



Appeal Decision

Site visit made on 31 January 2017

by G Powys Jones MSc FRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/Z0116/D/16/3163644

1 Clyde Park, Bristol, BS6 6RR

- 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 Paul Killen against the decision of Bristol City Council.
 - The application Ref 16/04375/H, dated 11 August 2016, was refused by notice dated 24 October 2016.
 - The development is a new vehicular access at rear of property with a timber gate and the erection of an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access at rear of property with a timber gate and the erection of an outbuilding at 1 Clyde Park, Bristol, BS6 6RR in accordance with the terms of the application, Ref 16/04375/H, dated 11 August 2016, subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 16-061-E-SP; 16-061-P-SP01; 16-061-P-E01 & 16-061-P-GF01.

2. The sliding gate's timber cladding shall be fixed prior to the beneficial use of the parking space, hereby permitted, and shall thereafter be retained in perpetuity. It shall not be replaced without the local authority's prior written consent.

Preliminary matters

2. The development affects the rear of the appeal property, which is currently being renovated. It appears that an unauthorised opening was formed to allow access for builder's vehicles in the rear boundary wall fronting Clyde Lane, at its junction with Elliston Road. The appellant wishes to retain the opening, so that it could be used in the long term as the dwelling's rear access to a newly-formed parking space. The intention is that the access opening would be gated.
 3. A small outbuilding is also proposed, to which the Council does not object. I have no reason to object to the proposed building either. The appellant, in effect, wishes to retain the opening and to complete the development in accordance with the submitted plans. I shall proceed on this basis.
 4. The appeal property is located within the Redlands and Cotham Conservation Area (CA).
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Main issue

5. The main issue is whether the development would serve to preserve or enhance the character or appearance of the CA.

Reasons

6. The appellant claims that the wall is not an original wall, but is one erected approximately 15 years ago. I saw that the wall was comprised of an inner face of blockwork, with the outer face comprised of stone, with relatively recently applied cement mortar. Concrete coping slabs capped the wall. All this indicates to me that the appellant's claims are likely to be reasonably accurate, and that, in all probability, the original wall has been altered and rebuilt.
7. Furthermore, the wall behind the Clyde Park properties is of varying height, and has been punctuated previously either to form pedestrian accesses or parking spaces. Indeed, a garage of a utilitarian appearance stands almost alongside the appellant's property, virtually embedded in the wall.
8. The Council considers that a further punctuation in the wall, in view of what has already taken place, would cumulatively and harmfully add to adverse impact. That is one view, but the one I have adopted is that the additional opening, having regard to the wall's current condition and limited visual contribution to local visual amenity, would make very little perceptible difference in the street scene, provided that the proposed sliding gate is clad in the manner proposed, and that the opening's edges are acceptably completed and finished.
9. I conclude that the development, at worst, would have a neutral effect on local visual amenities so that the character and appearance of the CA would be preserved. Accordingly, there is no material conflict with those provisions of Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy and Policies DM26 and DM31 of the Council's Site Allocations and Development Management Policies directed to ensuring good qualities of design in the City's conservation areas so as to protect their character and appearance.

Conditions

10. Since the opening has already been formed and the development has effectively commenced the Council suggested condition relating to the date of commencement is unnecessary.
11. The Council also suggests a condition requiring the materials to be used on the external faces of the development to match those of the existing dwelling. This would be at odds with the appellant's intentions set out in the application form and submitted drawing. I find the appellant's proposals with regard to materials to be perfectly acceptable in visual terms, and the Council's proposed condition in this regard is therefore unjustified and unnecessary.
12. It is however necessary, in the interests of certainty that the development is carried and completed out in accordance with the approved plans, and that in the interests of amenity that the gate be clad in cedar in perpetuity.

Other matters

13. All other matters referred to in the representations have been taken into consideration, including the comments made by local residents, both for and against the development, and the references to the *National Planning Policy Framework*.
14. I note that some local residents object on highway grounds. However no substantial evidence has been produced to convince me that the limited amount of traffic generated by the proposal or the use of the access would prove harmful to highway safety. I note that the Council did not raise an objection in these terms, notwithstanding the comments made by the Highways Department.
15. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR