



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: 6 June 2025

Appeal Ref: APP/Z0116/W/24/3357458

48 Ashley Down Road, Bristol BS7 9JW

- 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 & Mrs Christopher & Suware Benbow against the decision of Bristol City Council.
 - The application reference is 24/01182/F.
 - The development proposed is change of use from dwelling house (C3) to HMO (C4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the housing mix and character of the area.

Reasons

3. The application relates to a four-bedroomed, terraced dwelling on Ashley Down Road, a residential street of similar properties. The proposal seeks to change the dwelling to a small house in multiple occupation (HMO).
4. Policy DM2 of the Site Allocations and Development Management Policies document (July 2014) (the SADMP) resists the conversion of dwellings to 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 from exacerbating existing harmful effects on the character of the area or neighbours' living conditions, or by reducing the choice of homes in the area through changes to the housing mix.
5. Supporting the policy is the Managing The Development Of Houses In Multiple Occupation Supplementary Planning Document (November 2020) (the SPD). This sets out additional guidance which defines a 'harmful concentration' as a worsening of existing harmful conditions or a change to the housing mix that reduces housing choice. The SPD adds that 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.
6. The SPD assesses a 'harmful concentration' in two ways - 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.

Although the SPD does not have the status of policy, it has been prepared following public consultation and sets out a detailed methodology to provide a basis for consistent decision-making on HMO proposals. As such, it is an important material consideration.

7. The Council refers to data on the number of licenced HMOs and properties which have been granted permission to convert to HMOs. Of 148 properties within 100m of the application site, the Council indicates that 21 are HMOs, a concentration of 14.19%.¹ Therefore, the immediate area is already above the point at which the negative impacts outlined in the SPD are likely to become apparent, including a reduction in the choice of homes and social cohesion. The proposal would increase the concentration to 14.86% and would therefore exacerbate this trend.
8. I acknowledge that the proposal would not lead to a 'sandwiching effect' for any adjoining property, but the evidence nevertheless indicates that, of the HMOs within 100m of the appeal site, the vast majority are concentrated along the adjacent side of Ashley Down Road to the appeal site, with some 13 recorded between Nos 10 and 80, and a further four on the opposite side of the road. Between Nos 10 and 50, the concentration is 33% (7 out of 21 properties), and 40% between Nos 52 and 80 (6 out of 15 properties). As such, Ashley Down Road has already undergone a significant loss of family housing to HMO properties, well beyond the 10% threshold of the SPD.
9. The effects of this concentration of HMOs are expressed in representations from local residents, citing noise and loss of privacy from parties in back gardens and increased waste generation resulting in additional bins being left on the pavement. Also raised is the transient nature of HMO occupants making neighbourly relationships difficult to foster, and that the proximity of Ashley Down Primary School increases the importance of providing family accommodation in this location. Finally, several comments raise the issue of parking pressure in the area resulting from increased number of residents in HMOs.
10. The change of use would not physically alter the property, and the HMO would still be a four bedroom unit, though the C4 use would permit a maximum of six residents. I recognise a four bedroom dwelling could also accommodate a family of six, or possibly more, and that much of the normal domestic activity of occupants within the HMO would not cause undue noise or disturbance to neighbours. However, even if the HMO were to only have four occupants, these would be four separate households that would live more independently compared to a single family unit. The effect of this would be increased comings and goings, including at more unsociable hours. There would also be a greater likelihood of visitors and deliveries to the property compared to a single family dwelling. An increase of one HMO may not have a significant effect by itself, but each additional change of use adds a harmful cumulative effect over time that the aforementioned policy and SPD guidance recognises and seeks to prevent.
11. The Council found no adverse impact in terms of parking pressure in the area, and that bike and bin storage would be acceptable. However, I observed a substantial number of bins occupying front gardens and the pavement within the immediate vicinity of the appeal site. I also saw parking to be heavy along this stretch of the street, even during my mid-morning visit when demand tends to be lower as

¹ A typographical error in the officer's report implied there is only 1 HMO, rather than 21, but the stated percentage equates to 21 out of 148. The Council has subsequently confirmed 21 as the number.

residents travel to work. This adds to my concern that the area is already suffering the adverse effects of HMO conversions, which the proposal would compound by further increasing the concentration of HMOs within a short stretch of the street.

12. The appellant suggests that a management plan could be imposed to control noise and other activity, but this would not address the harm in this case, which goes beyond specific incidences of noise to the broader effects on the character of the area and reduced availability and choice of larger, family housing.
13. The appellant further argues that the proposal does not in fact amount to development under Section 55 of the Act, on the basis that no material change of use would take place. I have had regard to the range of case law cited by the appellant, but for the reasons set out above, I consider that the proposed change of use to an HMO would represent a significant difference from use as a single family dwelling, having regard not only to the nature of the proposed use, but also its effect on the character of the area and the planning purpose of ensuring an appropriate housing mix in the area. There is no other evidence before me, such as a lawful development certificate confirming the change of use would not amount to development within the meaning of Section 55. Ultimately, I am required to determine the appeal before me, and these submissions by the appellant do not alter my findings on this main issue.
14. In conclusion, I find that the proposal would exacerbate an existing overconcentration of HMOs in the area, and an even more acute concentration along Ashley Down Road. As a result, the proposal would adversely affect the housing mix and character of the area, in conflict with Policy DM2 of the SADMP and the guidance of the SPD, which seek to create sustainable, balanced and mixed communities and prevent harmful concentrations of HMOs.

Other Matters

15. The HMO would provide an acceptable quality of accommodation for future occupiers, and would add to the choice of lower cost accommodation in demand by single person households, students and those seeking more temporary arrangements. However, in the absence of substantive evidence of need in this respect, the positive weight attaching to this would be limited. Similarly, there is brief reference by the appellant to unsuccessful marketing of the property as a single family dwelling, but no evidence to support this claim. Therefore, it is not a consideration which outweighs my findings above.

Conclusion

16. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan, taken as a whole, and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR