
Appeal Decision

Site visit made on 19 May 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/Z0116/W/25/3361322

354 Fishponds Road, Eastville, Bristol BS5 6RB

- 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 R Crawshay Jones of RCNC Property Ltd against the decision of Bristol City Council.
 - The application Ref is 24/04194/F.
 - The development proposed is Change of use of first and second floor flats (C3) to form a three bed HMO (C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There appears to be an error in the Delegated Report and Decision document in relation to the respective locations of the bin store and the cycle parking. By reference to the application drawings, the bin storage is within the front forecourt to the property, whilst the cycle parking is identified within the amenity space of apartment 5 to the rear. I have determined the appeal based on the location of these facilities identified on the application drawings.

Main Issues

3. The main issues are i) whether the site is an appropriate location for the proposed use having regard to local planning policies relating to Houses in Multiple Occupation (HMOs), and ii) whether the proposal makes adequate provision for the storage of bins and for cycle parking.

Reasons

Location and HMO planning policies

4. Bristol City Council adopted the 'Managing the development of houses in multiple occupation'- Supplementary Planning Document (SPD) in November 2020. Whilst it is a guidance document, it is a material consideration, alongside relevant development plan policies, in the decision-making process for all applications for new HMOs, or for additional bed spaces in existing HMOs.
5. The SPD supports policy DM2 of the Site Allocations and Development Management Policies Local Plan (2014) (the Local Plan) which sets out the criteria used when considering, amongst other things, the conversion of existing dwellings to HMO use. The policy criteria seek to preserve residential amenity, character and the diversity of housing choice by avoiding harmful concentrations of HMOs. The

SPD has two criteria for the assessment of harmful concentration which are, HMO Threshold Assessment at Neighbourhood level, and Sandwiching Assessment at Street level.

6. There is no dispute that the proposal would meet the threshold assessment which requires there to be 10% or less of the housing mix as HMOs within a 100m radius of the application site. However, the parties disagree as to the sandwiching assessment street level threshold. The SPD goes on to list potential problematic sandwiching situations, including up to three single residential properties in a street located between two single HMO properties.
7. Planning approval was previously granted for an HMO at 348 Fishponds Road (No.348). Whilst the property at No.348 is not covered by either a Mandatory HMO or Additional HMO license, the Council have confirmed that it is operating as an HMO under the terms of its planning approval, and I have not seen evidence to undermine that position.
8. The presence of an existing HMO at No.348 means that approval of an HMO at the appeal property would create sandwich development to the existing dwellings at numbers 350 and 352 Fishponds Road, under the street level assessment definition within the SPD.
9. The appellant has averred that as the ground floor of the appeal property would remain as self-contained apartments and would therefore retain their C3 use, that the conversion of the first and second floor apartments from C3 use to C4 HMO use would not count as the creation of full HMO use and therefore would not constitute sandwich development as defined in the SPD.
10. I do not find this argument to be valid. The application encompasses the conversion of two floors of a three-storey building from C3 residential use to C4 HMO use, which is the majority of the building. Approval of the application would indeed create an HMO, irrespective of its size, or whether it occupied the whole of the building. Furthermore, the SPD lists six potential sandwiching situations but goes on to state that variations of those situations may also occur. Hence, the list is not exhaustive and has some flexibility. For the reasons set out, I consider the appeal proposal would constitute sandwich development as defined by the SPD street level assessment test and as such would result in a harmful concentration of HMO use.
11. The appellant has stated that the existing property consists of two, two-person self-contained flats, whereas the proposal would provide 3, one-person HMO rooms, reducing the potential occupancy by 1 person and the effect on surrounding properties. However, the Council have assessed the HMO rooms of the proposal against the Bristol City Council (BCC) Room Size and Amenity Standards for Licensable HMOs, and given the scope and size of the proposed rooms, have determined that the proposal would in fact be satisfactory to be licensed as 3, two-person rooms, which would result in an intensification of occupancy by 2 people, and the loss of self-contained flats from the local housing mix, with consequent effects on surrounding properties and the area.
12. The proposal is located within a sustainable location, close to public transport networks and with good access to shops and other services nearby. The proposal makes no provision for car parking. Whilst the BCC Transport Development Management team were consulted, no evidence has been put forward as to car

parking requirements, nor objection raised on these grounds. At my site visit, I noted the restrictions on parking outside the appeal property, and the restricted availability of on-street parking within the immediate vicinity of the proposal. I have therefore accepted the proposal as a no car development.

13. Having considered the local planning policy relevant to HMO proposals, I conclude that the proposal would sandwich neighbouring dwelling houses at 350 and 352 Fishponds Road and would intensify occupation. It would therefore weaken community cohesion because of diminished diversity and choice in the local housing stock. Consequently, owing to conflict with policy DM2 of the Local plan, the appeal site would not provide an appropriate location for the proposed use.

Cycle Parking and Bin Storage

14. The application makes provision for the siting of one set of refuse and recycling containers for the proposed HMO, together with one set for each of the remaining self-contained flats. The BCC - Transport Development Management (TDM) team have reviewed the proposal and have confirmed that in quantum, the proposal is satisfactory. However, TDM have objected because the layout proposed does not provide suitable access to all items independently, without having to move other bins or containers, which is not acceptable.
15. Having reviewed the proposed bin storage proposal, I am satisfied that there is sufficient space for adequate storage to be provided. However, the format currently proposed would lead to bins and recycling boxes being removed and then left outside the enclosure for ease of use, with consequent effects on the visual appearance of the area, and on the living conditions of nearby residents. The bin storage proposal is therefore not acceptable in its current form.
16. The proposal also makes provision for a secure, covered cycle store incorporating two 'Sheffield' stands providing cycle storage for up to 4 cycles. This has been reviewed by the TDM team as being acceptable in quantum. However, it is located within the garden amenity area of Apartment 5, to the rear of the building. The layout of the existing building makes no provision for access from its common areas to the rear garden area. Access can only be gained directly from within two of the three ground floor apartments to this area.
17. Access for future occupiers of the HMO would be gained via a side lane which is located between the gables of numbers 342 and 344 Fishponds Road, and which then runs to a rear service lane between the rear gardens of the properties on Fishponds Lane and Park Place. The Council have calculated the travel distance as over 130m from the appeal property front door to the cycle store location and I have nothing before me to suggest otherwise. The majority of this would be in an area that is unlit and with little surveillance. In combination these factors would be off-putting to future occupants, particularly in dark or inclement conditions, meaning they would be less likely to use the area.
18. The Council has produced a 'Guide to Cycle Parking Provision' to inform applicants of the requirements for cycle parking provision which will satisfy relevant development plan policies. This document identifies that cycle parking provision should be enclosed, secure, weatherproofed, illuminated, in a safe and convenient location, overlooked and with direct access from the frontage of the development. Whilst the proposal would satisfy a number of these requirements, its location and

the lack of access directly from the common areas of the building, result in it being unacceptable. Hence, this reinforces my concerns.

19. The appellant has averred that the cycle parking provision would be an improvement from that which currently exists. This may well be the case as there was no formal cycle parking provision evident at my site visit. However, to encourage cycle use, parking provision needs to be compliant with the recommendations of the Councils' 'Guide to Cycle Parking Provision', which the appeal proposals are not.
20. For the above reasons, I conclude that the proposal fails to make adequate practical provision for the storage of bins and cycle parking. It follows therefore, that I find the proposal would be contrary to policies DM2, DM23 and DM32 of the Local Plan, which require, among other things, development to provide an appropriate level of safe, secure, accessible and useable cycle parking and sufficient space for the storage of individual recycling and refuse containers to reflect the current collection regime.

Conclusion

21. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR