
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/P0119/W/16/3152936

1 Hill Close, Emerson Green, Bristol BS16 7HH

- 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 Mr & Mrs G Davies against the decision of South Gloucestershire Council.
 - The application Ref PK16/0793/F, dated 8 January 2016, was refused by notice dated 11 May 2016.
 - The development proposed is the erection of 3 no attached dwellings with new access and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 no attached dwellings with new access and associated works, at 1 Hill Close, Emerson Green, Bristol BS16 7HH, in accordance with the terms of the application Ref PK16/0793/F, dated 8 January 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs D Davies against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary matters

3. The description of development used above is taken from the decision notice which is more complete.
4. An amended plan, Ref 2593/21B has been submitted as part of the appeal. The amended plan involves the relocation of areas for refuse storage and wall alterations to provide a larger garden area for unit 1. I consider the changes proposed to be minor and the Council have had an opportunity to comment on the amended plan. I do not believe that any party would be unfairly prejudiced by my determining of the appeal with regard to the amended plan and I have done so on this basis.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of future occupants, with particular reference to external amenity space.
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Reasons

Character and appearance

6. The proposed dwellings would be located towards of the tip of the cul-de-sac Hill Close and adjacent to Hicks Avenue. Dwellings at Hill Close comprise terraces commonly made up of three dwellings in a stepped layout, which creates an enclosed appearance. Whilst detached properties at Hicks Avenue create a comparatively more spacious character, the properties are sited quite close to one another and thus give an enclosed appearance when seen from some vantage points.
7. When viewed from public vantage points at Hill Close, owing to the proposal's stepped back siting, orientation and scale, it would be in keeping with properties at the cul-de-sac. Furthermore, the design, roof and wall materials proposed would match adjoining terraced properties. During my site visit, I observed that dwellings at Hicks Avenue and Hill Close do not differ significantly in appearance. In this respect, the proposed two storey scale, roof and wall materials would be in keeping with properties both at Hicks Avenue and Hill Close.
8. The proposal would improve views from Hicks Avenue by removing the roadside bollards, wooden panel fence and tarmac area and by further integrating the willow tree into the surrounding area. In addition, the garden areas to the front of the terrace would ensure that the more spacious character around Hicks Avenue is retained. Moreover, I note that two similarly designed dwellings have already been granted planning permission at the site which based on the appellant's calculations, involved a greater dwelling per hectare density. In this respect, the visual effect of the proposal before me would not be significantly different to the previously approved planning permission.
9. Therefore, I conclude the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal meets the requirements of South Gloucestershire Local Plan Core Strategy (CS) Policy CS1 and paragraphs 53 – 56 of the National Planning Policy Framework (the Framework). Combined, these policies require development to be designed to the highest possible standard that takes into account its surrounding context.

Living conditions

10. Future occupants would be served by modest sized private garden areas to the rear which would provide some space for seating and drying clothes. The amended design also secures additional private garden space for future occupants at unit 3, and front garden space for units 1 and 2. Whilst the front garden area would offer less privacy than the rear gardens, it would still nonetheless provide future occupants an attractive and useable amenity space. Furthermore, the appellant has highlighted a number of residential developments approved by the Council that involved similar sized rear gardens to the proposal before me.
11. Taking the above into account, the front and rear garden areas combined would ensure future occupants would be served by adequate external amenity space comparable with surrounding garden areas. In reaching this view, I have considered Policy PSP 43 of the emerging South Gloucestershire Policy

Sites and Places Plan (PSPP) which seeks to prescribe external amenity space standards. However, as this policy has outstanding objections and the PSPP is yet to be submitted for examination, I can afford the PSPP limited weight only.

12. Therefore I conclude that the proposal would not have a harmful effect on the living conditions of future occupants with particular reference to external amenity space. Consequently the proposal meets the requirements of CS Policy CS1 and paragraph 17 bullet point 4 of the Framework which combined seek to ensure development is designed to a high standard to provide a good standard of amenity for future occupants.

Other matters

13. I note that the Council cannot currently demonstrate a 5 year housing land supply. However, as I have identified no harm in relation to the main issues above, I have not had to consider this matter any further.
14. Concerns are raised regarding the willow tree which is subject to a Tree Preservation Order. However, I note that the Council's Tree Officer is satisfied that the proposal would not have an adverse effect on the tree subject to the recommendations outlined in the appellant's arboriculture report.
15. Concern has been raised in relation to the proposal's effect on neighbouring living conditions by loss of light and privacy. However, I agree with the Council that having regard to the previously approved planning permission, the intervening road Hicks Avenue, and the location of the proposed windows, no harmful effect would occur in this regard. I am also satisfied that the amended plan ensure that adequate refuse storage arrangements are in place.
16. Based on the evidence before me, including the proposal's compliance with the Council's parking requirements, dismissing the appeal on highway safety grounds would not be justified. Finally, the appellant's address of residence is a matter that can be afforded little weight in my determination of the appeal.

Conditions

17. The conditions in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the conditions in the interests of precision and clarity in order to comply with advice given in the Planning Practice Guidance.
18. I have imposed a condition specifying the relevant drawings as this provides certainty. Prior to commencement of development conditions relating to external materials and landscaping are necessary in the interests of the character and appearance of the surrounding area.
19. A condition preventing the insertion of windows in the side elevation of unit 1 is necessary to preserve the privacy of adjoining neighbours. A condition removing of permitted development rights as suggested by the Council is justified and necessary to preserve garden space for future occupants and the character and appearance of the surrounding area.
20. A condition relating to the construction process is included based on the Council's suggestion and concerns raised by neighbours. A condition relating to the appellant's arboriculture report is included based on my reasoning above. Finally, a condition requiring parking and access arrangements for vehicles and

bicycles to be in place prior to the occupation of the dwellings is necessary for highway safety and sustainable transport purposes.

Conclusion

21. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the attached schedule of conditions.

B Bowker
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: 2593/23 Location Plan, 2593/20 Existing Site Plan, 2593/21B Proposed Site Plan, and 2593/22A Proposed Plans and Elevations.
- 3) Prior to the commencement of development a schedule of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments (to include full details of the proposed railings) and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. All planting shall be carried out before the end of the first planting season following the first occupation of any of the dwellings hereby permitted.
- 5) No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the property identified on the accompanying plans as 'Unit 1'.
- 6) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.
- 7) The dwellings hereby permitted shall not be occupied until the access and parking arrangements (for all vehicles, including cycles) have been completed in accordance with the approved drawings and that space shall thereafter be kept available for the parking of vehicles.
- 8) The development hereby permitted shall be carried out in strict accordance with the recommendations contained with the Barton Hyett Arboricultural Report (PB/ND/0316) dated 10 March 2016.
- 9) The hours of working on site shall take place only between 07.30 – 18.00 hours on Mondays to Fridays and 08.00 – 13.00 hours Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.