
Appeal Decision

Site visit made on 11 October 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 30 November 2016

Appeal Ref: APP/Z0116/W/16/3153889

1 Randolph Avenue, Hartcliffe, Bristol BS13 9PG

- 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 Steve McCarthey (SPM Developments) against the decision of Bristol City Council.
 - The application Ref 16/01995/F, dated 19 October 2015, was refused by notice dated 8 June 2016.
 - The development proposed is new dwelling on land to rear of 1 Randolph.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of future occupiers of the proposed dwelling and occupiers of 1 and 1A Randolph Avenue, with particular regard to outdoor space; and,
 - the safety of pedestrian and vehicular traffic using Fulford Road.

Reasons

Character and Appearance

3. The appeal site is located near the corner of Fulford Road and Randolph Avenue in a residential area. The adjacent houses on the same side of Fulford Road are mainly semi-detached or terraced but are of fairly uniform design with pitched roofs, gable ends and coloured render finishes on the external elevations. They are set back from the road with front gardens enclosed by low walls, hedges or railings and reasonably sized rear gardens. Whilst on the opposite side of the road the housing appears to be more modern, constructed mainly red brick, and set slightly further back from the road.
4. Though the roof of the new dwelling would make reference to the hipped roof of the end of terrace properties at 1 and 1A Randolph Avenue, the proposed dwelling would front onto Fulford Road. Therefore, its hipped roof design would be incongruous juxtaposed with the pitched gable end roof of the immediately adjacent semi-detached property at 18 Fulford Road. Furthermore, the new dwelling would be detached unlike any of the other properties on that part of

the road. It would appear as something of an afterthought crammed into its small plot, with two car parking spaces immediately in front of it and no front garden in contrast to the semi-detached and terraced dwellings which predominate in the area.

5. The appellant refers to two planning permissions, Refs 09/01986/F and 14/00570/F, and asserts that those proposals were for large dwellings which also appear different from the surrounding properties. However, limited details have been supplied and the fact that they were, according to the appellant, for large dwellings would differentiate them from the appeal proposal which is for a small one bedroom house. The appellant also, by implication, appears to be conceding the point that the appeal proposal is different from the properties which surround it. I do not know the background or have full details of the reasons that the Council granted those permissions. In any event, I have considered the proposal before me on its own merits.
6. I conclude, therefore, that its design, layout, scale and massing would appear incongruous in the street scene and have an adverse effect on the character and appearance of the area. It follows that it would be contrary to the objectives of policy BCS21 of the Bristol Development Framework Core Strategy (CS)¹ and policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (SADMP)². Amongst other things, they seek to ensure that development responds to and contributes positively towards the character and identity of an area and appears appropriate in its context.

Living Conditions

7. The proposal would have a small rear garden of approximately 19m², which is considerably smaller than other gardens in the area. Whilst the appellant refers to nearby parks, I do not consider that to be an adequate substitute for a reasonably sized area of private outdoor space for future occupants to enjoy.
8. The proposal would also substantially reduce the garden areas of 1 and 1A Randolph Avenue which back onto it, making those gardens considerably smaller than the adjoining properties and others in the vicinity. As no persuasive evidence to the contrary has been provided, I share the Council's view that the remaining garden areas would be inadequate for the current or future occupiers of those properties.
9. The appellant again cites the planning permissions previously referred to and suggests that those proposals also had small gardens. Again, the limited details supplied make it difficult to make any valid comparison. No dimensions have been referred to and at least one of the plans advises not to scale from it. As already explained, I do not know the full details or circumstances that led to those proposals being accepted and so cannot be sure that they represent a direct parallel with the appeal proposal, including in respect of scale, location or development plan policy. In any case, as previously stated, I have determined this case on its own merits.
10. Consequently, I conclude that the proposed development would harm the living conditions of future occupiers of the new dwelling and those of the occupants of 1 and 1A Randolph Avenue, in respect of inadequate outdoor space. The proposal would, therefore, also be in conflict with the objectives of policy

¹ Adopted June 2011

² Adopted July 2014

BCS21 of the CS and policies DM21 and DM27 of the SADMP which, amongst other things, aim to ensure that development safeguards the living conditions of existing occupiers and creates a high quality environment for future occupiers. Furthermore, that private gardens are retained, development in them is strictly limited and that adequate amenity space is provided. I do not consider that Policy DM29 the SADMP is directly relevant to this aspect as it mainly concerns building design.

Safety of pedestrian and vehicular traffic using Fulford Road

11. Whilst the car parking spaces would relieve pressure on parking in the street, the Council has stated that they do not meet the minimum size requirement, which would potentially create an overhang onto the footway. That would obstruct the highway and may force pedestrians onto the road causing danger to them and motorists. As the parking spaces would front onto the pavement and road, there would also be a need for appropriate visibility splays to ensure drivers and pedestrians were aware of each other.
12. The appellant states that the proposed parking spaces do meet the size required by the Council of 5.3 metres by 2.4 metres. Irrespective of the dispute, I agree with the Council that the highway safety issues could be addressed by imposing suitable conditions and note those suggested.

Other Matters

13. The occupiers of a neighbouring property have raised concerns similar to those already dealt with above. Additional issues referred to include potential overlooking and effects on privacy, outlook and sunlight. However, those concerns are not shared by the Council. As I am dismissing the appeal on other substantive grounds, there is no need for me to examine those aspects further.

Conclusion

14. Although the highway safety issues could be resolved by imposing suitable conditions, the harm that I have identified to the character and appearance of the area and to the living conditions of future occupiers of the development and occupiers of adjoining properties is decisive. It leads me to conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR