
Appeal Decision

Site visit made on 7 December 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 13 December 2016

Appeal Ref: APP/P0119/W/16/3158543

111 Fairlyn Drive, Kingswood, Bristol BS15 4PZ

- 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 Mitchell Ross against the decision of South Gloucestershire Council.
 - The application Ref PK16/1566/F, dated 29 March 2016 was refused by notice dated 8 June 2016.
 - The development proposed is to build a new attached 2 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new attached 2 bedroom dwelling at 111 Fairlyn Drive, Kingswood, Bristol BS15 4PZ in accordance with the terms of the application, Ref PK16/1566/F, dated 29 March 2016, subject to the following 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: Site location plan 1, existing site layout plan 2, existing ground floor plan 3, existing first floor plan 4, existing roof plan 5, existing east elevation 6, existing north elevation 7, existing west elevation 8, proposed site layout plan 9C, proposed ground floor plan 10B, proposed roof plan 12A, proposed east elevation 13A, proposed west elevation 15A, proposed gross internal area plan 16A, existing site layout plan and utilities 17A, proposed site layout and utilities 18B, proposed ground floor utilities 19A, proposed site layout and wider private amenity space study 20A, proposed first floor plan 11C, proposed north elevation 14B.
 - 3) No development shall commence until a scheme for intrusive site investigations, to include the submission of a report of findings arising from the intrusive site investigations and the submission of a scheme of remedial works and a programme for the implementation of those remedial works (if required), is submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved scheme.
 - 4) The dwelling hereby approved shall not be occupied until the forecourt and pedestrian access are provided in accordance with a scheme of soft and hard landscaping submitted to and approved by the local planning

authority in writing. The soft and hard landscaping shall be retained as such thereafter.

- 5) The dwelling hereby approved shall not be occupied until the secure cycle parking is provided in accordance with details submitted to and approved by the local planning authority in writing. The cycle parking shall be kept permanently available for that purpose thereafter.
- 6) The dwelling hereby approved shall not be occupied until the parking spaces are provided in accordance with the approved plans and details. The parking spaces shall be kept permanently available for the parking of the vehicles of the occupiers of the approved dwelling thereafter.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

Character and appearance of the area

3. A two storey side extension to the appeal property was granted planning permission on 1 December 2015¹. The key difference between this approved extension and the appeal proposal is that the new dwelling would be 4m wide, whereas the approved extension would be 3m wide. The approved extension would be slightly set back from the front elevation of the existing house and its ridge line would be 500mm lower. Although slightly more subservient in design, the eaves heights would be the same as is proposed in the appeal scheme.
4. The appeal site is a semi-detached house with an unusually wide corner plot, such as is often found on post war estates such as this and which gives them their spacious character. The proposed dwelling would be set forward of the natural building line of the fronts of the dwellings which rise up the hill to the west and as such would be a discordant feature in the street scene. However, the visual impact of the proposed dwelling when compared to the approved extension would not be significantly greater.
5. Although the area is largely characterised by semi-detached dwellings, occasionally terraces of four dwellings are to be seen, for example opposite the appeal site to the north. The location of these does not follow any formal designed layout and the creation of a terrace of three from a semi-detached pair in this case would not be at odds with the character of the area. There are many examples of porches, front and side, in the area, and the addition of two porches, one each for the existing and proposed dwelling, would not appear out of place.
6. There would be two small rear gardens for each dwelling, which would be regular in shape and would have adequate sunlight. In respect of the available amenity space the proposal would not constitute an unacceptable level of development for this urban area.
7. The proposed car parking would result in a group of four cars being parked tightly together in a very prominent corner position. However, the plans for

¹ Ref PK 15/4834/F

the approved extension show a more random parking layout which effectively would prevent any softening landscaping or enclosure of the forecourt and which would be permitted development in any case. The plans submitted with this application show an area to the front of the car parking for the proposed dwelling where a boundary enclosure and some landscaping could be carried out, which could be the subject of a condition. The provision of this landscaping would mitigate to a degree the dominance of the proposed parking on the street scene.

8. I therefore conclude that the proposed dwelling would not harm the character or appearance of the area to any greater degree than the approved two storey extension. Whilst I cannot conclude that the requirements of policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy and policy H4, South Gloucestershire Local Plan 2006 to protect the character of areas would be entirely satisfied, there is a realistic fall-back option for the appellant, which is a material planning consideration.

Other matters

9. Concern has been expressed about the effect of the proposal on occupiers living opposite the appeal site, to the north, who point out that an extension at 1 Fairlyn Drive, adjacent to the appeal site, has now been built. However, these properties are well separated from the appeal site and the daylight and sunlight reaching them would not be affected. The protection of a view is not a planning matter and in any event, a two storey extension has been approved.
10. The proposed and existing dwellings would both have adequate off-street parking. The provision of this would reduce the on-street capacity by a small amount, but the Council has not objected on this basis and I conclude that there would still be reasonable provision in the street as a whole.

Conclusions

11. The Council cannot demonstrate a 5 year supply of housing land, so the Council's officer's report carries out a balancing exercise under paragraph 14 of the Framework. However, this exercise does not need to be carried out if the development is sustainable.
12. I have found that there would be no additional material harm to the character and appearance of the area in comparison to the currently valid approved scheme for a two-storey side extension. The appeal site is within the designated urban area where the principle of development is acceptable and the proposal would make a very small contribution to the supply of housing. I therefore conclude that the proposal would be sustainable development in all its dimensions.
13. For the reasons given above I conclude that the appeal should be allowed.

Conditions

14. I have assessed the conditions proposed by the Council against the tests set out in paragraph 206 of the Framework and the guidance set out in the Planning Practice Guidance.
15. I have attached the standard condition to require the development to commence within 3 years as required by the Act and I have attached the

standard condition to require that the development to comply with the submitted plans. This is in order to provide certainty.

16. I have required that the dwelling shall not be occupied until the secure cycle parking, parking bays and a scheme of soft and hard landscaping are provided. This is in order to encourage the use of sustainable modes of travel and in the interests of highway safety, to provide adequate parking. The landscaping is necessary in order to soften the visual impact of the proposed parking layout and to ensure that some boundary and landscaping treatment is provided to protect the character of the area and to prevent vehicles parking randomly over the pavement edge.
17. The appellant's Coal Mining Assessment Report concludes that there is slight risk on the proposed building performance due to historic coal mining, and that this risk could be managed by trial holes or trenching to establish ground conditions. The Coal Authority is still of the opinion that the coal mining legacy poses a risk to the proposed development and that the trenches may need to be deeper than specified in the report. It recommends a condition to secure a scheme of intrusive investigation and remediation, if necessary. Policy CS9 (12) requires that development avoids unstable land. Given the unresolved matter of the depth of the trial holes, a condition would be necessary to ensure that the investigation is effective and that any remedial action is implemented.
18. I have not applied the Council's suggested condition 5, as details of the proposed materials are adequately covered on the application form.

Jacqueline Wilkinson

INSPECTOR