see no reason to take a different view.

[1] 22/05818/F
[2] APP/Z0116/W/23/3334634
[3] APP/Z0116/W/24/3357125

31. The application is accompanied by biodiversity net gain exemption statement which outlines that the proposal would not impact on any habitats of biodiversity value and represents a de minimis exemption, which is accepted by the LPA. I am satisfied that the proposal could be considered as exempt, having regard to the de minimis threshold.

The Planning Balance

32. The Council accepts that it is unable to demonstrate a 5-year housing land supply. Paragraph 11d of the National Planning Policy Framework (the Framework) indicates that, in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

33. The provision of one HMO would accord with the Framework's objective of significantly boosting the supply of homes and would improve local housing choice for those seeking shared/ low cost accommodation. There would be investment and employment during construction, and spending in the local economy by future occupants thereafter. Having regard to the overall scale of the proposal, these benefits collectively attract moderate weight. I afford due weight to the development's contribution to the vitality and vibrancy of the local centre, and its compliance with the Framework and relevant development plan policies in this regard.

34. Set against these benefits, the proposal would fail to provide satisfactory living conditions for occupiers of the development. This results in conflict with the development plan as a whole, to which I afford significant weight. Conflict also arises with the Framework which indicates that decisions should create places with a high standard of amenity. Therefore, whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not constitute a sustainable form of development in terms of the Framework and thus does not benefit from the presumption in favour of sustainable development. Therefore, material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan.

Conclusion

35. For these reasons the proposal does not accord with the development plan and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, I recommend that planning permission should be refused.

N Robinson

Inspector and Appointed Person

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. 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.

iii. 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

Appendix 1 - Consultee responses

Bristol City Council