



Appeal Decision

Site visit made on 17 October 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/Z0116/W/25/3368982

28 Douglas Road, Horfield, Bristol BS7 0JD

- 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 PD Cars against the decision of Bristol City Council.
 - The application Ref is 23/00676/F.
 - The development proposed is change of use from single dwelling to 5 person HMO (Use Class C4).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of consciousness, I have utilised the description as found on the decision notice and appeal form.
3. The application form notes that the change of use has already started, and the works completed. During my site visit, the property appeared to be under renovation. But critically, it did not appear to be occupied. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the development would lead to an overconcentration of House in Multiple Occupation (HMO) properties; and,
 - whether the development would provide adequate storage for bicycle and waste and recycling stores.

Reasons

Whether the proposal would lead to an overconcentration of HMOs

5. 28 Douglas Road is a two-storey, mid-terrace property situated within a predominantly residential area. The site falls within a designated area subject to an Article 4 Direction. Specifically, this direction removes the permitted development right to change the use of a property from a dwellinghouse to an HMO.
6. The permitted use of the property is that of a dwellinghouse. It is not unreasonable to expect members of a family to have their own working hours, a difference in behaviour and comings and goings. However, there is an expectation that this would be intensified in HMO properties due to the unconnected relationship of each resident. The activity generated by individual people, living separate lives, with separate routines, and their attendant comings and goings along with those of

their visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house. As a result, an overconcentration of HMOs, or the sandwiching of family dwellings by HMOs, can lead to impacts on the living conditions of neighbouring occupants, highways and waste management. Therefore, it is necessary to control the number of such premises to avoid high concentrations of HMO properties in an area.

7. Policy DM2 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) addresses residential sub-divisions, as well as shared and specialist housing. It stipulates that proposals of the nature under consideration in this appeal will not be permitted where they conflict with the criteria set out within the policy.
8. In the application of Policy DM2, further guidance is provided by the Supplementary Planning Document titled Managing the Development of Houses in Multiple Occupation 2020 (SPD). This document outlines the assessment framework for planning applications involving HMOs, including the requirement to undertake both a "sandwiching" assessment and an HMO threshold assessment to evaluate the potential impact on the surrounding residential environment.
9. The Council has identified Nos. 30, 32, and 34 Douglas Road as family dwellings and contends that they would be sandwiched between the appeal property and No. 26 Douglas Road, which is currently in use as an HMO. However, due to the spatial arrangement of the properties, specifically, the fact that the appeal site and No. 26 are located adjacent to one another, I am not persuaded that a sandwiching effect, as defined in the SPD would arise. The three identified family dwellings would not be situated between two separate HMO properties and therefore do not meet the criteria for sandwiching under the SPD.
10. Nevertheless, the SPD advises that a sandwiching effect may also arise where individual HMO properties are situated in two of the following positions relative to a single residential dwelling: adjacent, opposite, or to the rear. In this case, the appeal site is located directly opposite 15 Douglas Road, a family dwelling. Adjacent to No.15 is 13 Douglas Road, which is in use as an HMO. The proposed change of use at the appeal site would therefore result in No.15 being flanked by HMO properties on two sides, opposite and adjacent, constituting a sandwiching effect as defined by the SPD. Accordingly, the proposal would be contrary to the guidance set out within the SPD.
11. I shall now turn to the HMO threshold assessment. The SPD notes that proposals for new HMOs, which would result in more than 10% of the total dwelling stock being occupied as HMOs within a 100-metre radius of the application property are unlikely to be consistent with local plan policy. The Council note that within 100 metres of the appeal site, there are 165 residential properties, 31 of which are HMOs. Consequently, the percentage of HMOs within 100 metres of the site is 18.79%. The percentage of HMOs within 100 metres of the site has therefore been exceeded above the 10% desirable threshold quoted within the SPD.
12. To conclude, the development would be contrary to the guidance found within the SPD. In such circumstances, this would add to the proliferation of HMOs within a 100-metre radius, and result in the sandwiching of 15 Douglas Road. This would magnify the issues involved through a high concentration of HMO properties.

These include an issue of increased noise and disturbance, increased parking and highway concerns, reduced community engagement, social cohesion and housing choice, amongst other things. The development would therefore conflict with Policy DM2 of the DMP.

Storage for bicycles and waste and recycling stores

13. The SPD highlights the importance of considering practical infrastructure provisions, including adequate facilities for bicycle parking and recycling storage. In alignment with this, Policy DM2 of the DMP stipulates that the conversion of properties to HMOs will not be permitted where there is insufficient provision for refuse and recycling storage, as well as secure and accessible bicycle storage. These requirements are essential to ensure that HMO developments do not negatively impact the functionality, cleanliness, or visual amenity of the surrounding area.
14. The presence of waste bins within the public highway along Douglas Road was noted during my site visit. The appeal submission does not provide any substantive evidence of a waste management strategy appropriate for the number of occupants that would live at the property. In the absence of such information, it is reasonable to conclude that the volume of waste generated by five individuals would result in the overspill of waste onto the street and, by extension, the public highway.
15. Furthermore, the appeal fails to provide specific information regarding the provision of dedicated bicycle storage. While the appellant asserts that foldable bicycles and bicycle racks have been made available, no supporting details have been submitted. However, during my site visit, I observed that the appeal property was host to a shed structure, housing a floor-mounted bike security rack. In light of this, it would be reasonable to impose a condition requiring the submission of detailed specifications for the shed and bike rack prior to the occupation of the development, enabling their adequacy to be assessed. Subject to such a condition, the development could offer residents a secure and appropriate facility that promotes sustainable transportation, consistent with the objectives outlined in relevant planning guidance.
16. To conclude, the development would conflict with Policy BCS10 of the Bristol Development Framework Core Strategy 2011, Policies DM2, DM23 and DM32 of the DMP and the guidance found within the SPD. Collectively, these policies and guidance seek for development to provide appropriate recycling and waste provision sufficient to serve the development under consideration.

Other Matters

17. The appellant has submitted several points for consideration in support of this appeal. It is asserted that the property has operated as an HMO for a number of years without issue, citing the absence of complaints relating to waste management, noise and disturbance, or highway impacts, attributed to the fact that current tenants do not own vehicles. The evidence presented is anecdotal. Furthermore, the conduct of current occupants cannot be relied upon as a permanent safeguard. Occupant turnover is inherent to HMO properties, and future residents may not exhibit the same level of consideration. It is therefore essential that appropriate measures are in place to mitigate the potential impacts typically associated with HMO occupation.

18. The appellant has also submitted 5 letters from local residents in support of the proposal, suggesting that the development has had no adverse effect on the surrounding area. However, as previously noted, the behaviour of current tenants cannot be assumed to reflect that of future occupants. Furthermore, the Council has received letters of objection from other residents, expressing concerns about the impact of the development. This would suggest that the effect of HMOs within the locality has been noted by residents.
19. The appellant has indicated a willingness to install soundproofing measures to the party walls, with the intention of mitigating noise impacts on adjoining properties. However, no technical specifications or plans have been submitted to substantiate this proposal. In the absence of such detail, it is not possible to assess whether the suggested soundproofing would constitute an effective or appropriate mitigation measure to address the noise and disturbance typically associated with HMO occupation. As such, this aspect of the appeal carries limited weight in the overall assessment of this appeal.
20. The appellant has criticised the Council on the basis that an HMO licence was granted in 2022 without reference to the need for planning permission. However, the granting of an HMO licence does not imply or confer planning approval. These are different requirements. Such a licence is issued under a separate legislative regime and is not indicative of acceptability in planning terms. There is a difference in licensing considerations and those of planning, and I have considered this appeal on its planning merits. It is the responsibility of the appellant to ensure that all necessary permissions are obtained in addition to meeting licensing requirements.
21. The appellant has also noted the approval of an HMO application at 13 Douglas Road during the course of this appeal. A delegated report relating to that decision has been submitted for review. However, that approval pertained to the granting of a Lawful Development Certificate, wherein the applicant was able to demonstrate to the Council's satisfaction that the property had been in continuous use as a HMO for over ten years, and crucially, prior to the implementation of the Article 4 Direction in this area. Accordingly, the circumstances surrounding No.13 differ materially from those of the current appeal.
22. A letter from West Coast Properties, dated February 2025, has been submitted in support of the appeal. It asserts that there is strong demand for rental accommodation within Douglas Road and the wider Horfield area, particularly for HMOs. While demand for such housing may be evident, it does not justify the adverse impacts associated with an overconcentration of HMOs, nor does it negate the need for proper planning controls in relation to matters relating to waste management. The letter further claims that stringent referencing checks have been undertaken to minimise behavioural issues among tenants. However, no substantive details have been provided regarding the nature or scope of these checks, nor any evidence to confirm that they were indeed carried out. Even if such measures were verified to have taken place, they would not address the core planning concerns raised in this appeal.
23. The appellant has submitted several extracts from news articles, many of which focus on the Council's performance in handling planning applications and decisions relating to student accommodation. These extracts are not materially relevant to the main issues of this case. Whilst I note the concerns expressed by the appellant

of the Council in the handling of this case at the application stage, it is not for me to come to a view on this matter in the realms of this appeal decision.

24. Additionally, one extract concerning the impact of Airbnb on city hotels and housing appears to be incomplete. Without the full context or content of the article, it is not possible to draw any meaningful conclusions from this submission.
25. Two articles discuss the issue of people choosing to live in vans and other vehicles, which is also connected to an increase in human activity on the Avon Gorge. The appellant suggests that this development would provide accommodation to the occupants of these vehicles. Whilst it would provide an alternative choice of accommodation, this would be limited. The development would result in an overconcentration of HMOs, which would further exacerbate waste management issues around Douglas Road. Therefore, this consideration attracts limited weight in my decision.
26. An article dated June 6 2025 discusses the approval of a conversion of a house to a HMO and therefore, its title suggests that it is somewhat relevant to this appeal. The article notes that in this example, the developer provided extensive plans for noise insulation. As previously noted, no such details are before me. The article further explains that the Council did not think that there were too many HMO properties in the area. This is contrary to the appeal before me.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework indicates that a decision should be taken in accordance with the development plan.
28. I acknowledge that whilst this proposal would remove a family dwelling from the overall supply, it would provide 5 bedrooms to an existing property. This would provide a space for 5 individuals. As such, this would provide a small, but nonetheless important contribution to the supply of HMO accommodation in an accessible location in Bristol. This site is particularly close to university and employment sites. The future occupiers of the development would provide economic benefits to the local area through their use of local shops and services. These matters attract limited, but positive weight in my decision.
29. However, in my overall consideration of the scheme, these benefits are of positive but limited weight. They do not outweigh the harm and conflict with the development plan to which I have identified relevant policies in relation to the main issues above. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.
30. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR