
Appeal Decision

Site visit made on 18 March 2025

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/Z0116/W/24/3350560

162 Monks Park Avenue, Horfield, Bristol BS7 0UN

- 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 Bajaj against the decision of Bristol City Council.
 - The application Ref is 24/01109/F.
 - The development proposed is change of use from small HMO for 3-6 people (C4) to large HMO for up to 7 people (sui generis).
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 April 2025

Decision

1. The appeal is allowed and planning permission is granted for change of use from small HMO for 3-6 people (C4) to large HMO for up to 7 people (sui generis) at 162 Monks Park Avenue, Horfield, Bristol, BS7 0UN in accordance with the terms of the application, Ref 24/01109/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: "Location Plan"; "Proposed Floor Plans"; and "Garage with proposed Bike storage".
 - 3) Prior to the first occupation of the development hereby permitted, covered bicycle storage and bin storage shall be provided within the site in accordance with the details on the approved plan named "Garage with proposed Bike storage". The bicycle storage and bin storage shall thereafter be retained for the lifetime of the development.

Preliminary Matters

2. The appellant submitted further plans with the appeal to show the provision of secure covered cycle storage and storage space for refuse and recycling bins, to address the Council's second reason for refusal.
3. The '*Procedural Guide – Planning Appeals – England*' advises that if an appeal is made, the appeal process should not be used to evolve a scheme. The *Holborn Studios Ltd*¹ judgement established that there are two tests that must be

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

considered before deciding whether to accept amendments to a proposal, namely a substantive test and a procedural test.

4. The additional plans show cycle storage within the existing garage and space for the storage of refuse and recycling bins in the lean-to attached to the garage. The storage spaces would be provided within existing outbuildings, which could be used to store cycles and bins as part of the existing House in Multiple Occupation (HMO). Whilst the increased size of the HMO means there would be some intensification of cycle and bin use at the property, this is unlikely to be significant and the substance of the proposal is unchanged. I therefore consider this would pass the substantive test.
5. Furthermore, as the additional plans were submitted with the appeal, the opportunity to comment upon them as part of the appeal process means in this case that I am satisfied that neither the Council nor interested parties would be disadvantaged. I therefore consider this would also pass the procedural test.
6. As such, the amended plans have formed part of my assessment of this appeal.
7. A revised National Planning Policy Framework was published on 12 December 2024. The main parties were given the opportunity to comment on these changes and any further representations made on this have been taken into account.

Main Issues

8. The main issues are:
 - the effect of the proposal on housing provision, housing choice and community cohesion in the area; and
 - whether the proposal would provide appropriate facilities for the storage of bicycles, refuse and recycling.

Reasons

Concentration of HMOs

9. The appeal site consists of a semi-detached building that is currently used as an HMO with six bedrooms. There is an attic room that it is proposed to use as a seventh bedroom. The site is located in a predominantly residential area and occupies a corner plot adjacent to the junction of Monks Park Avenue and Kenmore Drive. To the rear of the building is a detached garage with an attached lean-to.
10. The Council considers that proposals for HMOs in areas where there is already a concentration can be harmful, adversely affecting the living conditions of other residents, and reducing the choice of homes available. Where more than 10% of the total housing stock of the neighbourhood area (a 100 metres radius of the application property or site) are HMOs, this would be likely to be harmful.
11. The Council asserts that there are 7 HMOs within a 100 metres radius of the appeal site, which represents 14% of the total properties in that radius. However, the appeal property has functioned as an HMO for some time, the proposal would not increase the number of HMO properties in the area, and it would therefore not impact on the housing choice in the local area. Furthermore, one additional

occupant living in an HMO with six existing occupants would not have a significant effect on the impact of the HMO on community cohesion.

12. For these reasons, the proposed development would not have a materially harmful effect on housing provision, housing choice and community cohesion in the area. Consequently, the proposal would not conflict with Policy DM2 of the Site Allocations and Development Management Policies Local Plan 2014 (LP) and the guidance contained within the Council's Supplementary Planning Document 'Managing the Development of Houses in Multiple Occupation' (2020), which seek, in part, to prevent development that would create or contribute to a harmful concentration of HMOs 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.

Storage of bicycles, refuse and recycling

13. The plans show that cycle parking would be provided within the existing garage. The cycle storage for seven bicycles would be sufficient to accommodate all of the occupants' potential needs for cycle storage and would give them the opportunity to own and keep a bicycle on site, thereby promoting the use of a sustainable mode of transport. There are two garage doors that would allow convenient access from the street to a safe and secure area in the garage for storing bicycles. The proposal would therefore include an appropriate level of safe, secure, accessible and useable parking provision for bicycles.
14. Turning to the storage of refuse and recycling, the plans indicate that a sizeable area would be provided for the storage of bins, which would be sufficient in size to accommodate the waste created by seven occupants. The area of the site where the bin storage would be located is near to the rear gated access to the site and this would allow the occupants to easily take the bins to the kerbside for collection. As the bins would be stored within an open fronted lean-to attached to the garage, the impact on the character and appearance of the area and the living conditions of the occupiers of the neighbouring property would be negligible. Furthermore, the refuse and recycling area would be separate from the proposed cycle storage area and key circulation areas in the rear garden of the property.
15. For these reasons, I conclude that the proposal would provide appropriate facilities for the storage of bicycles, refuse and recycling. Consequently, the proposal would comply with Policy BCS10 of the Bristol Development Framework Core Strategy 2011 and Policies DM23 and DM32 of the LP, which collectively seek, in part, to create appropriate cycle parking provision in order to promote sustainable transport methods and to encourage cycling to reduce as far as possible the negative impacts of vehicles, and that all new development is accompanied by recycling and refuse provision of sufficient quantity and quality.

Conditions

16. The standard time limit condition and a condition listing the approved plans are necessary for the purposes of clarity. The provision of storage for bicycles is reasonable and necessary to ensure that the occupiers have the option to use sustainable means of transport to access the services and facilities in the city. The storage facility for waste and recycling materials is also reasonable and necessary to ensure that there is suitable waste management on site to prevent harm to the

character and appearance of the area and promote recycling by the occupiers of the proposed HMO.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

K Reeves

INSPECTOR