



Appeal Decision

Site visit made on 28 November 2017

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

an Inspector appointed by the Secretary of State

Decision date: 06 March 2018

Appeal Ref: APP/Z0116/W/17/3181939

85 Fair Furlong, Bishopsworth, Bristol BS13 9HY

- 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 Mrs K Gamlin against the decision of Bristol City Council.
 - The application Ref 17/02785/F, dated 30 September 2016, was refused by notice dated 13 July 2017.
 - The development proposed is a new dwelling on the land at the rear of 85 Fair Furlong.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (1) the effect of the development on the character and appearance of the area;
 - (2) the effect of the development on the living conditions of neighbouring occupiers with particular reference to visual impact, privacy and sunlight; and,
 - (3) whether an acceptable living environment would be achieved for the proposed and existing dwellings.

Reasons

Character and appearance

3. The overall pattern of housing in the locality is predominantly terraces and pairs of semi-detached properties. Combined with relatively narrow roads the area is characterised by close-knit two storey housing. The spacious plots on the corner of Whiting Road and Fair Furlong provide a contrasting sense of openness, allowing an appreciation of the space created by the rear gardens behind the terraced dwellings along Fair Furlong. Whilst the front gardens of some properties in Fair Furlong and Whiting Road have been given over to parking, others retain boundary hedgerows which also make a positive contribution to the character and appearance of the area.
4. The evidence shows that permission has been granted to build a new dwelling alongside each of Nos 85 and 87. These developments will result in the loss of some of the spacious character provided by these corner plots. The grounds of appeal indicate that as part of the permitted scheme, much of the front garden of No 85 would be lost to provide three off street parking spaces to serve the existing and permitted dwelling.

5. The proposed development would remove an existing dilapidated single garage, and provide an off-street parking space to serve the proposed dwelling. There are existing double gates to the garage which is set back from Whiting Road by a short drive and which has become grassed over through lack of use. The proposals would entail the loss of a short length of hedgerow to provide a parking space in front of the proposed dwelling. I find that the introduction of hard surfacing would, in itself, not be unduly harmful taking into account what has been permitted and the existing driveway to the garage.
6. However, the two storey dwelling proposed in place of the garage and to the rear of the permitted dwelling would further reduce the contribution made by the spaciousness of the corner plot. In particular it would significantly diminish the openness between the rear of the dwellings on Fair Furlong and the neighbouring property of No 32 Whiting Road.
7. The appellant draws attention to a similar development having been permitted at 87 Fair Furlong. Whilst I am not provided with details, I note that from a comparison of the existing and proposed plans submitted for the current proposal, further building is shown on the side of No 87. This would indicate a development similar to that permitted at the side of No 85, thus allowing for some symmetry on the corner plots to be retained, assuming both permitted schemes were to be built. The evidence before me does not indicate that a dwelling has been permitted to the rear of No 87.
8. The proposed detached dwelling, although modest in scale and of similar height to surrounding development, would nonetheless harm the character and appearance of the area by reason of its siting. Taking into account the development permitted but not yet built, the further development now proposed would result in an unacceptable loss of spaciousness provided by the corner plot.
9. In these respects the proposal conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy Adopted June 2011 (CS). This policy expects development to deliver high quality urban design including contributing positively to an area's character and safeguarding the amenity of existing development and creating a high quality environment for future occupiers. Amongst other matters, Policy DM28 of the Site Allocations and Development Management Policies Local Plan adopted in July 2014 (DMP) also requires development to contribute positively to local character and identity. Policy DM26 also requires a positive response to local character and distinctiveness. In this case, I find that the proposed dwelling would conflict with these policies as it would fail to reflect the rhythm and pattern of the local area, harming local character and failing to improve the character and quality of the area.

Living conditions for occupiers of existing properties and permitted dwelling to side of No 85

10. The proposed dwelling would be sited due south of the permitted dwelling to the side of No 85 and would be considerably closer to the rear elevation and rear garden of the permitted property than the existing flank wall of No 32. The proposed dwelling would therefore appear overbearing from the rear windows of the permitted dwelling and would significantly reduce sunlight to the garden of that dwelling. I therefore find that the impact of the proposal would unacceptably harm the living conditions for future occupiers of the permitted dwelling.

11. The rear garden of No 32 is irregular in shape and partially extends behind the plot of the proposed dwelling on the appeal site. There would be overlooking from the first floor of the rear of the proposed dwelling into this part of the garden of No 32. Further, there would be overlooking of the southern end of the garden of No 83 Fair Furlong. Whilst the gardens of both of these properties are already overlooked by existing properties, the proposed insertion of the dwelling on the appeal site would further reduce the privacy enjoyed by the users of these gardens to an unacceptable degree by introducing overlooking from a different direction.
12. As the rear bedroom of the proposed dwelling would be served by only one rear facing window, the use of obscured glazing would not be an acceptable solution to overcome loss of privacy to other properties, as it would result in unacceptable living conditions for occupiers of the proposed property.
13. The proposals would conflict with those parts of DMP Policies DM27 and DM29 which expect development to ensure that existing and proposed development achieves appropriate levels of outlook and privacy. There would also be conflict with that part of CS Policy BCS21 which safeguards the amenity of existing development and creating a high quality environment for future occupiers.

Living environment for occupiers of proposed dwelling

14. The nationally described space standard¹ sets out that a two bedroom two storey dwelling should have a minimum floor area of 70 sq metres. The proposed dwelling would be 71 sq metres. However, the Council consider that as both bedrooms exceed 11.5 sq metres in area, the dwelling should be assessed as a 2 bedroom, four person dwelling resulting in an internal floor area requirement of 79 sq metres.
15. The Planning Practice Guidance states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard. Whilst Policy BCS 18 of the CS requires development to provide sufficient space for everyday activities, it pre-dates the Planning Practice Guidance and does not refer explicitly to the nationally described space standard. I consider that the internal accommodation proposed would not be unreasonably small for a two bedroom dwelling.
16. The proposals would result in the garden of the proposed dwelling, and the garden remaining to No 85 being smaller than the gardens of other established properties in the area. However, the Council does not point to guidance or policy on specific garden sizes and I accept that not everyone wants the responsibility of maintaining a garden. There would be a reasonable amount of outside amenity space available to the existing, permitted and proposed dwellings. I have noted that the appellant points out that the existing house, No 85, is a two bedroom and not a three bedroom property as the Council suggest.
17. I therefore find that the living conditions for the occupiers of the proposed dwelling are not a determining factor in this appeal and the proposals would not conflict with the final paragraph of Policy BCS18 in this regard.

¹ Technical Housing Standards – Nationally Described Space Standard – GOV.UK

Other matters

18. The appellant draws attention to a development of a new dwelling at 2 Lampton Avenue. However, this detached dwelling faces towards Bishport Avenue and appears to sit comfortably between No 2 and the established property to the south, with all three properties facing Bishport Avenue. No 2 and the short terrace of which it forms part faces grassed areas which border Lampton Avenue and give the immediate area a spacious character and appearance. Consequently, I consider the character and appearance of the area of the permitted development is not directly comparable with that of the appeal site and the effect of the proposed development upon its surroundings would not be the same. Furthermore, I am not provided with a first floor plan of the property permitted at 2 Lampton Avenue and therefore I am unable to compare its impact on adjacent properties in relation to privacy and outlook.

Conclusions

19. Whilst the appellant points to the proposals making effective use of previously developed land, as this is garden land within a built up area it does not fall within the definition of previously developed land set out in the National Planning Policy Framework (Framework). Nonetheless, the site is in a location which is readily accessible to various neighbourhood and city facilities including public transport links. The Framework and the Council's policies are supportive of additional housing in such locations and, in principle, the development meets the requirements of DMP Policy DM21(i) in terms of a location where higher densities are appropriate.
20. Whilst there would be benefits from the proposed development in adding to the supply of housing in an accessible location, the benefits from one additional dwelling would be limited. These benefits would be outweighed by the harm arising to the character and appearance of the area, and by the harm to the living conditions for occupiers of existing and permitted properties.
21. Therefore for the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

J E Tempest

INSPECTOR