The Planning Inspectorate

Appeal Decision

Site visit made on 14 June 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/Z0116/W/19/3224464
19 Lambrook Road, Fishponds, Bristol BS16 2HA

- 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 Chan against the decision of Bristol City Council.
- The application Ref 18/05711/F, dated 29 October 2018, was refused by notice dated 04 January 2019.
- The development proposed is 2no. new dwellings.

Decision

1. The appeal is allowed and planning permission is granted for 2 No. new dwellings at 19 Lambrook Road, Fishponds Bristol BS16 2HA in accordance with the terms of the application, Ref 18/05711/F, dated 29 October 2019, and the plans submitted with it, subject to the 10 conditions appearing on the schedule appended.

Main Issues

2. The main issues are the effect of the development upon:

   - the character and appearance of the area and
   - the living conditions of neighbouring occupiers with particular regard to outdoor amenity,

   and whether the occupiers of the development would enjoy satisfactory living conditions with particular regard to outlook.

Reasons

3. The proposal is a revised scheme for development of this site, following a refusal (ref: 17/03450/F; the 'refused scheme') and appeal disallowed to which I have had regard in so far as consistency is appropriate.

Character and Appearance

4. Lambrook Road has a suburban character dominated by bungalows on its southern side, including the host property and its neighbours. The appeal site slopes down to a watercourse which also passes the ends of adjacent gardens and forms a line of screening along the boundary of the adjacent Stapleton and Frome Valley Conservation Area (SCA). It is not disputed that the proposal would cause no harm to the significance of the SCA.

5. The dwellings would have three levels of accommodation. However, the design of the proposal responds to the existing landform such that only the middle storey, simply expressed in in a grey brick, will 'read' in the street scene, and then only through the access gap to the appeal site, between No.19 Lambrook Road (No.19), and 21 Lambrook Road. Albeit surmounted by an assertive curved roof structure containing the top level of accommodation, this device successfully minimises the visual mass of the building and the apparent width, in comparison with the refused scheme.

6. The backland location of the appeal site means it would not impinge upon the development pattern of suburban streets and would appear subordinate and not intrusive in the street scene of Lambrook Road, nevertheless the design approach of the proposal is distinctive and articulate, standing apart from the generic mid twentieth-century bungalows in the frontage. It would be a positive contribution to the area's character and identity albeit in a secluded location. Noting the enclosed nature of the appeal site and the adjacent three-storey care home located behind 21-33 Lambrook Road (which is higher than the proposal and apparent from some viewpoints in the street scene) I consider the distinctive architectural approach of the proposed building would neither appear obtrusive or be harmful to the character of the area.

7. I therefore conclude the proposal would respect the local pattern and grain of development, and not conflict with Policy BCS21 of the of the Bristol Development Framework Core Strategy 2011(BCS) or Policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (2014) (DMPLP) which, taken together and amongst other things, seek high quality design, the retention of local character and distinctiveness and appropriate responses to surrounding development.

Living conditions for neighbouring occupiers

8. The adjacent dwelling, No.17 Lambrook Road (no.17) is single storey when viewed from the road but appears to extend down to a lower ground floor level due to the sloping site. The entrance level of the proposed dwellings would therefore be at a broadly similar level to that lower ground level but separated by the existing hedging above which the curved roof forms would be visible.

9. When viewed from the existing dwellings, the effect of the development would be broadly similar to that of erecting a single storey pitched roof building but with a separation of approximately 14 metres at the closest point and therefore at some distance from the habitable accommodation of No.17. The apparent height would increase in the lower parts of the sloping garden to No.17 in the way described by the Council in the officer report. However, the proposal would be almost entirely associated with the lower half of that garden which is of a significant length and south-facing. The proposal would not impinge upon the areas of amenity space closest to the living accommodation of No.17 and, having regard to the reduction in mass of the proposal from the refused scheme, any overbearing effect will, in my judgement, be limited.

10. Consequently, although there would be change to the sense of enclosure of the garden to No.17, this would not be such as to be harmfully overbearing. I therefore conclude that the proposal would not conflict with Policies BCS21 of the BCS or Policies DM27 and DM29 of the DMPLP which, taken together and amongst other things, seek to safeguard the amenity of existing development.

Living conditions for future occupiers

11. The Council confirm the proposal accords with relevant space standards and the garden areas are acceptable. The amount of accommodation is significantly reduced from the refused scheme with each dwelling having 2 and not 4 bedrooms. In particular the contrived window 'pods' on the side elevations to give what would have been limited outlook to some of the bedrooms in the refused scheme, overshadowed by the adjoining care home, have been dispensed with.

12. The surrounding built development has not changed, as the Council state in their officer report, but in my judgement the amendments to the scheme have addressed the problems evident in the previous design. There can be no reasonable objection to windows being 'single aspect' when the outlook is relatively open, nor to obscured glazing to bathrooms. I note the layout provides two windows to the main bedrooms and a two-storey window shared by the living room and lower ground floor kitchen/dining room with a southerly outlook towards the boundary trees. I consider the proposed dwellings, although modest in size and of unusual design for a two-bedroom home, would provide a pleasant and secluded living environment.

13. I therefore conclude that the proposal would accord with Policies BCS18 and BCS21 of the BCS and Policies DM27 and DM29 of the DMPLP which seek, amongst other things, to ensure new development is well designed, relating well to context, facilitating well-being and achieves appropriate levels of privacy and outlook.

Conditions

14. The Council did not initially provide any suggested conditions. I have had regard to the officer report and third-party comments in considering what conditions may be appropriate and necessary. I have noted the subsequent submissions of the Council and, if appropriate, included these in concise form with due regard to the nature and scale of the development. The application did not indicate, nor do my observations give, any reason to consider the land is contaminated. However, the officer report states that nearby land has been found to be contaminated, consequently a condition to require a site evaluation is necessary. Also, in order that the development is completed in accordance with the design submitted and to preserve amenity of the area, a condition relating to the provision refuse/recycling, cycle storage, implementation of access, parking and of boundary treatment is appropriate.

15. To prevent detrimental impact upon the boundary hedges and therefore upon privacy I have imposed a condition requiring a method statement and details for works close to the boundary and also to ensure proper management of construction traffic and that any contamination remediation is properly managed. Conditions are also necessary to ensure the development proceeds in accordance with submitted plans, together with details of architecturally important elements, and to ensure materials are used in accordance with the permitted design. The Council suggest a condition by reference to an ecological assessment. Given the reference to this matter in the officer report the imposition of this condition would appear reasonable and necessary.

16. Extensions and roof alterations, including new windows, would undermine the basis of my decision therefore it is appropriate to require such are approved by

the Local Planning Authority, however small outbuildings would not cause undue harm.

Conclusion

17. The proposal would provide a benefit of two dwellings in an accessible suburban location, therefore having regard to my conclusions on the main issues and for the reasons given, the proposal accords with the development plan taken as a whole, and consequently, the appeal succeeds.

Andrew Boughton

INSPECTOR

Schedule of 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: 216-PLA- 100 rev.D; 216-PLA- 110 rev.C; 216-PLA-111 rev.D; 216-PLA- 112 rev.E; 216-PLA- 113 rev.D; 216-PLA- 120 rev.G; 216-PLA- 121 rev.E: 216-PLA- 122 rev.E; 216-PLA- 123 rev.E,

3) No development above ground level shall take place until the manufacturer's/supplier's specification of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance using the approved materials.

4) No development above ground level shall take place until large scale details of roof construction including eaves details have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

5) The development hereby approved shall be carried out in full accordance with the protected/priority species survey dated 11th August 2017, including the stated ecological mitigation recommendations unless otherwise agreed in writing by the Local Planning Authority. In addition, open pipework larger than 150 mm outside diameter shall be blanked off at the end of each working day to prevent harm to legally protected mammals.

6) No development shall take place until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (if any)

(ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposed scheme of remediation (if necessary).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

7) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for the proposed scheme of remediation (if required) relating to contamination, the manner of such works and excavation, design and detailing of all below-ground works, also for hours of operation and arrangements for construction traffic. The method statement will also include details of works in proximity to boundaries and to include details of access steps, hardstandings, and protection of existing hedges and trees. The works shall thereafter be completed in accordance with the approved methodology.

8) Prior to occupation of the development hereby approved, the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures set out within the Sustainability Statement prepared by 3BD Architecture and dated 15.10.2018 shall be incorporated within the development and retained thereafter.

9) The development hereby approved shall not be first occupied unless and until schemes for the provision of the following have been completed in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority:
- Refuse and recycling
- Secure Cycle Storage
- Car parking and access drive
- Pavement Crossover
- Boundary treatments and entrance gates

which shall thereafter be maintained as approved for the life of the development.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any windows additional to those appearing on the plans hereby approved, without the express permission in writing of the Local Planning Authority.