



Decision Notice and Statement of Reasons

Site visit made on 8 December 2025 by Scott Wilson LL.B. MSc MRTPI

Decision by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Application Ref: S62A/2025/0129

Site Address: Second Floor Flat, 224 Bath Road, Bristol BS4 3EQ

- 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 26 September 2025 is made by Ross Caltabiano and was validated on 21 November 2025.
 - The development proposed is conversion of top floor flat into a House in Multiple Occupation (Use Class C4) with rear roof extension and associated works.
-

Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The development would lead to a harmful concentration of houses in multiple occupation within the locality, contrary to Policy DM2 of the Bristol Local Plan - Site Allocations and Development Management Policies (July 2014) and Supplementary Planning Document: Managing the development of houses in multiple occupation (November 2020).

Statement of Reasons

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. 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 have been designated for major and non-major applications since 6 March 2024.
4. Consultation was carried out which allowed for responses by 31 December 2025. No responses were received. I carried out an access required site visit which enabled me to view the site and the surrounding area.

Background and planning history

5. The application site is the top floor flat on 224 Bath Road, to the southwest of the city centre. The proposal is to change the use of the flat to a 3 bedroom HMO. A roof extension is also proposed, but this has already been granted planning

permission by the Council, under planning permission ref. 24/03520/F in January 2025.

6. Planning permission was refused by the Council in July 2025 for the same proposal as this, for the following reasons:

- 1) *The proposed HMO would sandwich neighbouring dwellings at 220 and 222 Bath Road and would therefore be expected to harm neighbouring amenity through noise and disturbance associated with this issue, pressures for on-street parking and poor waste management as set out within the HMO SPD. This would be compounded by the other reason for refusal on this application. As, such the application fails to comply with the requirements of the HMO SPD policies in addition to BCS18 of the Bristol Core Strategy (2011) and DM2 of the Site Allocation and Development Management Policies (2014), and*
- 2) *The use of vertical cycle storage and inadequately secure waste storage, both opening onto the pavement, would represent an unsafe and unhygienic addition to Bath Road. This would fail to accord with TDM guidance and is contrary to policies BCS10 and BCS15 of the Bristol Core Strategy (2011) and DM23 of the Site Allocations and Development Management Policies (2014).*

Main Issue

7. Having regard to the application and what I saw on site, the main issue is whether the development would lead to a harmful concentration of Houses in Multiple Occupation (HMO) in the locality.

Reasons for the Recommendation

8. Policy DM2 of the Bristol Local Plan - Site Allocations and Development Management Policies (the Local Plan) sets out that proposals for, amongst other things, the conversion of existing dwellings to be used as HMO, will not be permitted where the development would create or contribute to a harmful concentration of such uses within a locality.
9. Supplementary Planning Document: Managing the development of houses in multiple occupation (November 2020) (SPD) explains that a harmful concentration can arise at a localised level when an existing property or properties are sandwiched between HMOs on both sides. Such an arrangement can intensify impacts on individual households and create an imbalance between HMOs and other housing at street level. I concur with this approach as a HMO is a more intensive use than that of a single household. Potential sandwiching situations are provided in the SPD, which include up to three single residential properties in a street located between two single HMO properties.
10. The evidence before me is that No. 218 is a licensed HMO. The activity levels associated with the proposal would intensify the use of No. 224 when compared to the consented scheme of a three-bedroom maisonette, because occupants of a HMO are likely to live their daily lives independently of one another. This would lead to an increase in noise and disturbance over and above the consented scheme. Despite the levels of HMOs in the area being less than 10%, the intensification of use with its associated noise and disturbance would adversely affect Nos 220 and 222 due to their position, sandwiched in between the proposal and No 218. This would intensify the impact on these households in the area and

create an imbalance between HMOs and other housing at street level. This would conflict with the SPD Sandwiching Assessment.

11. The standard of accommodation proposed complies with the SPD Good Standard of Accommodation. Furthermore, I acknowledge that the area is not a controlled parking zone. At the time of my site visit, which I appreciate is a snapshot in time, demand for on street parking was high. However, I did manage to park, and the proposal would be unlikely to have a significant adverse effect on the availability of on-street parking. Nonetheless, compliance with these areas of policy would be neutral and would not outweigh the harm identified above.
12. The cycle and refuse store have been redesigned since the previous application and this has resolved the issues of vertical storage of cycles and unsafe doors opening onto the footway. In addition, the store would remove an unsightly refuse bin and some recycling containers from the footway. Whilst this is an improvement, and negates the previous second reason for refusal, this would also not outweigh the harm I have identified.
13. Accordingly, the proposal would conflict with Policy DM2 of the Local Plan insofar as it seeks to avoid harmful concentration of HMOs. For the same reason, the proposal would conflict with the SPD, insofar as it sets out the circumstances in which 'sandwiching' can occur.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, the proposal does not accord with the development plan as a whole, and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Therefore, I recommend that planning permission should be refused.

Scott Wilson

APPEAL PLANNING OFFICER

Inspector and Appointed Person's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis planning permission is refused.

Katie McDonald

INSPECTOR AND APPOINTED PERSON

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 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>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.