
Appeal Decision

Site visit made on 5 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 03 August 2017

Appeal Ref: APP/Z0116/W/17/3171206

Garages at rear of 62-80 Capgrave Crescent, Brislington, Bristol BS4 4TW

- 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 Veitch (Tramm Ltd) against the decision of Bristol City Council.
 - The application Ref 16/05119/F, dated 21 September 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the demolition of existing 16 No. residential garages and construction of 3 No. three bedroom dormer bungalows.
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Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Mr Veitch (Tramm Ltd) against Bristol City Council. The application is the subject of a separate Decision.

Main Issues

3. I consider the main issues in this appeal to be firstly, the effects of the proposed development on the living conditions of the future occupants of Plot 1 and the adjacent occupiers of the block of flats to its rear in terms of privacy; secondly, whether the proposed development would achieve a safe and suitable access; and thirdly, whether the proposed development would make acceptable arrangements for refuse storage in connection with Plot 1.

Reasons

Site, surroundings and proposed development

4. Bounded predominantly by the rears of medium-rise blocks of flats and short terraces of two-storey houses that address Capgrave Crescent, the appeal site is broadly level and comprises a long line of garages and the hardstanding, and grass-fringed access associated with them. The access from Capgrave Crescent which serves the garage block is also used by vehicles travelling to and from the rear parking bays and garages of 62 to 80 Capgrave Crescent.
5. The proposed development, as described in the banner heading above, would remove the garages on the site and redevelop it to supply 3 dormer bungalows: a semi-detached pair and one detached unit. The bungalows would be developed hard up to the edge of the site, more or less along the line

currently occupied by the rear walls of the garages. Amenity space would be provided to the side of the proposed units. Bin storage for Plots 1 and 2 would be located close to Plot 3's proposed amenity space adjacent to a dog-leg in the site that leads to its access. The bin collection point for the site would be situated closer to Capgrave Crescent, on part of the site currently occupied by the grass strip.

Living Conditions

6. Plot 1 as proposed would include extensive dormer windows on its rear elevation which would serve bedrooms and be orientated towards the block of flats (69 to 91 Whitmore Avenue) to its rear. I saw that there were several habitable room windows in the first floor of the flats that would be close to the proposed dormer windows in Plot 1. Whilst I note the appellant's comments regarding the angle of these windows in relationship to those of the flats, this would not be of an obliqueness that would restrict inter-visibility between them, and would allow deep views into habitable rooms in both the properties.
7. Thus the orientation of the properties, combined with the proximity of these windows would create a high degree of mutual overlooking between the properties, in an area wherein the prevailing development pattern is not of an intimacy that affords such a degree of mutual overlooking. Therefore I consider that the proposed development would materially deplete the privacy available to the adjacent occupants of 69 to 91 Whitmore Avenue, and would supply an inadequate level of privacy to the future occupants of Plot 1. The proposed development would thus cause harm to their living conditions in this regard.
8. I note the appellant's comment that obscure glazing could be deployed in the smaller one of the dormer windows of Plot 1, as this would be served by glazing on its gable elevation. However, given that the other dormer would be the primary window for the habitable room it serves and obscure glazing would considerably reduce the outlook available from it I consider that it would not be reasonable to install it there, and therefore it would not meet the requirements of paragraph 206 of the National Planning Policy Framework in relation to the attachment of planning conditions. Consequently, the inclusion of obscure glazing in one of the windows could only reduce the privacy impacts to a limited degree.
9. Thus for the reasons given above, the proposed development would cause considerable harm to the living conditions of the future occupants of Plot 1 and the adjacent occupiers of the block of flats to its rear. As a consequence, it would conflict with Policy BCS21 of Bristol's Core Strategy (adopted June 2011) (the Core Strategy); and Policy DM29 of Bristol's Site Allocations and Development Management Policies (adopted July 2015) (the DM Policies). Taken together, and amongst other matters, these policies seek to ensure that developments safeguard the amenity of the occupants of existing development, create high-quality environments for their future occupiers, and achieve appropriate levels of privacy.

Access

10. The proposed development would constrain the width of the lane to the rear of the Capgrave Crescent properties which currently provides access and

manoeuvring space in association with both the existing block of garages and the garages and parking spaces of Nos. 62 to 80.

11. I have had regard to the swept path analysis based on a family-sized estate car supplied by the appellant which shows the accessibility of various spaces and garages within and around the site; and that a car of this size could manoeuvre and exit to Capgrave Crescent in forward gear. However, due to the status of the access I am mindful that it would be difficult to restrict parking both within the proposed turning areas, and adjacent to the proposed bungalows. Indeed, I saw on site a car parked alongside the rear boundary of one of the Capgrave Crescent properties. I note from the swept path analysis that some of the manoeuvres could be protracted, including depictions of 5 point turns, and such incidences of on-street parking could further narrow the effective width available for these manoeuvres.
12. Due to these matters, I consider that the proposed development would be likely to lead to more cars exiting the site in reverse gear, and given the narrowness and length of the access to Capgrave Crescent, this could lead to conflicts between oncoming vehicles accessing the site, and reversing vehicles exiting. Due to the increased potential for conflicts occurring as a result of the appeal scheme, and the excessive manoeuvres that occupants of the existing properties on Capgrave Crescent, and those of the proposed dwellings would have to perform to avoid conflicts or exit the site in forward gear, I consider that it has not been demonstrated that the proposed development provides a safe and suitable access to the site.
13. In arriving at this view, I am mindful of the other residential accesses along the Crescent, whereupon cars due to the lack of manoeuvring space would have to reverse when exiting. However, the amount of cars using the access to the proposed development, and the consequent number of vehicle movements, would be considerably in excess of the more modest access drives cited by the appellant. Therefore, the presence of these other accesses in the vicinity of the appeal site does not alter my conclusions given in regard to the inadequacy of the proposed development's access arrangements.
14. I note the appellant's references to the guidance of the Highway Code and their view that Capgrave Crescent is not a main road. Moreover, I am aware that cars approaching the access in either direction would have a good view of cars exiting therefrom, and that there are no recorded incidents of accidents in the environs of the access. However, whilst these matters are material, they have not been decisive, and do not outweigh my findings in respect of the safety and suitability of the access, for the reasons stated above. Whilst I am aware of the appellant's reference to the advice contained in Manual for Streets, as it is unclear what part of this document is being referred to I am unable to share the view that the access arrangements for the proposed development would comply with its guidance.
15. Thus for the reasons given above, it has not been demonstrated that the proposed development would achieve a safe and suitable access to the site. For these reasons the proposed development would not meet the requirements of Policy BCS10 of the Core Strategy insofar as it aims to ensure, amongst other things, that developments ensure the provision of safe streets.

16. As it has not been demonstrated that the proposed development would lead to harmful air quality or noise effects as a result of its traffic and transport impacts, I do not find conflict with Policy DM23 of the DM Policies. However, this does not alter my conclusions with regard to the proposed development's conflict with Policy BCS10.

Refuse

17. The proposed bin collection point would be within the 15m of the roadside which the relevant Council Guidance indicates that its operatives would collect waste from. Moreover, Plot 1 would be located within 30m of the proposed refuse storage area, and this would meet with the requirements of the Building Regulations in this respect. I have been supplied with no substantive evidence to suggest that standards in excess of the relevant Building Regulations requirements would be necessary in this case, or that the refuse storage and collection arrangements would lead to a situation where receptacles are left either on the highway, or within the curtilage of Plot 1.
18. As a consequence, I consider that the proposed development would make acceptable arrangements for refuse storage in connection with Plot 1. As a result, the proposed development would not conflict with Policy BCS15 of the Core Strategy or Policy DM32 of the DM Policies. Taken together, and amongst other matters these policies seek to ensure that new development provides satisfactory arrangements for the storage of refuse and recyclable materials sufficient to reflect the requirements of the current collection regime.

Other Matters

19. The proposed development would re-develop a brownfield site. Whilst I note that the appellant considers that the site is subject to anti-social behaviour and other problems I saw at my site visit that the garages were in reasonable repair and that some were in use for parking cars. Consequently, the appeal site does not appear to be redundant land. Nevertheless, the proposed development could achieve a visual improvement to some of the site. I note that the Council has received a Government grant to re-develop brownfield sites within the City, and that the thrust of national policy is to direct development to such sites. As a result, these matters weigh in favour of the proposed development to a moderate degree; and in arriving at this view, I am cognisant of the appellant's comments regarding the challenges of implementing residential schemes on constrained previously developed sites and the pressures that this can place on smaller developers.
20. The proposed development would increase the supply of housing which could be accessible for people with disabilities, and meet housing needs in this respect. However, due to the limited number of units delivered this matter only attracts modest weight in the overall planning balance.
21. I note the appellant considers that the Council did not comply with the guidance of the National Planning Policy Framework (the Framework) in terms of seeking to agree solutions, and making decisions in a timely manner. However, this is essentially a procedural matter that has not been instrumental in my assessment of the planning merits of this case.

Conclusion

22. The proposed development would cause considerable harm to the living conditions of the future occupants of Plot 1 and the adjacent occupants of the flats to its rear. It would also fail to provide a safe and suitable access to the site. In these regards the appeal scheme would conflict with the aforementioned policies of the development plan. In the overall planning balance these considerable harms and consequent development plan conflicts outweigh the moderate and modest benefits the appeal scheme would deliver, and its lack of conflict with the development plan and other guidance in terms of its arrangements for refuse storage.
23. Consequently, no material considerations have been advanced of sufficient weight to justify a departure from the development plan in this case, with which the appeal scheme conflicts in terms of its access and residential amenity aspects. I conclude, therefore, for the reasons set out above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR