
Appeal Decision

Site visit made on 31 May 2017

by G P Jones BSc(Hons) MA MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/Z0116/W/17/3169849

75 Abingdon Road, Speedwell, Bristol BS16 3NZ

- 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 Mrs R Rahman against the decision of Bristol City Council.
 - The application Ref 16/06188/F, dated 13 November 2016, was refused by notice dated 3 February 2017.
 - The development proposed is to erect an attached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - The effect of the proposed development on the character and appearance of the area, and in particular the existing pair of semi-detached properties;
 - The effect of the proposal on the living conditions of the occupiers of the host and proposed properties, having particular regard to the amount of functional outdoor space; and
 - Whether sufficient information has been provided regarding the issue of land instability in relation to previous coal mining in the area.

Reasons

Character and appearance

3. Abingdon Road is characterised by semi-detached properties or blocks of four terraced properties. The appeal property lies on a corner plot and the corner property opposite, no. 68, has a two storey side extension, although this retains a larger side garden area. In addition, no. 47a is a small two storey dwelling attached to no 47. Overall, however, the properties on Abingdon Road exhibit a general uniformity of design, with gaps between the blocks forming an important part of the existing character of the streetscape.
4. Planning permission has been granted for a two storey side extension and a two storey side extension with a rear extension¹. However, both of these permissions would have a slightly different design and a different function than the proposed new dwelling that is before me. Although less deep at first floor

¹ Planning applications reference 15/02563/H and 16/00276/H respectively

level, the proposed new dwelling would be wider than the more recently permitted side extension and thus would project further beyond the established side building line at both ground floor and first floor levels. There would be a set back from the first floor front elevation of the main property and the level of the eaves would be lower than the existing roof. However, this set back would be reasonably small and well below the 1m that is recommended in the Council's Supplementary Planning Document Number 2, October 2005, to which I accord a moderate degree of weight. Furthermore, there would be a small front extension across the entire width of the new dwelling and part of the existing one. Overall I consider that the proposed new dwelling would not appear subservient to the existing property and would give rise to the appearance of a cramped form of development that would be out of character with both the existing pair of semi-detached dwellings and with the wider street scene.

5. Consequently I find that the proposal would not accord with the guidance contained in paragraph 17 of the National Planning Policy Framework (the Framework) and would also be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (CS) adopted 2011, and policies DM21, DM26, DM 27, DM28, DM29 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (LP), adopted 2014. Taken together these policies and guidance seek, among other matters, to ensure high quality design that respects local character and distinctiveness including the design of the host building, respects established building lines and provides a suitable transition between public and private spaces.

Living conditions

6. The proposal would entail the construction of a dwelling on an area of land currently comprising the side garden. Car parking would be provided on the hard standing to the front of the existing property. The appellant has cited the fallback position of the two storey side extension with a single storey rear extension that has been approved, and which would occupy much of the existing side garden space and an area to the rear of the existing property.
7. However, the difference with the fallback position and the proposal before me is that for the former the remaining outside space would be enjoyed by the occupants of only one dwelling. The proposed development would involve the construction of a new fence to align with the side elevation of the existing property. This would divide the existing outdoor space and would leave little in the way of outdoor space for either the existing or the new occupiers. The resultant small area of functional outdoor space would be particularly unacceptable for the main property that is a three bedroom dwellinghouse. In reaching this decision I have given moderate weight to the Council's contention that it would be possible to construct the rear extension element of planning permission reference 16/00276/H.
8. Consequently I consider that the proposal fails to accord with CS Policy BCS18 and LP Policies DM21, DM27, DM29 and DM30 that require high quality design for new development that safeguards the amenity of the occupiers of the host and neighbouring properties occupiers and retains an adequate area of functional garden space.

Coal mining

9. It is not in dispute between the parties that the appeal site is located in an area likely to have been subject to historic coal mining at shallow depth. The appellant submitted a desk-based Coal Mining Risk Assessment report which notes, among other matters, that the existing property is showing no signs of movement. However, the site for the proposed dwelling is on a side garden area that has not previously been developed. The Coal Authority has raised a 'substantive concern' to the proposal, citing a lack of detailed information regarding the associated risk, and it considers that the mitigation measures provided in the submitted Risk Assessment report would not be adequate.
10. The appellant contends that further survey work, in the form of a 10m trial hole, could be imposed as a planning condition. Furthermore, it appears that such information was not required for the two storey side extension that has been permitted. Whilst this may be the case, I give significant weight to the objection expressed by the Coal Authority. Therefore it is my view that information concerning previous coal mining, by means of site investigative works as recommended by the Coal Authority, should be provided to inform the proposal rather than be required by means of a planning condition.
11. For these reasons I consider that sufficient information has not been provided from a competent person suitably qualified in this field of work. I therefore conclude that it has not been adequately demonstrated that the appeal site would be safe to accommodate the proposed development. As such, it would not accord with the guidance contained in paragraphs 120 and 121 of the Framework and also with LP Policy DM37 which requires that, where appropriate, site investigation in regard to land instability is carried out.

Planning balance and conclusion

12. In accordance with paragraph 49 of the Framework I have considered this proposal in the context of the presumption in favour of sustainable development. In terms of benefits, the proposal would increase the supply of housing by a modest amount. However, in terms of negative aspects, the proposal would unacceptably affect the character and appearance of the area, would provide an inadequate amount of functional outdoor space for the occupiers of the host property and insufficient information has been provided in regard to the risk to future occupiers from former coal mining operations in the area. I accord significant weight to these disbenefits.
13. When taken as a whole, and in the context of paragraph 49 of the Framework, I therefore conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

GP Jones

INSPECTOR