

Appeal Decision

Site visit made on 11 October 2016

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th October 2016

Appeal Ref: APP/Z0116/W/16/3153198

Adjacent to 15 Kingsley Road, Cotham, Bristol BS6 6AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Tim Osborne against Bristol City Council.
 - The application Ref 16/00311/F, is dated 19 January 2016.
 - The development proposed is the construction of two, two bedroom houses on a brownfield site currently occupied by single storey outbuildings used by a retail unit for storage purposes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's appeal statement has been set out in the form of an officer delegated report. This concludes that, had the Council been in a position to determine the application, it would have refused planning permission for reasons relating to the level of outlook afforded to future occupiers of the proposed dwellings and; the effect of the proposal on the character and appearance of the Cotham and Redland Conservation Area. I have dealt with the appeal on that basis.

Main Issues

3. These are firstly, whether the proposal would preserve or enhance the character or appearance of the Cotham and Redland Conservation Area and secondly, whether the proposal would provide a suitable living environment for future occupiers, having regard to outlook.

Reasons

Character and appearance of the Conservation Area

4. The appeal site and its surroundings lie in the Cotham and Redland Conservation Area (CA), which mainly consists of leafy areas of inner suburban Victorian housing. The appeal site is occupied by a block of three relatively modern, flat roofed garages, with rendered walls and timber folding doors. The garages are immediately at the rear of and are used in association with 15-17 Zetland Road, but face onto Kingsley Road. 15-17 Zetland Road is a substantial, three storey building with a shop on the ground floor and flats above, at the end of a terrace of buildings of similar design, materials and mix
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of uses. On the other side of the appeal site, 15 Kingsley Road (No 15) is one of a pair of substantial mid-Victorian villas, also arranged over three storeys. Pairs of dwellings of similar age, appearance and scale to No 15 are repeated along both sides of Kingsley Road.

5. The proposed dwellings would be in a semi-detached block. They would have a contemporary design, incorporating a flat sedum covered roof. The appeal site would be excavated in order to provide accommodation arranged over two levels, with the result that the overall height of the block would be less than a metre above the roof level of the existing garages. The block would therefore not be dissimilar in terms of its form and overall scale to that of the existing garages.
6. The recessed pedestrian entrance for each of the new dwellings would be grouped centrally at the front. The front elevations on either side of the entrances would be punctuated by horizontal strips of glazing blocks at ground floor level with deep and narrow central windows at first floor level. The mix of horizontal and vertical openings on the front elevations would create an unresolved conflict in the appearance of the block and a sense of a lack of coherence in its design. This would be entirely at odds with the strong and consistent, vertical emphasis apparent in the window openings of the upper floors of 15-17 Zetland Road and those at No 15 and other similar buildings along Kingsley Road.
7. Moreover, due to their substantial size in relation to the overall area of the front elevations, the first floor windows would appear very large in comparison with the greater proportions of solid wall to glazing typically found on the adjoining and nearby buildings. The foregoing factors would result in the block appearing entirely at odds with the traditional pattern of development in the locality, as evidenced by the adjoining and nearby buildings, and consequently it would appear as an alien feature in the street scene.
8. Whilst No 15 and some other buildings in the locality have Bath stone ashlar front elevations, rendered and painted stonework walls are not untypical of the principal elevations of buildings along Kingsley Road. Painted render also forms the wall materials for the prominent return and rear elevations of 15-17 Zetland Road. Therefore, I am not convinced that on its own, the use of a high quality, appropriately coloured render on the principal and other elevations of the block would be entirely at odds with its surroundings.
9. Even so, a substantial lower portion of the front elevations would be finished in grey brickwork. There is no strong local tradition of the use of substantial areas of brickwork on the adjoining and nearby buildings and walls or elsewhere in this part of the CA. Consequently, the mix of render and brick on the front elevations would be viewed as being entirely at odds with the appearance of the surrounding built development. This would have the effect of further emphasising the alien appearance of the block in relation to its context.
10. I accept that due to their functional appearance, the existing garages make little in the way of a positive visual contribution to the CA. I acknowledge that the proposal was amended during the processing of the application to attempt to address the Council's concerns regarding the design and appearance of the block, which would have a subservient relationship to the more substantial scale of the adjoining and surrounding buildings. Nevertheless, as a result of

the above matters, the proposal would therefore fail to preserve or enhance the character or appearance of the CA.

11. Consequently, the proposal would not accord with Policy BCS21 of the adopted Bristol Core Strategy 2011 (CS), because it would not deliver high quality urban design that contributes positively to the area's character and identity, creating or reinforcing local distinctiveness. The proposal would not accord with CS Policy BCS22, because it would not safeguard or enhance the CA.
12. The proposal would not accord with Policy DM26 of the Council's adopted Site Allocations and Development Management Policies Local Plan 2014 (LP), because it would not contribute to local character and distinctiveness, it would not respect or build upon the local pattern and grain of development including the historical development of the area or respond appropriately to the proportion of existing buildings, it would not reflect locally characteristic architectural styles taking account of their scale and proportion, and; it would not reflect the predominant materials in the area.
13. In addition, the proposal would not accord with LP Policy DM29, because it would not be designed to a high standard, responding appropriately to its importance and reflecting its function and role in the public realm, it would not incorporate elevations that are visually organised and well-proportioned, it would not incorporate high quality detail of an appropriate scale and proportion arranged in a coherent way that contributes positively to the overall design approach of the building; and; it would not employ high quality durable and sustainable materials of an appropriate texture, colour, pattern and appearance that contribute positively to the character of the area. Furthermore, the proposal would not accord with LP Policy DM31, because it would not preserve or enhance those elements which contribute to the special character and appearance of the CA.

Living conditions

14. The proposed dwellings would incorporate the main living areas and kitchens in an open plan layout on the ground floor. There would be no windows in the front elevation at ground floor level. The glass blocks would provide some natural daylight to the kitchen and living area and would avoid inward views from passers by on the street, which would otherwise erode the privacy of future occupiers. However, the glass blocks would not provide any meaningful sense of outlook from the ground floor onto Kingsley Road. Thus the proposed dwellings would have a single aspect on the ground floor, the sole source of outlook for the living area and kitchen being from the windows in the rear elevation.
15. The block would not occupy the entire footprint of the existing garage. This would enable the provision of a modest courtyard garden at the rear for each dwelling. Nevertheless, due to the limited depth of the courtyard gardens, the rear facing windows on the ground floor would look directly onto the substantial boundary of 19 Zetland Road, at a distance of around three metres, with high walls also in proximity on other boundaries. Consequently, whilst the ground floor rear windows of both dwellings would be large, they would have a restricted outlook, dominated by high boundary enclosures. As a result, future occupiers of the dwellings would experience an overbearing and oppressive sense of enclosure when using their living areas and kitchens, which would be unacceptably harmful to their living conditions.

16. I have been referred to examples of schemes recently permitted by the Council which the appellant considers exhibit similarities to the appeal scheme in terms of the level of outlook and amenity space available. These include dwellings with a single aspect. Consistency in decision making is clearly important. During my site visit, I therefore viewed all of the sites referred to. In most cases, development was either underway or had not yet commenced. However, I found that the examples exhibited significant differences to the appeal site in terms of their context. This is because by and large, the sites in question were located in areas which had more tightly knit and urbanised characteristics, where the levels of outlook of adjoining and nearby development were already limited in comparison with the more suburban character of the appeal site and its surroundings. Moreover, in such areas, occupiers would be likely to value matters such as the convenience of location and proximity to public parks and other open spaces, above levels of outlook and private amenity space. Consequently, I find that none of the examples referred to exhibit significant similarities to the appeal scheme.
17. Therefore, the proposal would not accord with CS Policy BCS21, because it would not create a high quality environment for future occupiers. The proposal would not accord with LP Policy DM29, because it would not achieve an appropriate level of outlook with a dual aspect where possible. The proposal would also therefore not achieve one of the core planning principles of providing a good standard of amenity for all future occupants at paragraph 17 of the National Planning Policy Framework (the Framework).

Other matters

18. Following amendments to the scheme during the processing of the application, the Council had no objections to the internal floorspace provided, the refuse and recycling storage arrangements, cycle storage provision or the effect of the proposal on the viability of the existing shop. The proposed changes to the refuse and recycling storage arrangements for the shop and flats above would be outside of the application site. Overall however, I have not found any reason to come to a different conclusion than the Council in respect of the above matters or on matters of highway safety and parking.
19. The proposal would not cause unacceptable harm to the living conditions of the occupiers of adjoining residential properties, either by overlooking or overshadowing. I also have taken the appellant's comments regarding the benefits of natural surveillance and reducing incidences of anti-social behaviour in the vicinity of the appeal site, into account. Further, the proposal would retain an existing wall and a neighbour's Fig tree. Nevertheless, none of these matters would warrant the setting aside of my conclusions on the main issues.

Planning balance

20. The harm to the significance of the CA caused by the proposal would be 'less than substantial' as meant by the Framework at paragraph 134. Even so, the public benefits of the proposal, most notably an increase in the supply of housing, would be small in scale and would not outweigh the unacceptable harm caused.

Conclusion

21. The proposal would fail to accord with the Development Plan and it would be inconsistent with the Framework.
22. For the reasons given above I conclude that planning permission should not be granted and the appeal should be dismissed.

Stephen Hawkins

INSPECTOR