
Appeal Decision

Site visit made on 24 May 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 6th July 2017

Appeal Ref: APP/Z0116/D/17/3170278

12 Widcombe, Hengrove, BRISTOL BS14 0AS

- 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 S Hart against the decision of Bristol City Council.
 - The application Ref 16/06782/H, dated 14 December 2016, was refused by notice dated 20 February 2017.
 - The development proposed is new driveway to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a new driveway to the front of the property at 12 Widcombe, Hengrove, BRISTOL BS14 0AS in accordance with the terms of the application, Ref 16/06782/H, dated 14 December 2016, and the plans submitted with it, subject to the conditions set out in Schedule 1:

Procedural matters

2. The property address is 12 Widcombe however the property also has a frontage to Bamfield Road and it is to this side of the house that the driveway is proposed. Work to create the driveway/parking spaces has commenced but at the time of my visit had not yet been completed. I shall consider the appeal on this basis.

Main Issue

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

Reasons

4. This stretch of Bamfield Road is characterised by short front gardens many with open frontages laid to lawn, mixed with low level shrub planting and low walls. The appearance is open on this side of the road in contrast to the opposite side of the road where a row of established trees make a major contribution to the green character.
 5. The new tarmac surface would not result in a significant amount of lawn being lost. Moreover there would still be lawn at the side of the parking spaces. As such the scheme would result in minimal visual change. A low wall has been constructed. This is unfinished as is the surface of the spaces. However,
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conditions could be imposed to ensure that their finishes are in keeping with their surroundings

6. The appellant points to a proposal three doors away approved by the Council in 2015 which is almost identical to the appeal proposal. I saw this at my site visit and it demonstrates to me that the scheme now proposed would also be acceptable in terms of its impact on the character and appearance of the area.
7. For the above reasons I find that there would be no detrimental effect on the character and appearance of the area and as such no conflict with amenity or design aims of the National Planning Policy Framework, Policy BCS21 of the Bristol Development Framework - Core Strategy (2011) and Policies DM26, DM27 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014).
8. Concern has been expressed by the Council regarding a lack of information relating to surface treatments and surface water drainage in that no details have been submitted. I have no evidence before me or reason to doubt that effective measures could not be incorporated into the scheme to satisfactorily address surface treatment or surface water drainage and will deal with these matters by imposing conditions.
9. The Council have suggested conditions including a time limit condition, and materials and drainage conditions covering the submission of information prior to commencement. In view of the fact that the development has already commenced I will use alternatives.
10. A condition recommended by the Council to deal with the installation of the vehicle cross over refers to the approved plans. No reference is made to a vehicle cross over on the plans although it follows that one would be needed to effect access to the driveway. The purpose of the condition set out by the Council is in the interests of pedestrian safety and accessibility. The dropped kerb requires consent under separate provisions¹ and it is sufficient in planning terms to ensure that the dropped kerb is constructed prior to the use of the driveway for the parking of vehicles and a condition to secure this provision is therefore necessary.
11. The Council recommend conditions relating to refuse storage and recycling facilities as well as covering the storage of refuse on the public highway to protect the amenity of the occupiers of adjoining premises and to prevent obstruction to pedestrian movement. As this appeal relates solely to the provision of parking spaces and the creation of the driveway it is sufficient to ensure that the parking spaces, once completed, remain unobstructed and available for this use. To extend the scope of conditions to refer to refuse stores which are not within the parameters of this appeal would be inappropriate as it would not relate to the development proposed.

Conclusion

12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should succeed.

Janet Wilson INSPECTOR

¹ Highway agreements under s184 or s278 referred to as the dropped kerb is beyond the applicants control and requires work to the highway.

Schedule 1

Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PLN- 01.
- 2) The driveway hereby permitted shall not be used for the parking of any vehicle(s) until a dropped kerb has been constructed and completed in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority.
- 3) The driveway hereby permitted shall not be used for the parking of vehicle(s) until it has been completed in accordance with details which shall have previously been submitted to and approved by the Local Planning Authority. These details shall include means of surface water drainage, surface materials and facing materials for the low wall adjacent to the parking spaces.
- 4) Once completed in accordance with the above conditions, the driveway shall not be used other than for its intended vehicle parking purpose thereafter.