



Appeal Decision

Site visit made on 24 October 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7TH November 2025

Appeal Ref: APP/Z0116/W/25/3368865

91 Sandling Avenue, Horfield, Bristol City, Bristol BS7 0HS

- 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 S Padbury of Kasa Real Estate Ltd against the decision of Bristol City Council.
- The application Ref is 24/04586/F.
- The development proposed is for the change of use from up to 6-bedroom small house in multiple occupation (C4) to a 7-bedroom large house in multiple occupation (Sui Generis) for up to seven people including rear extension, loft conversion, parking, bin storage and cycle parking.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from up to 6-bedroom small house in multiple occupation (C4) to a 7-bedroom large house in multiple occupation (Sui Generis) for up to seven people including rear extension, loft conversion, parking, bin storage and cycle parking at 91 Sandling Avenue, Horfield, Bristol City, Bristol BS7 0HS in accordance with the terms of the application, Ref 24/04586/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character of the area with regard to housing choice, community cohesion, and the 'sandwiching effect'; and
 - the living conditions of neighbouring occupiers, with regard to noise and disturbance.

Reasons

Character of the area

3. The appeal site relates to an end of terrace two storey property on Sandling Avenue. Surrounding development predominately comprises residential properties and there are a number of Houses in Multiple Occupation (HMOs) in the area.
4. The property currently operates as a four-bedroom HMO. This has been confirmed through a certificate of lawfulness (Ref: 24/00723/CE). It also benefits from a certificate of lawfulness (Ref: 24/02847/CP) for a side and rear dormer which would result in a total of 6 bedrooms in the property. The appeal scheme would result in the creation of 3 additional bedrooms, enabling the property to accommodate up to 7 individuals.

5. Policy DM2 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP) sets out the circumstances where the “intensification” of an HMO will not be permitted. These include where the development would harm the character of the locality or contribute to a harmful concentration of such uses within a locality.
6. Further guidance is contained within the Supplementary Planning Document – Managing the development of houses in multiple occupation (2020) (SPD). The SPD seeks to define what is meant by a ‘harmful concentration’ of HMOs within development plan policy. It does this via two tests: the Sandwiching Assessment and the HMO Threshold Assessment.
7. The threshold assessment sets out that a harmful concentration can arise when HMOs exceed 10% of the dwelling stock of the neighbourhood area (a 100 metres radius of the application property or site). It further outlines that proposals for the intensification of existing HMOs are unlikely to be consistent with LP policy where 10% or more of the dwelling stock of the neighbouring area is already occupied by HMOs.
8. The Council asserts that there are 20 HMOs within a 100-metre radius of the site, which represents 16.53% of the total properties in that radius. However, the evidence demonstrates that the appeal property has functioned as an HMO for several years. Therefore, the proposal would not increase the number of HMO properties in the area, and it would not impact on the housing choice in the local area.
9. Additionally, as outlined previously, the property benefits from a certificate of lawfulness for extensions to create two additional bedrooms. If implemented, the property could operate as a 6-bedroom HMO. This represents a fall-back position and given the similarity of it to the proposed development, I consider that there is a real prospect of the fall-back being implemented. As such, I afford the fall-back position significant weight.
10. The Council contend that the scheme would exacerbate the detrimental existing conditions that show an over concentration of HMOs in the locality. However, any impact from one additional bedroom (over the fall-back position) on community cohesion and the character of the area would be limited.
11. The Council outlines how there is an HMO at 132 Keys Avenue, meaning 130 Keys Avenue (No.130) would be ‘sandwiched’ in between two HMO properties. However, as outlined, the property already operates as an HMO, and the fall-back position would allow 6 individuals to occupy the property. No.130 is therefore already ‘sandwiched’ in between two HMOs. Any impact from one additional bedroom (over the fall-back position) would be limited, as outlined above.
12. An interested party has drawn my attention to another appeal, which they refer to as ‘Redland Appeal,’ whereby the Inspector found that the proposal would create a harmful concentration of HMOs. I however have limited information regarding this appeal before me and therefore cannot be sure that the circumstances are directly comparable to the appeal scheme. Reference to this scheme does not lead me to an alternative conclusion.
13. For the above reasons, I find good reason for departing from the general guidance of the SPD and I find that the development would not harm the character of the

area with regard to housing choice, community cohesion and the sandwiching effect. Accordingly, there is no conflict with Policy DM2 of the LP or Policy BCS18 of the Bristol Development Framework Core Strategy (2011) (CS).

Living conditions

14. In respect of levels of activity that may result in excessive noise and disturbance to residents, I am conscious that the property is currently authorised to be used as a small HMO. There would already be a degree of activity associated with the property, in terms of general comings and goings. The fall-back position would also allow for a total of 6 bedrooms.
15. The proposed ground floor communal area would be situated adjacent to the shared party wall with 89 Sandling Avenue. The Council raise concerns that this has the potential for increased noise transfer through the wall, if there is insufficient sound insulation. However, the ground floor communal area is currently situated in a similar position at present, and in the approved plans under the certificate of lawfulness for the rear and side dormer. Any additional noise from one additional occupant (in comparison to the fall-back position) would be limited. In any case, there is limited evidence before me to demonstrate that this room has insufficient noise insulation.
16. An interested party has raised concerns regarding noise and disturbance, referencing an appeal in Horfield. I however have limited information regarding this appeal before me and therefore cannot be sure that the circumstances are comparable. Reference to this scheme does not lead me to an alternative conclusion.
17. Overall, I consider that the addition of one bedspace (over the fall-back position) would not result in an increase in noise and disturbance that would unacceptably affect neighbouring residents, over and above that which could already exist.
18. The scheme is therefore in accordance with Policy DM2 of the LP. Amongst other things, this policy seeks to ensure that HMOs do not lead to excessive noise and disturbance to residents. I also find no conflict with Policy DM29 of the LP which relates to the construction of new buildings or Policy BCS18 of the CS, which relates to ensuring mixed, balance and inclusive communities.

Other Matters

19. Interested parties have raised concerns associated with insufficient parking and highway safety, referencing an appeal in Worcester. The Council however have no objection to the scheme on highway grounds, subject to the attachment of a planning condition to ensure cycle provision. Should the appeal be allowed, this condition could be used to promote sustainable transport. I have limited information before me regarding the appeal in Worcester. In any case, this is a significant distance from the appeal site, and I therefore cannot be sure that the specific circumstances of the appeals are comparable.
20. Concerns are also raised by an interested party regarding pressure on local services due to an over concentration of HMOs. The Council however have not raised any concerns regarding this and there is no firm evidence before me to demonstrate local problems regarding this.

21. The scheme would not result in the loss of family housing, as the existing property is used as an HMO. There is limited evidence before me to indicate that the scheme would result in anti-social behaviour, late night disturbance or refuse management issues. In any case, I am satisfied that adequate refuse storage could be ensured through a planning condition if the appeal were to be allowed.
22. The Council has not raised any concerns associated with the proposed external changes. I see no reason to disagree with this. Regarding the scheme creating a precedent for similar development, each application is determined on its own merits.

Conditions

23. The Council has suggested a number of conditions which I have considered in light of the advice in the National Planning Policy Framework and Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions in the interests of precision and enforceability.
24. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
25. The provision of storage for bicycles prior to the first occupation of the development is reasonable and necessary to ensure that the occupiers have the option to use sustainable means of transport to access the services and facilities in the city.
26. I have also imposed a condition to ensure the submission and implementation of revised details of waste storage prior to the first occupation of the development. This is required in order to safeguard the amenity of neighbouring occupiers, prevent obstruction to pedestrian movement, and ensure adequate facilities for the storage and recycling of waste materials.
27. I have not imposed the suggested condition relating to the submission of an assessment of noise transmission between the communal/living room and any adjoining property. For the reasons outlined in my decision, I do not consider this to be necessary.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

S Burch

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan- HMO, Drg No.201
 - Existing/Proposed Site Plan, Drg No.202
 - Proposed Plans- HMO, Drg No. 204
 - Proposed Elevations, Drg No.206
 - Proposed Sections- HMO, Drg No.208
 - Cycle Storage, Drg No. 210
- 3) Prior to the first occupation of the development hereby permitted, bicycle storage shall be provided within the site in accordance with the details on the approved plan named "Cycle Storage". The bicycle storage shall thereafter be retained for the lifetime of the development.
- 4) Prior to the first occupation of the development hereby permitted, revised details of refuse and recycling storage within the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall supersede any refuse storage arrangements shown on the approved plans and shall provide sufficient capacity for:
 - 3 × 180 litre black refuse bins
 - 3 × 44 litre black recycling boxes
 - 3 × 55 litre green recycling boxes
 - 3 × 90 litre blue cardboard sacks
 - 3 × 23 litre brown food waste bins

The approved details shall be implemented prior to first occupation and retained for the lifetime of the development.

**** END OF SCHEDULE****