



Appeal Decision

Site visit made on 12 June 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 3 August 2017

Appeal Ref: APP/Z0116/W/17/3170817

11A High Street, Shirehampton, Bristol BS11 0DT

- 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 G Allen (Causeway Developments (Hereford) Ltd) against the decision of Bristol City Council.
 - The application Ref 16/06128/F, dated 15 November 2016, was refused by notice dated 8 February 2017.
 - The development proposed is the demolition of the existing domestic garage and the erection of a single detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing domestic garage and the erection of a single detached dwelling at 11A High Street, Shirehampton, Bristol BS11 0DT in accordance with the terms of the application, Ref 16/06128/F, dated 15 November 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: 689-1 LOC, 689-1 P1, 689-1 P1.1, 689-1 P1.2, 689-1 P2, 689-1 P3, 689-1 P4, 689-1 P5, and 689-1 P6.
 - 3) The dwelling hereby permitted shall not be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans. The means of vehicular access shall thereafter be retained for access purposes only.
 - 4) The dwelling hereby permitted shall not be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the approved building. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
 - 5) The dwelling hereby permitted shall not be occupied until the cycle parking provision shown on the approved plans has been completed.

Thereafter it shall be kept free of obstruction and available for the parking of cycles only.

- 6) No above ground development shall commence until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved sample details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwelling, and no detached building shall be erected within its curtilage.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows/dormer windows, other than those shown on the approved plans, shall be constructed on the dwelling.

Application for costs

2. An application for costs was made by Mr G Allen (Causeway Developments (Hereford) Ltd) against Bristol City Council. This application will be the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including whether or not it would preserve or enhance the character or appearance of the Shirehampton Conservation Area.

Reasons

Character and appearance

4. This part of the Shirehampton Conservation Area ('CA') includes many two storey, and some three storey, buildings. Although some display architectural features and embellishment, No.11A forms part of a more utilitarian two storey, pitched roofed, parade which faces High Street, typically with commercial ground floor units and flats above. To the rear, the parade has been significantly altered, and there are various deep, single storey, functional, flat-roofed extensions. A private lane ('the lane') from Pembroke Road gives access to the parade's service yards and to the dwellings on Pembroke Road.
5. The appeal site includes a gravel drive and a small dilapidated garage, clad with corrugated sheeting, and which would be demolished to make way for the proposed development. Although the proposed dwelling would be to the rear of the parade, it would have an access directly from the lane, which its front door would face. Its steeply pitched roof, brickwork and fenestration would provide some architectural embellishment and articulation. Consequently, it would add visual interest into this rather utilitarian setting and, would have a far more attractive design than the garage it would replace.
6. The building would have a modest footprint, but would be larger than the garage. However, its upper floor would be partly contained within its sloping

- roof. Its overall scale and bulk would be limited, and it would be significantly lower than, and subservient to, the parade.
7. Unlike most of the development to the rear of the parade, this scheme would be detached. However, given its appropriate design, form and scale, and as in many views from the lane and from Pembroke Road it would be seen against the backdrop of taller buildings behind, neither that layout, nor the plot coverage in this densely developed location, would cause any harm. The building's finish of brick, timber and tiles, would respond positively to the broad palette of materials in the area, and would be more attractive than some of the very functional materials evident nearby.
 8. I have considered the recently approved scheme to the rear of 5 High Street (Ref: 15/04875/F) along with the previously dismissed appeal decision on that site (Ref: APP/Z0116/W/15/3005879). However, although the policy and site context are similar, there are significant design differences between that approved two storey extension and this detached building. Nevertheless, that example does serve to illustrate the varied form and style of nearby development. Although I am not aware of nearby proposals similar to this one, having concluded that this scheme would enhance the area, no undesirable precedent would be set.
 9. As the scheme would enhance the character and appearance of the area, it would accord with the requirement of Policy BCS21 of the Bristol Development Framework Core Strategy 2011 ('CS') to deliver high quality urban design which contributes positively to the area's character and identity. It would also accord with the design principles in Policies DM26, DM27 and DM29 of the Bristol Site Allocations and Development Management Policies Local Plan 2014, including their requirements for development to make an efficient use of the land and to be of a scale, height, location and form appropriate to the context.
 10. The Council does not explicitly state that the scheme would harm the CA, and neither its decision nor delegated report refers to CS Policy BCS22 which addresses heritage assets. However, it follows my conclusion above that, having paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, that statutory test would be met.

Other matters

11. The Transport Development Management Team has concerns regarding the inter-visibility between emerging cars from the access and pedestrians in the lane. However, although the lane is unlit and pedestrians and vehicles share the space, in my view this small two bedroom unit in this sustainable location close to shops, public transport and amenities, would typically generate limited vehicular movements. The scheme includes servicing space for the existing ground floor retail unit. Given the lane's width and alignment, traffic speeds would typically be low. I therefore concur with the Council that the scheme would not raise such significant highway safety issues as to warrant dismissal.
12. Given uncertainty regarding the ownership of the lane, the proposal was advertised in the press. I understand that the lane was resurfaced within the last ten years at the expense of the domestic properties that back onto it. Although a local resident states that the development should be subject to a covenant to make a proportionate financial contribution towards its future upkeep, I am not aware of other nearby properties having such a requirement.

13. If the garage to be demolished is partly constructed from asbestos, there is other legislation which addresses the consequent health and safety issues. Adequate provision for refuse storage is shown on drawing no. 689-1 P3.
14. Given its internal layout and floor space, I agree with the Council that the scheme would provide suitable living conditions for the future occupants. Having regard to its layout, window positioning, and relationship to residential properties, it would not affect nearby existing residents' living conditions to a harmful degree.

Conditions and conclusion

15. The Council proposed a number of conditions, which I have considered against the relevant tests in the National Planning Policy Framework, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
16. In the interests of the safety and convenience of users of the lane, a condition is also necessary requiring the vehicular access to be constructed prior to the occupation of the dwelling. For that reason, and to ensure appropriate living conditions, it is necessary to ensure that the refuse storage areas are provided. In the interests of sustainability, and given that no off-road parking would be provided for the occupants of the dwelling, a condition requiring the provision of cycle parking is also necessary.
17. Whilst the Council has not suggested a condition requiring the approval of facing materials, given the site's location in the CA, in the interests of the area's character and appearance, such a condition is necessary.
18. Finally, although permitted development rights should only be exceptionally withdrawn, given this site's tight configuration, its location within the CA, and the proximity to other residential properties, conditions removing permitted development rights for extensions, detached buildings and additional windows are necessary. Those conditions are imposed in the interests of the area's character and appearance, and protecting existing and future occupants' living conditions.
19. For the above reasons the scheme would not harm the character and appearance of the area, and, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR