



Appeal Decisions

Site visit made on 6 October 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal A Ref: APP/Z0116/W/25/3361577

267 Hotwell Road, Bristol BS8 4SF

- 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 Andrew Iles of Willmore Iles Architects against the decision of Bristol City Council.
 - The application Ref is 24/04659/F.
 - The development proposed is a change of use from existing office use to residential accommodation in the form of an eight-bed house in multiple-occupation (Sui Generis).
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Appeal B Ref: APP/Z0116/Y/25/3361579

267 Hotwell Road, Bristol BS8 4SF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Willmore Iles Architects against the decision of Bristol City Council.
 - The application Ref is 24/04660/LA.
 - The works proposed are associated with a change of use from existing office use to residential accommodation in the form of an eight-bed house in multiple-occupation (Sui Generis).
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Appeal A: Decision

1. Appeal A is dismissed.

Appeal B: Decision

2. Appeal B is dismissed.

Preliminary Matters

3. I have amended the description of the proposal for Appeal B in the banner heading above; a change of use does not require listed building consent.
4. The appeal site forms part of a Grade II listed building¹ and is located in the vicinity of a number of other listed buildings within the Clifton and Hotwells Conservation Area (CHCA). Consequently, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. As set out above there are two appeals on this site for the same proposal, Appeal A and Appeal B. I have considered each appeal on its individual merits and with regard to relevant legislation, policy and guidance. However, to limit duplication I have dealt with the two appeals together, except where otherwise indicated.

¹ The Bear Public House (263) and attached ramped walls and steps to number 265 (List Entry Number: 1202306). Although not mentioned in the list entry title, the statutory address and the detail show the appeal building is part of this listing.

6. There are two other linked appeals at this site for a different proposal². These appeals are the subject of a separate decision. However, the appellant has referred to and offered to potentially amend this proposal in terms of bin storage, including using elements from the other two linked appeals.
7. Government guidance is very clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is the same as was considered by the Local Planning Authority³. In any event, I am not satisfied that such amendments would pass the substantive or procedural tests from *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)*.
8. I have determined these appeals based upon the information before the Council when it refused planning permission and listed building consent.

Main Issues

9. Appeal A: The main issues are the effect of the proposal on:
 - The living conditions of the occupiers of the ground floor flat at 269 Hotwell Road, with particular regard to the concentration of Houses in Multiple Occupation (HMOs) in the area;
 - Highway safety;
 - Climate change, with particular regard to future energy use and carbon dioxide emissions; and,
 - The significance of designated heritage assets.
10. Appeal B: The main issue is the effect of the proposal on the significance of the Grade II listed building.

Reasons

Living Conditions

11. The Council is generally seeking a mix of housing tenures, types and sizes, in order to help support the creation of mixed, balanced and inclusive communities within Bristol. It considers an over-concentration of HMOs would be harmful to this objective and has set out the general reasons for this in *Managing the development of houses in multiple occupation* Supplementary Planning Document, 3 November 2020 (the SPD).
12. The SPD refers to various policies in the development plan, and in particular Policy DM2 (residential sub-divisions, shared and specialist housing), contained in the Site Allocations and Development Management Policies Local Plan 2014 (SADMPLP).
13. However, Policy DM2 does not apply to the appeal proposal because the existing use of No 267 is a commercial one, rather than a residential one. None of the other referenced policies are in the evidence before me and so I have not considered them in determining the appeal.

² Ref. APP/Z0116/W/25/3359080 and APP/Z0116/Y/25/3359084

³ Section 16 - Procedural Guide: Planning appeals – England

14. Furthermore, the SPD sets a threshold to help assess whether there would be an overconcentration of HMOs in a neighbourhood. This threshold is more than 10% of the total dwelling stock within a 100 metre radius of a proposed site, and proposals that exceed this threshold are unlikely to be acceptable. However, the Council's officer report states that were the proposal approved, the threshold in this case would only be 9.4% and so would be acceptable.
15. The Council considers that the proposal would result in 'sandwiching', a term from the SPD that describes where an existing dwelling is located between two HMOs. The existing dwelling in this case is the ground floor flat at 269 Hotwell Road, which has a 5 bedroom HMO on the floors above it, and is adjacent to the appeal building. Whilst this would appear to be an example of 'sandwiching', the Council has not explained what harm would be caused to the living conditions of the occupiers of the ground floor flat by the proposal, despite the SPD containing a considerable list of examples.
16. No evidence is before me regarding any adverse effects experienced by the occupiers of the ground floor flat from the HMO above them, and I also note the appellant's suggestion of a pre-commencement condition covering the provision of a suitable Tenant Management Plan to manage any potential noise or disturbance issues, in addition to separate statutory processes.
17. For these reasons, the proposal would not adversely affect the living conditions of the occupiers of the ground floor flat at 269 Hotwell Road. It would not, therefore, conflict with guidance contained in the SPD, or with the National Planning Policy Framework December 2024 (the Framework), in this regard.

Highway safety

18. The Council's Transport Development Management team objected to the proposal on the grounds that the waste and recycling storage provision was inadequate. The proposal would store bins at the front of the building, within the curtilage and next to a fixed-closed entrance doorway.
19. When I visited the site, I noted that bins were stored at this location at the present time as part of the commercial use of the building. The proposal shows three bins to be stored there, with a separate internal recycling store in the dining area at the front of the building. The intention is for the waste and recycling materials to be moved in storage boxes from the internal store to the outside to await collection once a week, or to coincide with the collection schedules; this would be included in all Tenancy Agreements.
20. The proposal would significantly increase the amount of space required for the storage of waste and recycling materials at the property. However, from the evidence there would seem to be sufficient room within the front curtilage of the building for the boxes to be stored whilst awaiting collection.
21. Even if the storage were to encroach onto the footpath, which would be part of the highway, it does not seem likely this would lead to any significant issues of safety. The footpath is reasonably wide in front of the building and it is very unlikely that the number or size of boxes would encroach significantly onto the footpath, if they did at all, or cause it to become blocked.
22. For these reasons, the proposal would not adversely affect highway safety. It would, therefore, accord with Policy BCS21 (quality urban design) of the Bristol

Core Strategy 2011 (BCS) and Policy DM32 (recycling and refuse provision in new development) of the SADMPLP, and with the Framework, in this regard.

Climate Change

23. The submitted Sustainability and Energy Statement (SES) sets out the approach of the appellant to reducing greenhouse gas emissions, whilst recognising that there are constraints due to the appeal building being Grade II listed⁴.
24. Hot water and heating at the building are currently provided by gas combi boilers, whilst the proposal would replace these with an Air Source Heat Pump (ASHP) for hot water, and electric panel heaters to heat rooms. LED lights would also be fitted.
25. Table 6 of the SES sets out the baseline energy demand for the building and the consequent CO₂ emissions, as well as the effects of the proposal on energy demand and emissions. The Council has not questioned the veracity of the figures provided, which show a modelled reduction in energy demand from 44,667 kWh/yr to 38,937 kWh/yr, with a modelled reduction in CO₂ emissions of 4,084.7 kgCO₂/yr, or some 43.5% from the baseline.
26. Despite easily exceeding the minimum 20% CO₂ emissions reduction requirement contained in Policy BCS14 (sustainable energy) of the BCS, the Council is concerned that insufficient evidence has been provided to demonstrate the proposal would follow the 'heat hierarchy' and that this would lead to a reliance on electric heating.
27. Policy BCS14 of the BCS includes an 'energy hierarchy', which applies to 'development', and a 'heat hierarchy' which applies to 'new development'. The making of any material change in the use of any buildings is classified as development under s55 of the Town and Country Planning Act 1990 (as amended). However, it is not clear from the limited extract of Policy BCS14 of the BCS provided by the Council, which shows no supporting text to explain how the policy should be interpreted or applied, whether the proposal would engage the 'heat hierarchy'.
28. The 'heat hierarchy' follows a paragraph on the use of Combined Heat and Power (CHP), Combined Cooling, Heat and Power (CCHP) and District Heating, and the policy states these will be 'encouraged' - there is no *requirement* for them to be used.
29. The Council has not indicated there is an existing or proposed CHP/CCHP distribution network in the vicinity of the appeal building, to which the proposal could be connected, and items 2 – 5 of the 'heat hierarchy' refer to 'site-wide' and 'community heating/cooling' systems, which from the evidence I interpret to mean large scale proposals, rather than proposals affecting a single building, which in this case is existing, modest in size, in single use, and is also a listed building.
30. I do not consider that items 1 – 5 of the 'heat hierarchy' are engaged in this case and I do not see a conflict with the proposal and the 'heat hierarchy'. I also see no conflict between the proposal and the 'energy hierarchy'. The renewable generation of hot water is proposed via an ASHP, which produces a substantial reduction in carbon dioxide that would be released. Whilst it may have been

⁴ The SES mistakenly states the building is GII* listed, which is not the case.

possible for the appellant to use the proposed ASHP to generate heat as well as hot water, there is no policy requirement for them to do so.

31. In any event, electricity is not inherently harmful in terms of carbon dioxide emissions and efforts to decarbonise electricity generation are ongoing; there are also a range of electricity tariffs that exist for consumers who wish to use electricity generated from renewable sources.
32. For these reasons, the proposal would not have an unacceptable effect on climate change in terms of future energy use or carbon dioxide emissions. It would not, therefore, conflict with Policy BCS14 of the BCS and with the Framework in this regard.

Designated Heritage Assets

33. 267 Hotwell Road is a three storey, plus basement and attic, mid-terraced building which dates from Georgian times. It has a terracotta stucco finish to the front elevation and a tiled roof, with non-original dormer windows to the front and rear. A post box is located on the footpath outside the building, near to the main entrance.
34. The building has a projecting shopfront window at ground floor level, with the main, stepped entrance to its right, comprising a six-panelled door with fanlight and stone pediment above. A further visually and functionally subservient doorway is located on the left side of the shopfront window. The first and second floors to the front have six over six sliding sash windows topped with symmetrical five part cornices, similar to other buildings in the terrace. The terrace comprises 261 - 269, and whilst each building is distinct and the terrace is far from uniform, there are many coherent architectural features to be found.
35. The rear elevation of the building has been altered considerably, with a modern mono-pitched roof extension spanning much of the width of the plot at ground and basement level.
36. The significance of No 267, insofar as it relates to these appeals, stems from its historical development, its Georgian design and the surviving architectural features on the front elevation and inside the building, and its visual relationship with Nos 261 – 265 and 269.
37. The building makes a positive contribution to the character and appearance of the CHCA, which is a large and diverse conservation area containing a number of spatial character areas. Area 9 contains the appeal site and was amongst the earliest parts to be developed in the early 18th century.
38. The CHCA covers an area of great topographical change, rising steeply northwards towards Clifton, from Hotwell Road in the south. The buildings to the north include elegant Georgian terraces and crescents complemented by a range of planned and informal maturely landscaped spaces.
39. Insofar as it relates to these appeals, the significance of the CHCA stems from its historical development and from the buildings, streets and spaces to be found there.
40. The building is currently used as commercial office space and the proposal would involve changing the use to an 8 bedroom HMO with associated works to the interior, including the removal of some non-original stud partition walls and the installation of some new stud partition walls.

41. Within the building, surviving elements of the historic fabric are identified, plaster cornices and door frames, as well as measures to protect these features from harm during the works.
42. However, some of the cornices would be hidden behind plasterboards, and the installation of new stud partition walls would alter the largely intact layout of the building at basement and first and second floor level. These works would detract from the character and appearance of the building causing less than substantial harm to its significance; this would be towards the lower end of the scale.
43. As the building makes a positive contribution to the character and appearance of the CHCA, this harm would also detract from the CHCA, again causing less than substantial harm to its significance, although to a much lesser extent than to the building itself.
44. At the present time, waste and recycling bins are located by the secondary front doorway. This is a visually incongruous and obtrusive arrangement, which detracts from the character and appearance of the appeal building and No 265 next door, as well as, and to a lesser extent, the CHCA.
45. The proposed residential use would significantly increase the amount of waste and recycling generated from the appeal building, with a substantial internal storage area with removable boxes proposed for the future occupiers of the HMO to use. These boxes would be decanted to the existing bin storage area by Hotwell Road as needed, prior to collection.
46. Whilst I recognise the measures proposed to manage this process, I share the Council's concerns that there are likely to be times when these boxes would be stored on the street for longer periods of time. Furthermore, they are likely to become dirty and smelly with continued use and by being located in part within the public realm, which is likely to discourage residents from bringing them inside promptly.
47. Whilst stored at the front of the building they would increase clutter and worsen the existing visual harm to the setting of the appeal building and No 265, and to a lesser extent, to the character and appearance of the CHCA. This would cause less than substantial harm to their significance, which would be towards the lowest end of the scale.
48. Any harm to a designated heritage asset attracts considerable weight⁵. Where less than substantial harm is proposed to a designated heritage asset, this harm should be weighed against the public benefits of the proposal⁶.
49. There would be some social and economic benefits associated with undertaking the proposed works, but the very limited scale and duration of such works means they carry very limited weight. The provision of an 8-bedroom HMO would make a contribution towards meeting housing need within the city, although the scale of the proposal means this would also carry very limited weight.
50. The environmental performance of the building would be improved by the proposal. However, this benefit would be largely private rather than public, and so would carry only limited weight.

⁵ Paragraph 212 of the Framework

⁶ Paragraph 215 of the Framework

51. Whilst the appellant states the existing business would need to move to larger premises to facilitate its growth, the business continues to operate from the premises at present and there is no substantive evidence the current office use of the building is not viable. Consequently, I do not accept the proposal would be the optimum viable use for the building.
52. For these reasons, the proposal would cause less than substantial harm to the significance of designated heritage assets. This harm would not be outweighed by the public benefits of the proposal. The proposal would, therefore, and insofar as relevant, conflict with policies BCS21 and BCS22 (conservation and the historic environment) of the BCS; with policies DM30 (alterations to existing buildings) and DM31 (heritage assets) of the SADMPLP; and with the Framework, in this regard.

Other Matters

53. The appeal site is in an area at risk of flooding from the tidal river Avon during a critical flood event, and the appellant has submitted a Flood Risk Assessment (FRA) to accompany their proposal. With reference to modelled data, the basement of the building would flood to a depth of 1.77 metres at such a time, leading to an initial objection from the Environment Agency (EA).
54. However, the FRA includes correspondence from the EA concerning a separate proposal at the appeal site that is the subject of the aforementioned linked appeals⁷, the contents of which I note. I am satisfied on the basis of the proposed internal layout plans, the submitted FRA and the EA's appended letter dated 9 May 2024⁸ that were the proposal otherwise acceptable, there would not be an unacceptable risk of flooding. However, appropriately worded conditions to address flood resistance and resilience measures would be needed in such case.

Planning Balance and Conclusion

55. For Appeal A, the appellant refers to the Council only having a 3.7 year housing land supply (HLS) in its Statement dated February 2025. This is less than the minimum requirement set by the Government. However, the Council's officer report does not address its position in relation to HLS.
56. If I were to accept the appellant's position, which has not been refuted by the Council, then consideration of the presumption in favour of sustainable development at paragraph 11 d) of the Framework would be needed⁹.
57. In which case, and as set out above, the proposal would deliver an 8-bedroomed HMO and so would contribute to meeting the housing need of Bristol; it would also improve the environmental performance of the building and there would be some short term social and economic benefits from the construction.
58. The proposal would accord with a number of policies in the development plan, as set out above: policy DM32 of the SADMPLP and policies BCS14 and BCS21 (in terms of highway safety) of the BCS. However, it would also conflict with policies DM30 and DM31 of the SADMPLP and BCS21 (in terms of the historic environment) and BCS22 of the BCS. I am satisfied that these policies are generally consistent with the Framework and I find the policy conflicts mean the proposal would conflict with the development plan as a whole.

⁷ Ref. APP/Z0116/W/25/3359080 and APP/Z0116/Y/25/3359084

⁸ Ref. WX/2024/137817/04-L01

⁹ Footnote 8 of the Framework

59. Furthermore, and as set out above, the harm that would be caused to designated heritage assets by the proposal provides a strong reason for refusal.¹⁰ Consequently, even if I were to accept the Council's HLS was 3.7 years, the proposal would not be sustainable development with reference to paragraph 11 d) i) of the Framework.
60. Despite the acceptable effect of the proposal in terms of Living Conditions, Highway Safety and Climate Change, it would conflict with the development plan as a whole and there are no material considerations that would cause me to determine Appeal A otherwise than in accordance with the development plan.
61. For the reasons given above, I conclude that Appeal A is dismissed and Appeal B is dismissed.

Andrew Parkin

INSPECTOR

¹⁰ Footnote 7 of the Framework