
Appeal Decision

Site visit made on 25 June 2019 by John Gunn DipTP DipDBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/Z0116/W/19/3226380

19 Ilchester Road, Bedminster Down, Bristol BS13 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Griffiths against Bristol City Council.
 - The application Ref 18/04974/F is dated 20 September 2018.
 - The development is the proposed development of a pair of semi detached dwellings on land adjacent to 19 Ilchester Road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. As stated in the header above, the appeal is against the failure of the Council to determine the planning application in the prescribed period. The Council advised that, had it been able to make a decision, it would have refused the application for the following reason:

The proposed uncharacteristic pair of semi-detached dwellings by virtue of their design and prominent siting forward of the building line would unbalance the wider streetscene, result in the cramped overdevelopment of the site, and would fail to respect the established pattern of development within the surrounding built environment. Consequently, the proposed development would not comply with the objectives of policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011) and policies DM21 (Development of Private Gardens), DM26 (Local Character & Distinctiveness), DM27 (Layout & Form), DM28 (Public Realm), DM29 (Design of New Buildings) and DM30 (Alterations to Existing Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014).

4. The description of the proposed development above has been taken from the application form. Whilst this differs to that included on the appeal form confirmation in writing that the description was amended during the course of the planning application has not been received. I have considered the appeal on the basis of the proposed development set out above.
5. The appellant has requested that I consider drawings showing a revised layout incorporating a smaller footprint for the dwellings and revised elevations to correspond with these amendments. It is submitted that the drawings were sent to the Council and I have no evidence before me to indicate that they were not. I have considered the revised drawings under the principles established by the Courts in *Wheatcroft*^[1]. I am satisfied that these drawings do not change the proposal to a degree that to consider them would deprive those who should have been consulted of the change, the opportunity of such consultation. I have therefore considered the appeal proposal based on these revised drawings.

Main Issue

6. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site comprises garden land, enclosed by a high conifer hedge on the corner of Ilchester Road and Brooklyn Road. The development would front Ilchester Road with parking provided across the frontage.
8. The area within which the appeal site is located is characterised by narrow fronted terraces, and semi-detached dwellings, set back from the highway with well defined 'building lines' to Ilchester Road and Brooklyn Road. The properties in the area typically have hipped roof, bay windows and rendered finishes. The roofs of properties in Ilchester Road are stepped because of the local topography.
9. The Council consider that the creation of a pair of semi-detached dwellings would be at odds with the adjacent uniform rank of terraces on Ilchester Road. I disagree with this view and note that there are several semi-detached properties in Ilchester Road, including a pair directly opposite the appeal site, and some of them have gables as proposed. The siting of the new dwellings relative to the road would also respect the character and appearance of Ilchester Road.
10. However, the siting of the dwelling adjoining Brooklyn Road would be closer to the road than nearby dwellings within it. It would result in a prominent, dominant feature in the street scene and its blank gable wall close to, and fronting Brooklyn Road would serve to exacerbate the harm that would be caused by this incongruous development. Consequently the proposal would be out of keeping and detract from the more spacious character and appearance of the area. I do not consider that there is adequate space available between

^[1] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

the new dwellings and Brooklyn Road to provide meaningful landscaping that would mitigate the harmful effect of the development.

11. Given my findings above I conclude that the proposal would result in harm to the character and appearance of the area. This would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy – Adopted June 2011 which promotes the delivery of high quality urban design and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan – Adopted July 2014 (LP), which collectively set out to secure high quality design which enhances and protects local character.
12. The Council has quoted Policies DM28 and DM30 of the LP in its putative reason for refusal. Policy DM28 has limited relevance to the appeal proposal relating primarily to larger residential developments and Policy DM30 relates to alterations to existing buildings and, as such, is not relevant to the development being considered in this appeal.
13. In reaching this conclusion I have had regard to the appeal site being within a sustainable location and that the new dwellings would contribute towards providing a balanced mix of housing in the area and could be designed to reduce energy consumption and carbon emissions. I also note that no concerns were raised in respect of the living conditions of neighbouring occupiers and that the proposal complies with the Council's requirements in respect of car parking, bin and recycling facilities. However, such matters carry at most limited weight in my overall consideration of the proposal because such benefits could be achieved on sites elsewhere where harm to the character and appearance of the area would not result. These matters do not either individually or cumulatively outweigh the significant harm that would be caused to the character and appearance of the area.

Other Matters

14. The appellant has expressed concerns about delays by the Council in processing the application. Whilst noting this, such issues should be taken up with the Council in the first instance. They are not matters which I have taken into account in my consideration of this appeal.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR