



Appeal Decision

Site visit made on 15 October 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 23 November 2017

Appeal Ref: APP/Z0116/W/17/3179449 48 Stoke Lane, Westbury, Bristol BS9 3DN

- 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 Bojang Toussimanesh against the decision of Bristol City Council.
 - The application Ref 17/01088/F, dated 28 February 2017, was refused by notice dated 25 April 2017.
 - The development proposed is demolition of existing bungalow and erection of four new replacement dormer bungalows.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on the character and appearance of area.

Reasons

3. The section of Stoke Lane on which the appeal site is located lies between Falcondale Road and the centre of Westbury- on-Trym and is residential in character. The appeal site is one of row of four bungalows which extends from the corner with Falcondale Road. These bungalows are set within spacious plots and their side gardens face onto Stoke Lane.
4. The remainder of this section of Stoke Lane comprises two storey semi-detached houses and short terraces. Most of properties have modest or minimal gaps between the buildings, such that the character of the majority of the road is dominated by the built form of the two storey houses. Whilst there is some variety in dates and style, this is a well-established residential environment, exhibiting a high quality of architectural details and materials. Bay windows are a frequent feature and at ground floor level some of the properties share a continuous ground floor monopitch roof across their front elevations. Some houses have front gable features above the first floor. The ground level on the south side of the road is slightly higher than on the north side and so adds to the 'presence' which these properties lend to the character and appearance of the area.
5. Adjacent to the appeal site to the north east is a substantial pair of semi-detached houses beyond which are short terraces. The proposed development would therefore have an immediate context of a bungalow to one side and a

large two storey house on the other. Although modified at roof level I acknowledge the existing bungalow on the appeal site demonstrates its period design. However, I consider its principal contribution to the street scene is not its architectural quality but rather that, together with its neighbours to the south west, it adds a spacious and open quality which contrasts with the majority of the immediate area. The four hip-roofed bungalows with their side gardens are markedly different from other parts of this section of Stoke Lane where the houses are on narrower plots.

6. The National Planning Policy Framework (Framework) excludes garden land in built up areas from the definition of previously developed land and states planning authorities should consider setting out policies for resisting inappropriate development of residential gardens and their own approach to housing density. Policy DM21 of the Council's Site Allocations and Development Management Policies (DMP) adopted in 2014 is specific to private gardens. This policy only permits the development of private gardens where more efficient use of land with higher densities are appropriate, or the development would result in significant improvement to the urban design of the area. All development under this policy should not result in harm to the character and appearance of the area. Development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.
7. The proposed development is described as four dormer bungalows. The dwellings would be neither fully single storey nor two storeys. The eaves height of the two pairs of semi-detached dwellings would be similar to that of the neighbouring bungalow at No 50. The height of the ridge lines would lie between that of the bungalow and No 46. The massing of the proposed houses, incorporating substantial gabled dormers at roof level, would therefore be significantly different from other properties in the vicinity. The buildings would fail to reflect some of the defining characteristics of the two storey properties in the area. Whilst I understand that a 'transitional' form has been proposed, the development would appear incongruous between its neighbours. The effect would be to emphasise the uncharacteristic nature of the development. Neither the inclusion of some detailed features from the bungalows nor the use of appropriate materials would compensate for this.
8. The south west side elevation would be prominent in views along Stoke Lane as it would be visible above the adjacent bungalow No 50 and would be forward of the front elevation of the bungalow. As the appeal site is also adjacent to No 46, the greater bulk of the proposed development would be seen in the context of this substantial two storey dwelling. However, the ridge height and roof form, including the prominent dormers to the front elevation, would contrast with both of the neighbouring properties. It would fail to reflect local character or distinctiveness and so would not meet with the requirements of Policy DM26.
9. I am not persuaded by the evidence that these differences would result in the proposals making a positive contribution but instead would harm the character and appearance of the area. The proposal would therefore fail to comply with Policy BCS 21 of the Bristol Core Strategy, adopted June 2011, which calls for all new development to deliver high quality urban design that contributes positively to an area's character and identity.

10. As the appeal site is close to Westbury-on-Trym town centre and in walking distance of public transport links, I agree with the Council that the principle of higher density development is acceptable. For the development of the appeal site to meet the requirements of Policy DM21 it must meet the test of not harming the character or appearance of the area. The proposal fails to achieve this and so does not comply with Policy DM21.
11. The appellant draws attention to other schemes permitted by the Council. In respect of the site at Passage Road, Westbury-on-Trym, this preceded the adoption of the DMP but the Council found the scheme needed to balance the transition between the different character of surrounding development. The more recent permission at the High Street, Westbury-on-Trym, relates to previously developed land and so was not within the remit of Policy DM21. In any event, the character and appearance of other sites is not the same as that of the appeal site. Consequently, a design approach or solution which is appropriate to one site cannot necessarily be taken to apply to a different site. In the case of the appeal proposal, the particular 'transition' approach adopted is not appropriate to the site.
12. The form of the dwellings in terms of their height, scale and massing and their layout in relation to the immediate locality would fail to comply with DMP Policy DM27. The scheme overall would fail to meet the requirements of Policy DM29 regard the design of new buildings.

Other matters

13. Considerable concern has been expressed by local residents with regard to the proposed development including car parking availability in Stoke Lane. However, this does not alter my findings regarding the main issue.

Conclusions

14. The National Planning Policy Framework, whilst emphasising the need to increase the supply of housing, also sets out that one of the core planning principles is always seeking to secure high quality design. In this regard the proposal does not meet the expectations of the Framework.
15. The site is well located in relation to facilities, services and public transport. A higher density of residential development would, in principle, be capable of meeting the requirements of development plan policies. The proposal would create four dwellings of modest size, thus making a net contribution of three units to the overall housing stock and adding smaller units to the mix of housing types. In this respect the proposal complies with CS Policy BCS18. Whilst some support can be drawn from DMP Policy DM21 in terms of the efficient use of land and higher densities, this would not be achieved without unacceptable harm to the character and appearance of the area. The proposal conflicts with the development plan when considered as a whole and there are insufficient material considerations to outweigh this conflict.
16. Accordingly, for the reasons given above and having taken into account all matters raised, I conclude the appeal should be dismissed.

J E Tempest

INSPECTOR