
Appeal Decision

Site visit made on 23 January 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 January 2018

Appeal Ref: APP/Z0116/D/17/3181689

23 Eastover Close, Westbury-on-Trym, Bristol BS9 3JQ

- 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 Wesley O'Brien against the decision of Bristol City Council.
 - The application Ref 17/01305/H, dated 8 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is re-ordering and excavation of front garden to create a single parking space.
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Decision

1. The appeal is allowed and planning permission is granted for re-ordering and excavation of front garden to create a single parking space at 23 Eastover Close, Westbury-on-Trym, Bristol BS9 3JQ in accordance with the terms of the application, Ref 17/01305/H, dated 8 March 2017, 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: Location Plan, 6120/1b, 6120/4b, 6120/5b, 6120/6a, SK001, SK002, Single Pole Lite, Twin Pole Lite and Spotlight Photo.

Main Issue

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

Reasons

3. The appeal site comprises part of the front garden of 23 Eastover Close (No 23). No 23 is a semi-detached dwelling which is at a slightly higher ground level to the highway and its front boundary is formed by a low wall. The site is surrounded by residential development. There is a shared access drive between No 23 and 24 Eastover Close (No 24) that leads to a parking space/garage. The parking area would require the removal of around 3m in length of the boundary wall and a noticeable area to be excavated due to the ground levels. It would provide one parking space within a curved hard landscaped area with low retaining walls and soft landscaped areas around it.
4. Eastover Close is a no through road that has a number of similarly designed dwellings along it. The majority of these dwellings have access drives and parking areas within their front gardens. Whilst the majority of dwellings are at similar ground levels to the highway due to the sloping topography towards the junctions with Falcondale Walk and Falcondale Road there are a number of

dwellings that are at higher ground levels than the highway. In these instances the drives/parking areas are on a gradient. This would include a dwelling and its parking area that has recently been granted planning permission¹ on the opposite side of Eastover Close to No 23. Cars could and would be parked close to the front boundaries of these existing properties and the proposed dwelling. As such, the difference in levels and the proximity of a vehicle to the highway would not be incongruous in the context of these surroundings.

5. The access would be in close proximity to the existing shared access drive and it would remove an appreciable amount of landscaping across the site frontage. Nevertheless, there are access drives in close proximity to each other and there are parking areas that cover considerable parts of some of the front gardens on Eastover Close. Moreover, the proposed landscaping adjacent to the parking area and the curved design would reduce the visual impact and prominence of the proposed parking area.
6. There is no dispute that the parking space to be provided would meet the standard dimensions of a car parking space stated in Appendix 2 of the Bristol Local Plan-Site Allocations & Development Management Policies (SADMP). Whilst, in some cases additional space may be required for clearance from structures, especially to allow access to the doors, in this case due to the low level of the retaining walls I do not consider that this would be required. As such, it is highly likely that the majority of cars when parked within the space would not overhang the pavement.
7. Taking into account all of the above, the proposal would not appear over prominent, incongruous or visually intrusive. As such, I consider that the character and appearance of the area would not be appreciably harmed and therefore it would be preserved. It follows that the proposal would comply with Policy BCS21 of the Bristol Development Framework Core Strategy (CS), SADMP Policies DM26 and DM27. These policies seek development that, amongst other things, would not be harmful to local character, respects the local pattern and grain of development and that the layout, form and pattern of buildings and landscapes should contribute to the creation of quality urban design.

Other matters

8. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conditions and Conclusion

9. The Council stated within its questionnaire that the standard time limit condition would not be required. However, as the proposal has not been implemented I consider that this is a typographical error. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings.
10. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

¹ Planning Application Ref No: 17/01426/F