



Appeal Decision

Site visit made on 25 February 2025

by **Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/Z0116/W/24/3341445

87A Redland Road, Redland, Bristol BS6 6RD

- 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 Haiyan Xu of GHL Properties Ltd against the decision of Bristol City Council.
 - The application Ref is 22/01845/F.
 - The development proposed is Conversion of existing maisonettes into 2no. Houses in Multiple Occupation (HMO) containing 6no. bedrooms (Use Class C4) and 7no. bedrooms (sui generis) respectively, with associated bin and bike storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted updated plans in respect of the internal space as part of their submission. As these make no alterations to the proposal but provide additional clarity and detail, I am satisfied that no party would be prejudiced by these being considered as part of the appeal. I have proceeded on that basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on mixed and balanced communities, with particular regard to the concentration of houses in multiple occupation (HMOs) and their effect on residential amenity and the character of the area;
 - whether the proposal makes satisfactory provision for cycle parking;
 - the effect of the proposal on highway safety, with regard to car parking provision; and
 - whether the proposal provides satisfactory living conditions for future occupiers, with regard to outlook, natural light and internal space.

Reasons

Mixed and balanced communities

4. Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (the SADMP) seeks to ensure that new HMOs would not harm residential amenity and the character of the area and seeks to avoid harmful concentrations of HMOs from occurring. Part ii) of the policy sets out the circumstances when a harmful concentration would occur. How this applies in

practice is explained in the Council's Managing the development of houses in multiple occupation Supplementary Planning Document (2020) (the SPD) which applies two tests, one relating to a street level assessment 'the sandwich test', the other a threshold assessment at neighbourhood level, the '10% test'. It is common ground that this neighbourhood assessment has been met.

5. The 'sandwich test' will not be met in a number of situations. Relevant to the circumstances of this appeal are when up to three single residential properties in a street would be located between two single HMOs and/or a single residential property would be sandwiched between two HMOs, either adjacent, opposite and to the rear.
6. Number 87A is a large semi-detached dwelling set over four storeys. It is subdivided into two maisonettes; the lower maisonette would be converted into a seven-bedroom HMO and the upper maisonette into a six-bedroom HMO. It is located in a row of seven similar properties between two side roads. Within this, the ground floor of No 91A, at the end of the row, is a three-bedroom HMO.
7. There are three properties between No 91A and the appeal building. No 89A is a dental practice and Nos 91 and 89 are subdivided into a total of nine flats. In terms of the scenarios set out within the SPD and against which the Council made its assessment, based on numbers of dwellings between the existing and proposed HMOs, there would be nine dwellings in the intervening properties and the dental practice. This would exceed the test of up to three single residential properties. On the other hand, the proposal would result in these properties being sandwiched between three HMOs because of the stacked nature of the proposed accommodation. Alternatively, at ground floor level, there would be three properties between the HMO at 91A and the proposed ground floor HMO. It is evident that the exact scenarios as set out in the SPD do not apply here.
8. The SPD notes that variations to the scenarios it sets out in respect of sandwiching may occur and that is the case here. Given this, it is appropriate to come back to the purpose of the tests which is to deliver on Policy DM2 as referred to above. It is therefore necessary to consider the proposal in terms of its effect on residential amenity and the character of the area to establish whether a harmful concentration of HMOs would occur. The policy explains how harm may arise which includes impacts from noise and disturbance; on-street parking impacts; cumulative detrimental impacts of physical alterations to buildings and structures; or inadequate storage for recycling/refuse and cycles.
9. The area is predominantly residential with Redland Road itself being a relatively busy thoroughfare. Properties are semi-detached with a generous gap separating each of the pairs. The HMOs would be accessed from the side elevation. The entrance to No 87 is opposite the ground floor entrance to the larger HMO and the external staircase to the upper HMO. There are also windows facing towards the appeal property from this elevation.
10. The HMOs would, in combination, provide 13 bedrooms and at least an equivalent number of occupants, potentially more given the large size of some of the rooms. Occupants would be likely to have their own individual routines and carry out activities independently of other occupants within the building. This would be unlike a family operating a single dwelling who would be more likely to do shared activities. There would therefore likely be significantly more comings and goings

associated with the HMOs and an intensification of the use throughout the day and into the evening. This would be apparent within the neighbourhood but particularly for the neighbouring occupiers at No 87 who, whilst not sandwiched between HMOs, would be adjacent to two sizeable HMOs and the main entrances to these. The gap between No 87 and the appeal property would provide a degree of separation but not sufficient to overcome the harm that would arise from the high occupancy of the property by unrelated individuals.

