
Appeal Decision

Site visit made on 20 May 2025

by **A. O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/Z0116/W/25/3360997

46 Frome Valley Road, Bristol BS16 1HE

- 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 Nigel Manning of Beechwood Construction against the decision of Bristol City Council.
 - The application Ref is 24/04115/F.
 - The development proposed is the change of use from single dwelling house (Use class C3) to large House in Multiple Occupation (HMO) (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to 'retrospective' in the description of the proposal is not a form of development. I have therefore amended the description in the banner heading above accordingly. I am, however, aware that the development has already been carried out.

Main Issues

3. The main issues relevant to this appeal are:
 - the effect of the development on community cohesion and living conditions of neighbouring occupiers, having regard to relevant development plan policy and other material considerations; and,
 - whether the development makes adequate provision for cycle and waste storage.

Reasons

Community cohesion and living conditions

4. The appeal site is in a predominantly residential area. 46 Frome Valley Road is a two-storey semi-detached dwelling which has been extended to the side and rear.
5. Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (SADMP) seeks to ensure that new HMOs do not harm the residential amenity or character of the locality and do not create or contribute to a harmful concentration of HMOs.

6. The Council's Managing the development of houses in multiple occupation Supplementary Planning Document (2020) (SPD) provides guidance on applying Policy DM2. The document has been prepared in accordance with part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and as such it will have been the subject of public consultation. The SPD is an important material consideration to which I attach significant weight.
7. Policy DM2 and the SPD acknowledge the important contribution that shared housing can make to housing choice. They also recognise that concentrations of such uses can give rise to harmful impacts. Section 1.3 of the SPD identifies likely impacts including reduced social cohesion and community engagement from residents resulting from an increase in the transient population of an area. It also identifies noise and disturbance likely resulting from intensification of the residential use and/or the lifestyle of occupants.
8. The SPD includes two assessments to quantify what constitutes a harmful concentration and, as a result, where proposals for new HMOs are unlikely to be consistent with Policy DM2. These are a neighbourhood level 'threshold assessment' and a street level 'sandwiching assessment'.
9. The threshold assessment defines a harmful concentration of HMOs as more than 10% of the total dwelling stock within a 100 metre radius of the application site. The main parties agree that this threshold would not be breached as a result of this development.
10. The sandwiching assessment applies to proposals for new HMOs which would result in an existing residential property being sandwiched by HMOs on both sides. The Council identifies that 42 Frome Valley Road is a licenced HMO, therefore permitting an HMO at the appeal property would result in 44 Frome Valley Road being sandwiched between two HMOs.
11. A 7 person HMO is likely to operate quite differently to a single family dwelling. Occupants would be likely to have their own individual routines and carry out activities independently of other occupants. This would be unlike a family who would be more likely to do shared activities. The level of activity associated with the site would be further increased by any associated visitors or deliveries, again unlikely to be related or combined between the occupiers.
12. Consequently, there are likely to be more comings and goings resulting in noise and disturbance to neighbouring occupiers, which I do not consider could be appropriately mitigated against through management practices. I appreciate that the occupier of 44 Frome Valley Road has not raised any objections. Nevertheless, a lack of objection does not equate to a lack of harm or potential future harm.
13. As highlighted by the Council, a higher proportion of HMOs may also lead to a more transient population, incrementally affecting the focus of the residential area on predominantly family occupation.
14. Although the SPD has the status of guidance and not policy, it provides a robust and consistent basis for decision making. The proposal fails the sandwiching assessment, and this is sufficient to persuade me that it would have an unacceptable impact on community cohesion and the living conditions of neighbouring occupiers.

15. The appellant states that the appeal property has operated as a licenced HMO for several years and that the current proposal is to regularise the addition of a seventh bedroom. However, these points have not been further substantiated and it is unclear whether a six-bedroom HMO at the site was or would be lawful. The development for which planning permission is sought is described as the change of use from a single dwelling house in use class C3 to a large HMO falling outside that use class, and there is nothing in the evidence before me which indicates I should consider it on any other basis. Furthermore, the fact a property has an HMO licence, does not make the use acceptable in planning terms.
16. Reference is made to a planning approval¹ for another HMO in a different location, which the appellant suggests resulted in a sandwiching effect. I have not been provided with evidence as to whether the circumstances in that case were the same as the case before me. Therefore, I am not satisfied that they are directly comparable and as such, this consideration does not lead me to a different conclusion on this matter.
17. Taking all of the above into account, I conclude that the development would result in an unacceptable concentration of HMOs which would harm community cohesion and the living conditions of neighbouring occupiers. The proposal would therefore conflict with Policy DM2 of the SADMP and the SPD as referred to above.

Cycle and waste storage

18. There is no designated cycle or waste storage shown on the submitted plans. During my site visit I saw refuse and recycling bins located on the property's driveway, but they were not contained within any storage.
19. The Council has recommended conditions for the provision of cycle storage and waste storage, including the specifications for each. It is suggested that adequate waste stores could be accommodated within the front garden. Be this as it may, there is nothing in the submitted evidence which demonstrates the Council's requirements for either waste or cycle storage could feasibly be achieved on the site. I also do not know whether any such storage would require planning permission in its own right. Consequently, I am not persuaded that this matter could be satisfactorily dealt with by condition.
20. I therefore conclude that the proposal would not make satisfactory provision for cycle and waste storage. As such it would conflict with Policy BCS10 of the Bristol Development Framework Core Strategy (2011) and SADMP Policy DM23 which together require proposals to maximise opportunities for cycling and provide adequate storage for cyclists. It would also conflict with SADMP Policy DM32 which requires shared housing developments to provide shared recycling facilities and refuse bins of sufficient capacity. I have also identified conflict with SADMP Policy DM2 and the SPD which state that proposals for shared housing will be refused if they result in inadequate storage for recycling/refuse and cycling.

¹ Application reference: 22/04028/F

Other Matters

21. I acknowledge the appellant's comments regarding their approach to management of the property, in response to the objections received. However, I am mindful that planning permission runs with the land and there can be no certainty that future owners will take the same approach. Nor does this consideration outweigh the harm I have identified.
22. Concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision.

Conclusion

23. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR