
Appeal Decision

Site visit made on 26 October 2016

by B Bowker Mplan MRTPI

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

Decision date: 23 November 2016

Appeal Ref: APP/Z0116/W/16/3153071

40 Churchill Road, Brislington, Bristol BS4 3RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Katherine Klinger against the decision of Bristol City Council.
 - The application Ref 16/00898/F, dated 18 February 2016, was refused by notice dated 13 May 2016.
 - The development proposed is application for the redevelopment of the existing outbuilding structure at 40 Churchill Road into a one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide a safe and suitable living environment for future occupiers; and,
 - The effect of the proposal on the living conditions of neighbours at Nos 38, 40 and 42 with particular reference to privacy, noise and disturbance and amenity space.

Reasons

Future occupants

3. The appeal site comprises an outbuilding located to the rear of No 40 Churchill Road. No 40 forms part of a wider terrace and the proposed dwelling would be surrounded by garages and outbuildings. Access to the dwelling would be via a narrow lane to the rear of the terrace. The access lane slopes gently downhill from south to north and is intermittently lit by street lighting. A tall hedgerow runs along the western boundary of the lane, beyond which is a public footpath and Council Depot.
 4. Whilst the frontages of adjoining outbuildings contain entrances, the proposal would introduce a dwelling dependent on a singular point of access for residents, servicing and emergency vehicles via the lane. During my site visit, I saw the residential conversion at 68 Churchill Road. However, I observed that No 68 had a frontage, servicing area and entrance onto Churchill Road. The appellant's photographs show that refuse and recycling vehicles already serve some properties via the lane and the road survey notes that the lane is wide enough to accommodate most emergency vehicles and allow pedestrians
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- areas of safe refuge. I also note that the lane is unlikely to be busy with vehicular use.
5. However, the photographs show that when vehicles do use the lane, little room remains for pedestrians to pass by. Coupled with the high roadside hedgerow, the lay of the land, the proposal's resultant rise in pedestrian activity along the lane would increase the potential of conflict between highway users. Whilst refuge areas are available at some sections of the lane, they are infrequent and inadequate. Similarly, the proposal's recessed entrance would not fully address the inadequacy of the lane.
 6. I also agree with the Council that the lane would not offer future occupants a safe entrance to the dwelling. This is owing to the enclosure of the lane by outbuildings and hedgerow alongside the limited level of natural surveillance from surrounding properties. The limited level of natural surveillance would be particularly harmful to the safety of future occupants using the road in the evening. This harm would not be prevented by a condition requiring private service of refuse and recycling facilities.
 7. Consequently, taking the above into account, the lane would provide future occupants with an unsuitable, unsafe and poor quality access to the proposed dwelling. Furthermore, whilst each application and appeal must be treated on its individual merits, owing to the number of similar outbuildings along the lane, I appreciate neighbour concerns regarding precedent. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, the cumulative effect of which would further exacerbate the potential for conflict between highway users as described above.
 8. The Nationally Described Space Standards requires 75% of gross internal floor area to have a minimum ceiling height of 2.3 meters and notes that any area with a height of 1.5 meters or less can be included for storage purposes only. However, based on the appellant's space diagram plan and the mezzanine's lowest headroom height being roughly 1.8 meters, the proposal would meet these requirements. Future occupants would be served by external amenity space, which although modest in size, would provide some space for seating and drying clothes. In this respect, I have no substantive reasoning before me to conclude that the proposal would be deficient.
 9. Consequently, I am satisfied that the proposal would provide adequate internal and external space for future occupants. However, this would not remove the harm I have identified to future occupants in relation to the proposal's unsafe and unsuitable access arrangements.
 10. Therefore, I conclude that the proposal would not provide a safe and suitable living environment for future occupiers. Consequently, the proposal would be contrary to Bristol Core Strategy (CS) Policy BCS21 and Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan (LP) which are of most relevance to this matter. Insofar as they relate to this matter, these policies combined require development to provide a high quality environment for future occupants that contributes to the creation of safe places by ensuring clear routes to local and wider services and by taking into account the practicalities of servicing requirements.

Neighbouring living conditions

11. During my site visit, I saw that views from windows in the north east elevation of the outbuilding were screened by wooden panel fencing along the site boundaries with Nos 38, 40 and 42. Owing to the boundary fences, future occupants would have limited views into surrounding properties and garden areas. The roof windows would be set away from the mezzanine floor and would be of a sufficient height to prevent future occupants looking out of it. In addition, the angle of the roof would further prevent opportunities for direct views from the roof windows. Although not referred to in the decision notice, owing to the minor increase in roof height and the separation distances involved, I am satisfied the proposal would not have a harmful effect on neighbouring living conditions with regards sun and daylight.
12. As garden areas tend to adjoin one another in terraced residential areas, future occupants are unlikely to significantly alter existing levels of noise and disturbances. In addition, no substantive reasoning is before me to justify the Council's concern regarding the remaining amenity space for occupants at No 40. Therefore, I have no reason to conclude the proposal would be harmful in this respect.
13. Consequently, I conclude that the proposal would not have a harmful effect on the living conditions of neighbours at Nos 38, 40 and 42 with particular reference to privacy, noise and disturbance and amenity space. Consequently the proposal meets the requirements of CS Policy BCS21 and LP Policies DM21, DM26, DM27 and DM30. Insofar as they relate to this matter, combined, these policies seek to ensure development safeguards the amenity of neighbouring occupiers.

Other matters

14. I note that a number of benefits are associated with the proposal which includes its contribution to housing supply, its energy efficiency credentials and its use of an existing building. In addition, I have concluded that the proposal would provide adequate internal and external space for future occupants, and would not harm the living conditions of adjoining neighbours.
15. However, these factors and modest benefits would be outweighed by the harm identified to future occupants in relation to the proposal's unsafe and unsuitable access arrangements.

Conclusion

16. Consequently, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Bowker
INSPECTOR