



Appeal Decision

Site visit made on 10 October 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 31 October 2017

Appeal Ref: APP/Z0116/W/17/3179297

21 Sherston Close, Fishponds, Bristol BS16 2LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Cooper against the decision of Bristol City Council.
 - The application Ref 17/01758/P, dated 24 March 2017, was refused by notice dated 23 May 2017.
 - The development proposed is outline planning permission for the erection of a dwelling with all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part E of the appeal form indicates that the description of development has changed to a description which accords with that set out in the Council's Decision Notice. The appellants have also confirmed in their written evidence that the revised description is acceptable. Accordingly, I have used this amended description in the banner above.
3. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating all plans as illustrative.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of occupiers of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located in a residential cul-de-sac characterised by two-storey semi-detached properties of differing styles, all of which front the road and maintain a generally regular building line. The semi-detached blocks are separated by generous gaps which positively contribute to the general sense of spaciousness which is evident within the Close.
6. The appeal site itself essentially forms part of the garden of No 21, which is located at the end of the cul-de-sac along with adjoining No 23. These properties are orientated at a right angle to the other semi-detached pairs

giving this part of the Close greater prominence within the street scene. The gaps to the side of these properties are larger than the norm and make a positive contribution to the spacious character of the Close. Located centrally within the gap alongside No 21 is a modest, single storey domestic garage, the siting of which accords generally with the established building line.

7. The proposal would involve the demolition of the existing garage and the erection of a new dwelling alongside No 21. While I acknowledge that its siting is subject to further consideration, the appellants nevertheless accept that in order to provide sufficient internal space, the proposed dwelling would need to be sited behind the rear building line of the existing garage.
8. The introduction of a detached dwelling in this location, sited backward of the established building line, would appear in stark contrast to the surrounding semi-detached properties and visually discordant within the street scene. This would fail to make a positive contribution to the area's character and identity and would be harmful to local distinctiveness.
9. Furthermore, the gap between No 21 & No 19, while larger than the norm, is nevertheless still modest. It tapers to the front before widening considerably at the rear. When viewed from the street, the proposed new dwelling would appear cramped, further eroding the street scene and negatively impacting on local distinctiveness. While I note the change in levels would provide some mitigation, it would not overcome the harm identified above.
10. Consequently, I consider the proposal would be harmful to the character and appearance of the surrounding area and contrary to Policy BSC21 of the Bristol Core Strategy ¹ (CS) which, amongst other things, requires new development to deliver high quality urban design which contributes positively to an area's character and identity. It would also be contrary to Policy DM26 & DM21 of the Site Allocations and Development Management Policies (SADMP)² which restrict new development which is harmful to local character and distinctiveness. Likewise, it would be contrary to SADMP Policy DM27 which requires new development to, amongst other things, establish a coherent and consistent building line that relates to the street alignment.
11. However, I do not consider it would be in conflict with SADMP Policies DM28 & DM29 both of which, while encouraging high quality design, set out a number of specified criteria which relate to matters which have not been specifically raised by the Council or are more appropriately considered as part of the reserved matters.

Living Conditions

12. The Council is also concerned that the proposal would appear overbearing when viewed from neighbouring No 19 and would result in a sense of enclosure for the occupants of that dwelling. However, the rear of the site is large – as is the garden of No 19. Furthermore, it already has a single storey outbuilding located on higher ground and in close proximity to the boundary. While I acknowledge it would have some impact, I do not accept the Council's suggestion that a dwelling on this site would inevitably be overbearing or result in a sense of enclosure when viewed from No 19. Although I am mindful that the matter of siting is reserved for further consideration, I see no reason that a

¹ Bristol Development Framework Core Strategy (2011).

² Site Allocations and Development Management Policies (2014).

modest dwelling could not be accommodated on the site without appearing overbearing to the occupants of neighbouring No 19.

13. Accordingly, in the absence of further evidence which would substantiate the Council's concerns, I am not persuaded that these matters could not be adequately addressed as part of the reserved matters. As such, I find no conflict with CS Policy BCS21 in this respect or with SADMP Policy DM29. Both of these policies seek to, amongst other things, ensure that new development safeguards the amenity of existing development including in terms of outlook.

Conclusion

14. Although I have found above that the proposal would not be detrimental to the living conditions of neighbouring occupiers in terms of outlook, I have nevertheless found that it would fail to accord with CS Policy BCS21 and SADMP Policies DM21, DM26 & DM27.
15. Accordingly, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR