



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: 29TH July 2025

Appeal Ref: APP/Z0116/W/25/3361185

5 East Street, Avonmouth, BRISTOL, BS11 9AN

- 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 Jamie Clapp of Granite and Stone South West Ltd against the decision of Bristol City Council.
 - The application Ref is 24/03673/F.
 - The development proposed is the erection of a two-storey side extension, single-storey rear extension, and 2no. dormer roof extensions, and the change of use to a 7-person large dwelling house in multiple occupation (*sui generis*).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I understand that the appellant has received planning permission for an extension to the existing dwelling under a separate planning application. The Council raise no objection to the extension proposed as part of this appeal scheme. Based on the evidence before me, I find no reason to conclude otherwise.

Main Issue

3. Having regard to the above, the main issue relevant to this appeal is the effect of the proposal on the living conditions of neighbouring occupiers at 4 East Street, with respect to noise and disturbance.

Reasons

4. Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (SADMP) seeks to ensure that new houses in multiple occupation (HMO) do not harm the residential amenity or character of the locality and do not create or contribute to a harmful concentration of HMOs. It is common ground between the main parties that the proposal would not result in a harmful concentration of HMOs.
5. The appeal property is a two bedroom end of terrace house in a street of similar residential properties. The proposed 7 person HMO would result in an intensification in the use of the house and its rear garden. Policy DM2 identifies specific issues that can arise from shared housing including noise and disturbance associated with intensification of the residential use and/or the lifestyles of occupants.

6. I appreciate the current proposal is reduced from a previous proposal for a 9 person HMO, which was dismissed at appeal¹. In my view, a 7 person HMO still represents an appreciably higher level of occupancy and more intense use of the property than 4 people living as a single family in the existing 2 bedroom dwelling.
7. The proposal would lead to up to 7 unrelated individuals occupying the property with separate routines and movements. The number of trips to and from the property would be further increased by visitors or deliveries, again unlikely to be related or combined between the occupiers. This differs from a single family dwelling where trips are more likely to be combined.
8. My attention has been drawn to an Inspector's decision at 59 Langton Road². In that case the Inspector considered an increase in trips in a residential street where movement of residents and visitors already occurs, would have no meaningful noise effect. However, that proposal was for the change of use from a small HMO a large HMO with an additional 2 occupants. This example is therefore not directly comparable to this appeal proposal. Therefore, this consideration does not alter my conclusion on the main issue of this appeal.
9. The current proposal would see the front door and staircase relocated away from the adjoining property. The communal living room would, however, adjoin the neighbouring property at 4 East Street giving rise to concerns regarding the noise and disturbance which could result from the intensified use of this part of the property. The submitted plans are annotated with a description of insulation to be applied to party walls. However, there is no technical information provided to demonstrate that this would provide adequate mitigation from noise transference between the appeal property and 4 East Street.
10. The appellant suggests the insulation measures described on the plans have been accepted by the Council as wording for conditions in other cases. Reference is also made to the aforementioned Inspector's decision at 59 Langton Road in which a condition regarding noise mitigation was considered reasonable. However, I have not been provided with details of other such cases nor the evidence on which the Inspector made their decision. These considerations therefore do not lead me to an alternative conclusion on this matter.
11. There is also the potential for noise and disturbance to be generated from both the intensified use of the garden area by occupiers as well as from the vehicle and cycle parking and waste storage which would be sited in the rear garden. However, there is nothing proposed to mitigate noise and disturbance generated in this area of the property.
12. Taking all of the above into account, the intensified use of the site would lead to material harm to the living conditions of neighbouring occupiers at 4 East Street, in respect to noise and disturbance. As such it would conflict with policies BCS21 and BCS23 of the Bristol Development Framework Core Strategy (2011) (CS) and policies DM2, DM30 and DM35 of the SADMP. Taken together, these policies require, amongst other things, for development to safeguard the amenity of existing occupiers, to avoid adverse impacts from levels of activity which cause excessive noise and disturbance to residents and, where development would have

¹ Appeal reference: APP/Z0116/W/23/3335660

² Application reference: S62A/2024/0050

an unacceptable impact by reason of noise an appropriate scheme mitigation should be provided.

Other Matters

13. The proposed HMO would contribute to housing choice in Bristol, particularly for those seeking smaller types of accommodation. Occupants would have access to some local services which represents minor social and economic benefits to the scheme. I note the reference to the appeal decision at 22 Begbrook Lane³. However, as this proposal would result in the loss of a single family dwelling the Council has confirmed it would not lead to a net increase in the supply of dwellings. The proposed 7 bed HMO would not contribute to the Council's supply of housing in the same way as 7 one bed flats would.
14. I appreciate that the proposal is acceptable in terms of highways and access and would provide adequate living conditions for future occupants. However, these points do not outweigh my previous findings.
15. The appellant has suggested that the property, once extended, could be used as an assisted living facility within use class C3(c) and that this should be considered a fallback position. Use class C3(c) allows for groups of up to 6 people living together as a single household and it is suggested that the difference in activity levels between a 6 bed assisted living unit and a 7 person HMO would be negligible. Nevertheless, no detail of such a scheme is before me and without such information a full and detailed comparison with the case cannot be made. Additionally, there is no compelling evidence that the fallback position is a greater than theoretical possibility, or that if the appeal is dismissed the fallback would be pursued.
16. I have had regard to the appellant's submission that a change from use class C3 to use class C4 can be made without planning permission, and that use class C4 allows occupation as an HMO for up to 6 people. It is suggested that appeal decisions have found that an increase from 6 to 7 people is not a material change of use. Nevertheless, this point has not been further evidenced and, in any event, that is not the proposal before me now. Therefore, this consideration does not alter my conclusions on the main issue of this appeal.
17. I understand that the property requires remedial works. Whilst the general improvement of the housing stock is a benefit, it has not been demonstrated that the current proposal is the only viable way in which remedial works could be achieved.

Planning Balance

18. The proposal would be contrary to CS policies BCS21 and BCS23 and SADMP policies DM2, DM30 and DM35. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. These policies are consistent with the National Planning Policy Framework (the Framework) insofar as they seek to ensure developments with a high standard of amenity for existing users and which is appropriate for its location taking into account the likely effects on living conditions and in doing so, mitigating and reducing to a minimum, potential adverse impacts

³ Appeal Ref: APP/Z0116/W/25/3363175

resulting from noise. Therefore, the conflict between the proposal and policies BCS21, BCS23, DM2, DM30 and DM35 should be given significant weight in this appeal. As the proposal would be contrary to these policies, there would be a conflict with the development plan as a whole.

19. The Council has confirmed that it cannot currently demonstrate a sufficient supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.
20. Paragraph 11 d) ii) states planning permission should be granted unless 'any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...'. Measures set out to achieve a high standard of amenity in paragraph 135 and to mitigate and reduce adverse impacts resulting from noise in paragraph 198 of the framework constitute key policies for the purposes of paragraph 11 d) ii).
21. The appellant suggests the Council's housing land supply lies somewhere between 2.24 years and 2.45 years, with the upper figure cited in an appeal decision issued in February 2024⁴. The Council has not provided a figure, and they do not dispute the appellant's suggestion. The proposal would contribute to housing choice in Bristol and, as set out above, would deliver minor social and economic benefits. The proposal would replace one form of housing with another which would not result in a net increase in the supply of dwellings.
22. The aforementioned benefits are afforded limited weight and would be significantly and demonstrably outweighed by the adverse impacts when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A O'Neill

INSPECTOR

⁴ Appeal reference: APP/Z0116/W/23/3325342