11. There are other controls in place to address possible issues with HMOs including through the Council's licensing of HMOs, Environmental Health legislation as well as the proper management of the HMOs. The appellant has provided an HMO Premises Management Plan for this proposal. This may avoid anti-social behaviour and unacceptable noise and disturbance arising within the property. However, it cannot prevent the cumulative impact of 13 or more individuals going about their daily business including their visitors and deliveries as well as bicycles being brought through the side passage to the rear cycle store and the general level of disturbance that would arise from this.
12. The Council has drawn my attention to a dismissed appeal¹ for an HMO at Number 38 Toronto Road, Bristol where the Inspector applied the guidance in the SPD and concluded there would be an intensification of activities compared to that associated with a family house. I accept the appellant's point that the arrangement of properties along Toronto Road are much closer than in the case here where the appeal property is semi-detached and separated from the neighbour at No 87. Nevertheless, this does not alter my findings that harm would arise from the appeal proposal for the reasons I have set out above.
13. I recognise that the dental practice at No 89 gives rise to frequent comings and goings throughout the day. However, this is during the daytime only during weekdays and the impact is not comparable to that which would arise from the HMOs.
14. There is no evidence of complaints associated with the HMO at No 91A. However, this does not mean additional HMOs in close proximity to this would be appropriate.
15. Evidence drawn from Census 2021 data relating to the Redland Ward in which the appeal property is located indicates a higher proportion of larger properties compared to the city average and a slightly lower proportion of one-bedroom properties. Redland Ward also has a higher proportion of flatted accommodation. The Council has stated that the loss of two existing dwellings would have an impact on the choice of homes in the area but has not addressed the evidence submitted. I do not reach any firm conclusions on this matter as I do not have the full dataset before me. Whilst the proposal would result in too many HMOs within the immediate vicinity of the appeal site which would be harmful to mixed and balanced communities in this location, there is nothing before me to suggest that the proposal would materially impact the choice of housing in the wider locality.
16. It is common ground that the alterations to the property are limited and would not be harmful. The Council has raised no concerns about the proposed arrangements for recycling and refuse storage. I address matters in respect of parking and cycle storage in my next main issue.

¹ APP/Z0116/W/21/3281047 – 38 Toronto Road, Horfield, Bristol BS7 0JP

17. For the reasons I have set out, I conclude that the proposal would harm residential amenity and the character of the area resulting in an unacceptable concentration of HMOs. The proposal would therefore conflict with Policy DM2 of the SADMP as referred to above. It would also conflict with Policy BCS18 of the Bristol Development Framework Core Strategy 2011 (the CS) which seeks to maintain, provide or contribute to a mix of housing tenures, types and sizes.

Cycle Parking

18. The proposed six-bedroom HMO on the upper floors would fall within Class C4, attracting a requirement for three cycle spaces under the Council cycle parking standards. The lower HMO, being larger and categorised as *sui generis*, would require an unspecified number of spaces but at least three.
19. The Council has indicated a need for an absolute minimum of six cycle spaces for residents plus a requirement for visitor parking but argued that with parking difficulties locally as well as the proposal that the scheme should be car free, there should be flexibility for additional cycle spaces up to the number of bedrooms provided.
20. In terms of visitor cycle parking, the standards set a requirement from a threshold of 10 dwellings. As this relates to dwellings, it does not fully align with the proposal here. However, given there would be 13 unrelated individuals occupying the entire property, it is not unreasonable for the Council to require some provision for visitor cycle parking.
21. The proposal makes provision for cycle parking. This would be within the existing secure store in the rear garden which would provide space for at least six bicycles, utilising a semi-vertical cycle rack.
22. The Council's Transport Development Management (TDM) cycle parking guidance² is clear that vertical, angled or hanging storage systems for bicycles are not acceptable because they are difficult to use and can cause damage to bicycles. The proposed use of semi-vertical cycle storage would not be supported, particularly as they are less accessible to those people with impaired mobility, upper body strength or for use with non-standard cycles.
23. The cycle storage within the rear garden would be available to future occupants who could access it through the side gate into the garden. Being positioned in the rear corner of the garden, it would not be in the most convenient location but would nevertheless be capable of providing some secure cycle parking. However, the proposed semi-vertical cycle storage would not meet the required standards. The appellant has argued that since any occupiers would need to traverse several steps to access the property, they would therefore be capable of bumping the front wheel into the cycle rack. However, bikes would need to be partially lifted to insert the front wheel within the rack and this could be difficult for some less mobile or less strong future occupiers. I therefore agree with the Council's concerns that the proposed cycle storage would not be suitable.
24. The appellant has suggested that due to the lower HMO having direct garden access, internal space at both lower and ground floor level as well as some large bedrooms, there would be space for additional cycle storage within the HMO itself

² Bristol Transport Development Management Guide – Cycle Parking, October 2022

if required. However, this would involve either bringing bicycles up the stairs to the ground floor front door into the hallway or bringing them through the garden into the shared living space in order to access the bedrooms. This would not be a satisfactory arrangement particularly as it is likely there would be furniture and other obstacles in the way as well as other residents trying to use the shared space for relaxing outside their bedroom. It would also not meet the needs of people with mobility impairments or those who may require a larger or non-standard bicycle.

25. The TDM guidance requires cycle parking to be accessible and does not support this type of arrangement whereby cycles are brought into the building. The National Planning Policy Framework (the Framework) also requires developments to address the needs of people with disabilities and reduced mobility in relation to all modes of transport. The cycle parking as proposed fails to achieve this. As such, the scheme falls short of the required cycle parking and would therefore not encourage people to cycle regularly.
26. I conclude that the proposal would not make satisfactory provision for cycle parking. It would therefore conflict with Policies DM2 and DM23 of the SADMP, Policy BCS21 of the CS and the SPD which together require proposals to make parking provision in accordance with standards and for development to support cycling provision.

Highway safety

27. Redland Road and the surrounding residential streets lie within a residents' parking scheme area where parking is controlled. Residents have access to parking permits but parking for other drivers is pay and display on weekdays between the hours of 0900 and 1700. The parking scheme is in place to restrict on-street parking in the area which the Council has stated experiences high levels of parking stress. Local residents have similarly highlighted parking issues locally.
28. The appeal property does not benefit from off-street parking. Any occupants of the proposed HMO with cars would therefore need to park on the street. Increased parking arising from the proposal would add to the existing parking stress in the area. This could cause highway safety issues from people driving around looking for spaces or parking inconsiderately given rise to an increased risk of conflict between users of the highway.
29. The appellant has stated that the occupants of the HMO would be unlikely to have a vehicle. Evidence for this is drawn from 2021 Census data indicating that dwellings in this part of the city have a lower than the City-wide average for car access and that privately rented properties, in which category the HMOs would fall, have a significantly higher level of no car availability. The appellant has also relied on a 2019 report produced by a neighbouring local authority³, showing low average numbers of vehicles per HMO household. The evidence is indicative of a lower level of car access or ownership for this type and tenure of property.
30. The site is in accessible location, close to bus stops and a railway station. It is in walkable distance to Gloucester Road Town Centre which provides a wide range of services and facilities. Future occupants may not therefore require access to a

³ Bath & North East Somerset Parking Policy Review – Student, HMO and New Housing Development Research 2019

car. I also accept that as two family-sized maisonettes, occupants may well have had one or two cars.

31. It is proposed that the properties are car-free in that the residents of the HMOs would not have access to the residential parking permits in the area. Permits are issued by the Highways Authority. I appreciate that occupants could get round this by using the pay and display on street parking during the daytime. However, this is unlikely to be a sustainable solution in the long term, particularly as it only permits parking for 3 hours.
32. On balance and taking all these factors into account, it seems unlikely that the proposal would give rise to a significant increase in demand for car parking locally. It would not harm highway safety due to increased on-street parking. It would therefore accord with Policies DM2 and DM23 of the SADMP, Policy BCS21 of the CS and the SPD insofar as they relate to car parking. Together these require appropriate levels of parking, having regard to the parking standards and the parking management regime and to provide a safe built environment.

Living conditions

33. Bedroom 1 of the lower HMO would be located on the lower ground floor. The existing window to the room opens onto a conservatory which would become part of the communal living area for occupants of the HMO. This would be blocked up and a new, tall window would be installed in the rear elevation of the building between the conservatory wall and the shared boundary with the neighbouring property. This window would face northeast.
34. I observed the bedroom to be somewhat gloomy due to the position of the existing window and its enclosure by the conservatory. The proposed window in opening onto the external space may provide more natural light than this. However, it would also be enclosed by the boundary and conservatory walls which are perpendicular to the rear elevation. The room would likely remain gloomy and future occupants would need to rely on electric lighting.
35. The outlook would also be limited due to the enclosing nature of the existing conservatory and boundary. Future occupants would have little in the way of meaningful outlook. Whilst the occupant would have access to the shared kitchen and living room within the conservatory where they could gain outlook onto the garden, this would not compensate for the absence of a decent outlook from the occupant's only private living space.
36. Together, the limited natural light and outlook would result in unsatisfactory living conditions for the future occupant of bedroom 1.
37. Bedrooms 5 and 6 within the upper HMO would be located within the roofspace. Currently they are part of the same room served by two rooflights within the sloping ceiling. The ceilings are high and whilst the roof is sloping, with light entering from both rooflights, the space appeared light and quite spacious when I visited the site. The proposal would subdivide the room to create two bedrooms with additional space to bedroom 6 taken from the existing adjacent bathroom, each would be served by a single rooflight.
38. The bottom of the rooflights are positioned approximately 1.5 metres above floor level. At this height, for someone standing there would be some outlook from the

window, if sitting, they would need to look upwards towards the sky for outlook. This would not provide a satisfactory outlook for occupants of both bedrooms as this would be their only private space. The availability of outlook from shared spaces would not compensate for the substandard outlook here.

39. The submitted floorplan is annotated to show bedroom 5 with a floorspace of 10.98 square metres (sq.m) and bedroom 6 with 8.26 sq.m based on the that available floorspace with at least 1.5m of headroom. The licencing standard is for a minimum of 6.51 sq.m for a single bedroom. Based on these figures, the bedrooms would have sufficient floorspace without restricted head height.
40. The rooms are therefore an acceptable size. They would also benefit from good levels of natural lighting due to the size and orientation of the windows. However, given my findings on outlook, the accommodation would be unsatisfactory.
41. The proposal would not provide satisfactory living conditions for future occupants in respect of natural light and outlook to bedroom 1 of the lower HMO and outlook to bedrooms 5 and 6 of the upper HMO. It would therefore conflict with Policy BCS21 of the CS which requires development to create a high-quality environment for future occupiers. Policy DM29 of the SADMP is cited in the decision notice but as this relates to new buildings, it is not relevant to the proposal before me.

Other Matter

42. The appeal site lies within the Cotham and Redland Conservation Area (the CRCA) which is described as a leafy suburb characterised by its individually developed urban streets, dominated by high-quality Victorian townscape. The appeal property forms part of this historic townscape and contributes to the significance of the CRCA. Whilst the proposal would give rise to some additional activity around the site, there would be limited physical changes to the building which would retain its residential character. The proposal would therefore preserve 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.

Planning balance

43. The Council cannot currently demonstrate a five year housing land supply and the policies in respect of the delivery of housing are deemed to be out of date. The presumption in favour of sustainable development under paragraph 11d) ii) of the Framework is therefore applicable.
44. The proposal would make a contribution to single-person housing, rental accommodation and potentially, student accommodation, of which there is a shortage within the Bristol area. The availability of such accommodation may help tackle levels of homelessness in the city. This would be in an accessible location. There would be some social benefits from shared living which may help combat the effects of loneliness. Some economic benefits would be derived during conversion works and subsequently through an increased number of individual households using local services and facilities. The proposal makes use of some energy efficiency measures, helping to reduce carbon emissions. Together these combined benefits attract modest weight in favour of the scheme.

45. The absence of harm to on-street parking and highway safety is a neutral factor. The building is not vacant nor is its lawful use, Class C3 residential, no longer required. Therefore, the scheme does not make effective use of land for housing. This neither weighs for or against the scheme.
46. Weighing against the benefits of the scheme, the proposal would result in a harmful concentration of HMOs with adverse impacts on residential amenity and the character of the area. It would fail to provide satisfactory cycle parking and living conditions for future occupants. These harmful impacts are matters of very substantial weight and importance in the planning balance.
47. My finding is that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11d) ii) of the Framework.

Conclusion

48. I find that the proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR