
Appeal Decision

Site visit made on 2 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/Z0116/W/25/3360393

423 Whitehall Road, Redfield, Bristol BS5 7BP

- 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 Crossman Acquisitions Ltd against the decision of Bristol City Council.
 - The application Ref is 23/04178/F.
 - The development proposed is conversion and enlargement of existing building to create a large house in multiple occupation (sui generis) comprising 14 bedrooms and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for Conversion and enlargement of existing building to create a large house in multiple occupation (Sui generis) comprising 14 bedrooms and associated works at 423 Whitehall Road, Bristol, BS5 7BP in accordance with the terms of the application, Ref 23/04178/F, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Mathew Halstead on behalf of Crossman Acquisitions Ltd against Bristol City Council. That application is the subject of a different decision.

Preliminary Matters

3. The application form describes the proposal as 'Conversion and enlargement of an existing building to a large house in multiple occupation (Sui generis) comprising 20 bedrooms and associated works.' However, following the submission of amended drawings during consideration of the application, the number of proposed bedrooms has been reduced to 14. I have therefore amended the description of development in the header to reflect the revised number of bedrooms in the proposal.
4. The appellant has submitted along with their appeal statement, a Computer-Generated Image (CGI) visualisation of the proposal, together with amended drawings and a Biodiversity Net Gain (BNG) matrix. Having regard to the Wheatcroft Principles, as refined by Holborn Studios, I do not consider that introduction of additional information at the appeal stage is acceptable and have disregarded this information in my consideration of the appeal.

Main Issues

5. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions for occupiers of the neighbouring property at

421 Whitehall Road with regards to natural light, outlook and privacy, and whether the proposal would provide acceptable living conditions for future occupiers.

Reasons

Character and Appearance

6. The appeal site occupies a corner plot to the north side of the B4465 Whitehall Road at its junction with Embassy Road. The property currently encompasses a vacant former shop at ground floor, with a residential apartment (Use Class C3) at first floor above, though prior approval was given (24/04145/COU) for change of use of the ground floor from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) in December 2024.
7. The existing building is characterised by a mix of two-storey and single-storey buildings under pitched and hipped roofs fronting Whitehall Road, with a series of flat roof extensions to the rear, which step down from the eaves level of the two-storey building in three height levels, running the full length of the plot up to the boundary with the rear access lane, and forming the western boundary of the site with the adjacent property at 421 Whitehall Road (No 421).
8. To the Embassy Road frontage of the building is a concrete apron providing parking and delivery access to service roller doors, whilst to the frontage on Whitehall Road, there is a concrete apron running from the front elevation up to the rear of the public footpath, together with prominent areas of glazing and signage relating to the former commercial use. The result is a visually mixed building which, particularly from views on Embassy Road, is visually incohesive, and out of keeping with the scale, detail and character of the surrounding buildings.
9. The proposal would reconfigure the frontage on Whitehall Road, removing the hipped gable roofs and replacing the single storey building element with a two-storey gabled building with rear offshoot, built on the line of the existing building. The large areas of signage and display windows have been replaced by window fenestration which is more in keeping with that at No 421 and the adjoining terrace to which it adjoins. Whilst the two-storey flat roofed section to the rear of the building would be retained, views of it would be substantially masked by the new development which sits in front of it.
10. The single storey section of building to the northern end of the site would be demolished and the intermediate height section of building would be reconfigured to form a two-storey, pitched roof and gabled building, its western elevation being located around 1.6m from the boundary with No 421, whilst its Embassy Road elevation would follow the line of the existing building. This section of building has an asymmetric roof, which would reduce the height of the eaves on the side facing No 421. The northern gable of this new section of building would also be located around 5m from the northern boundary of the site with the rear access lane, though a timber cycle store would be located along the boundary with the access lane, taking its access from within the site.
11. The proposal would introduce a dormer window to the rear roof slope of the original two-storey pitched roof building. This dormer would be finished in tiles to its vertical walls to match the roof coverings of the building. This dormer would be substantially screened from view by the proposal but would be visible from the access lane serving the rear of the terrace of properties on Whitehall Road.

However, from this vantage point, other rear roof dormers, of similar design and detail, are present within the immediate area, notably at number 2 Embassy Road (No 2) and at number 441 Whitehall Road (No 441). I therefore find this element to be acceptable.

12. The proposal would result in a currently untidy building, encompassing a disjointed collection of styles and extensions, being harmonised in material, scale, detail and form, which respects the architectural forms and details of the surrounding buildings. The proposal would address the corner at the junction in an appropriate manner and would result in an acceptable transfer of built form from that on Whitehall Road to the adjacent residential properties on Embassy Road, with suitable gaps between development being maintained.
13. For the above reasons, I conclude that the proposal would not harm the character and appearance of the surrounding area. It follows therefore, that I find the proposal would not be contrary to policy BCS21 of the Bristol Core Strategy (2011) or policies DM26 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014), which require, among other things, development to seek high quality design that respects local character and distinctiveness, and which is appropriate for its context and setting.

Living Conditions - Neighbours

14. The proposal would develop on the line of the individual elements of the existing building for much of its footprint. The single storey flat roofed building to the northern end of the site would be demolished and replaced by a timber cycle store, opening the site up at this northern end. The intermediate height flat roofed section of building would be increased in height, but this section of building would be moved away from the boundary with No 421 by around 1.6m. This section of building would also have an asymmetric roof profile, which would reduce the effective eaves height facing No 421. The existing two-storey flat roofed section of building would remain in its present form.
15. The Council has judged that the proposal would be an over-intensive form of development which would negatively impact the natural light potential, privacy and outlook from No 421, and would prejudice its development potential.
16. Addressing the Council's elements of concern in turn, in relation to natural light potential, I find that the cumulative effect of the use of the asymmetric roof profile and moving the wall away from the boundary with No 421 would mitigate much of the increase in height of this section of building on No 421. The two-storey flat roofed section of building remains the same and therefore does not alter the condition that currently exists. The introduction of the roof dormer would have limited effect because of its location and the two-storey flat roofed section of building in front of it.
17. No 421 is located to the west-south-west of the appeal site (though the Council note it being to the east in the decision notice). As a result, the potential effect of the proposal on the natural light to No 421 is restricted to the early part of the morning, the appeal property would have little direct influence on sunlight to No 421 from mid-morning onwards, and most of the impact being from the existing form of development which remains unchanged. I therefore find the proposal to be acceptable in these regards.

18. Turning to the effects of the proposal on the privacy of neighbours at No 421, the design of the proposal has removed the potential for overlooking from most of the accommodation. Two windows remain in the elevation facing No 421, though these are not from habitable rooms. One is at ground floor level and so would be obscured by the boundary wall between properties. The remaining first floor window in this elevation could be dealt with via a suitably worded condition. There is one further first-floor window in the rear facing gable of the two-storey flat roofed section of building. However, this is an existing window from existing residential accommodation, and so the existing condition remains unaltered. I therefore find the proposal to be acceptable in maintaining the privacy of adjoining neighbours at No.421.
19. With regards to outlook for occupants of No 421, owing to their position and relationship to the existing two-storey flat-roofed section of the existing building, the view from the rear windows of No 421 are controlled significantly by this element, which would remain unchanged by the proposal. The new two-storey element created by the amendment of the intermediate height flat roofed section of building would be located around 1.6m back from the common boundary and so, although it would technically be higher, it would be recessed in views from within No 421 and so would be less prominent, being obscured to an extent by the two-storey flat roofed section of building. The single storey section of building to the end would be demolished and so accordingly, the view towards the end of the appeal site would therefore be more open. I therefore find that the appeal proposal would maintain satisfactory levels of outlook for occupants of No 421.
20. Turning to the development potential of No 421, it was evident from my site visit that No 421 already has rear extensions. The fenestration and extent of the two-storey flat roofed element of building to the rear of the appeal property, and the set back from the common boundary and fenestration of the new two-storey section of building, would not preclude further development to the rear of No 421. I therefore find the appeal proposal would not prejudice the development potential of No 421 and therefore would be acceptable in these regards.
21. For the above reasons, I conclude that the proposal would not harm the residential amenity of the neighbouring property at number 421 Whitehall Road. It follows therefore, that I find the proposal would not be contrary to policy BCS21 of the Bristol Core Strategy (2011) or policies DM27, DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014), which require, among other things, development to seek high quality design that respects local character and distinctiveness, which is appropriate for its context and setting and which safeguards the amenity of neighbouring occupiers.

Living Conditions – Future Occupiers

22. The appeal proposal has been assessed against the guideline minimum room size standards for HMO development set out in Appendix B of the 'Managing the development of houses in multiple occupation'- Supplementary Planning Document (SPD) adopted by Bristol City Council in November 2020. The room sizes within this document mirror the Councils Room Size and Amenity Standards for Licensable HMOs legislation requirements. The Council have confirmed the appeal proposal would require a Mandatory License under the Housing Act 2004, and so needs to demonstrate compliance with these room size requirements.

23. From the evidence, the appeal proposal would comply with the minimum floor area requirements for single bed, single person occupancy defined by the SPD. Most of the rooms exceed the minimum 6.51 square metres by some margin, only room 9 being at the minimum standard, and some providing en-suite facilities. The provision of a variety of room sizes and facilities would likely lead to a variety of accommodation prices, providing choice within the housing market.
24. The Council have raised concerns that the dimensions of some bedrooms are narrow. However, having reviewed the shape of the bedrooms, they each provide useable layouts with adequate space for furniture and with access to natural light and ventilation whilst maintaining privacy for surrounding occupiers. I therefore find them to be acceptable.
25. The proposal also demonstrates compliance with the requirements of the SPD for communal living space, cooking, bathing and sanitary accommodation, and are therefore acceptable in these regards. I note that whilst most of the rooms exceed the minimum space standard for single bed, single person occupancy, they do not cross over the threshold where two-person occupancy would be licensable, thereby avoiding consequent issues from intensification of use.
26. For the above reasons, I conclude that the proposal would provide acceptable standards of accommodation for future occupiers. It follows therefore, that I find the proposal would not be contrary to policy BCS21 of the Bristol Core Strategy (2011) or policies DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014), which require, among other things, development to seek high quality design that respects local character and distinctiveness, and which provides appropriate levels of privacy, outlook and daylight for the amenity of future occupiers.

Other Matters

27. The Council has identified via correspondence dated May 2025 that it can demonstrate 4.14 years Housing Land Supply, which is below the 5-years supply required by the National Planning Policy Framework (2024) (the Framework). Accordingly, paragraph 11d of the Framework is engaged for decision making purposes.
28. The appeal property has residential (Use Class C3) status. The Council, having carried out a threshold assessment, and a sandwiching assessment of the proposal as required by policy DM2 of the Site Allocations and Development Management Policies Local Plan (2014), and the guidance within the 'Managing the development of houses in multiple occupation'- Supplementary Planning Document (SPD) adopted by Bristol City Council (BCC) in November 2020, have assessed the proposal to accord with the policy. Having examined their evidence, I see no reason to disagree with this conclusion. The principle of conversion of the appeal property to a 14-bedroom HMO is therefore deemed acceptable.
29. The BCC Transport Development Management (TDM) team have identified that whilst they disagree with the appellants assessment of the extent of available off-site car parking on surrounding roads, the proposals provide 50% of the required parking provision on-site. The TDM team acknowledge that there may be off-site parking available within the neighbourhood, but that this has not been demonstrated to their satisfaction by the appellant. Should off-street parking not be provided, then TDM note that the development would be identified as not being

eligible for parking permits, should a residents parking permit system be introduced. Notwithstanding the above, officers consider this would not be a reason for refusal.

30. The TDM team have confirmed the proposal to provide acceptable provision in relation to extent and storage for refuse and recycling facilities. Having examined the evidence, I see no reason to disagree with this conclusion.
31. The Pollution Control team of BCC have identified the potential for noise from the communal living room to the adjacent property. Notwithstanding that the appellant submitted evidence from an acoustic consultant, during the application process, I have therefore included a suitably worded condition to address the concerns of the Pollution Control Team, and to ensure the amenity of neighbours at No 421.
32. The Contaminated Land Environmental Protection team have highlighted the potential for contamination on the site because of its former historical uses as a chemist and photo processing facility. Recommendations for the application of suitably worded conditions have been made for risk assessment, testing and remediation. As these former uses could indeed lead to the potential for contamination, I have therefore included conditions to address these issues.
33. Concerns have been raised by residents and by local Councillors. I have already addressed the majority of these in the main issues. However, in addition, it was asserted that the appeal proposals would constitute overdevelopment of the site and would not address local need. The Framework highlights the need to significantly boost the supply of housing and supports the aim of providing a wide choice of homes. A councillor has highlighted the need for 3-bedroom properties in the area. However, having regard to the Office for National Statistics census data for the surrounding housing mix, 56.9% of the surrounding properties meet this criterion, whereas 1-bedroom properties account for only 9%. The Council have identified a particular need for 1 bedroom accommodation within the area, which the appeal proposal would address by the provision of 14, 1-bedroom units of varying sizes and with varying facilities.

Conditions

34. Condition 1 is a standard time limit condition. Condition 2 specifies the approved plans and is necessary for clarity. Conditions 3 and 4 are necessary to secure completion of Highways works at an appropriate stage. Condition 5 is necessary to ensure the health and safety of site operatives and the public during the course of the works, whilst Condition 6 is necessary to ensure the amenity of occupants of the neighbouring property at No 421 Whitehall Road.
35. Conditions are necessary to address the potential for contaminated land on the site, for land remediation, and to cover the process for dealing with other contamination discovered during the progress of the works (Conditions 7, 8 and 9).
36. Condition 10 is necessary to ensure the privacy of future occupants of the building whilst Condition 11 is required to ensure the provision of adequate refuse and recycling storage. To ensure safe access to the highway for vehicles and cycles, conditions are necessary to require such access in advance of occupation (Conditions 12 & 13), whilst Condition 14 is necessary to ensure adequate secure storage for cycles.

37. To ensure the sustainability of the proposal Condition 15 is necessary, whilst Condition 16 is required to ensure the landscape proposals are provided and maintained. Notwithstanding the recommendations of paragraph 55 of the Framework, that national permitted development rights should not be restricted unless there is clear justification to do so, in this case, Condition 17 is necessary to ensure the privacy of present and future occupiers of No 421.

Conclusion

38. For the reasons set out above, I conclude that the appeal proposals accord with policies within the Bristol Core Strategy (2011) and the Bristol Site Allocations and Development Management Policies Local Plan (2014). As such, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination against the development plan, read as a whole. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

- 1 The development hereby permitted shall begin no later than three years from the date of this approval.
- 2 The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision: 2787 L01 Location Plan, Sustainability Statement, dated 31 October 2024, 2787 P010_D - Block Plan Proposed, 2787 P100_G - Ground Floor Plan Proposed, 2787 P101_E - First Floor Plan Proposed - Rev D, 2787 P300_D Sections proposed, 2787 P200_G - Elevations Proposed_Coloured, 2787 P201_C Proposed Elevations, 2787 P210_A Cycle storage elevations.

Pre-Commencement Conditions

- 3 No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

Where applicable indicating proposals for:

- i. Existing levels of the finished highway tying into building threshold levels
- ii. Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- iii. Signing, street furniture, street trees and pits
- iv. Structures on or adjacent to the highway
- v. Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order. Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

- 4 No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:
 - i. A plan to a scale of 1:1000 showing the location of all defects identified;
 - ii. A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i. 24-hour emergency contact number;
 - ii. the parking of vehicles of site operatives and visitors;
 - iii. Measures to protect vulnerable road users (cyclists and pedestrians)
 - iv. loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. wheel washing facilities;
 - viii. measures to control the emission of dust and dirt during construction;
 - ix. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x. delivery, demolition and construction working hours.
 - xi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6 Prior to commencement, and notwithstanding the measures already set out within the application supporting documents, a detailed scheme of noise insulation measures for all residential accommodation, to include details of ventilation, shall be submitted to and approved in writing by the Local Planning Authority. Measures should include noise insulation measures along the party wall to the adjoining neighbour. The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.
- 7 No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
- ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

- adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 8 No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 9 Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Pre-Occupation Conditions

- 10 Detailed drawings of the proposed privacy screening to the ground floor bedroom windows facing Embassy Road shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.
- 11 No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.
- Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.
- 12 The development hereby permitted shall not be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any

- access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.
- 13 The development hereby permitted shall not be occupied until the means of access for pedestrians and cyclists has been constructed in accordance with the approved plans. The access shall be retained thereafter.
- 14 The development hereby permitted shall not be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 15 The development hereby permitted shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures in the design and construction of the development in full accordance with the energy statement (titled: Energy Statement, prepared by Fenton Energy, dated 31st October 2024) and Sustainability Statement (titled: Sustainability Statement, prepared by Fenton Energy, dated 31st October 2024;) prior to occupation or use commenced. A total 64.57 % reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and 31.12% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved
- 16 The development hereby permitted shall not be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first-floor side window facing neighbouring property 421 Whitehall Road shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non-opening and obscure glazed.

***** End of Schedule*****