



Appeal Decision

Site visit made on 26 September 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/P0119/W/19/3232616

99c Church Road, Hanham, Bristol, BS15 3AL.

- 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 outline planning permission.
 - The appeal is made by Mr S Templar against South Gloucestershire Council.
 - The application Ref.PK18/5327/O, is dated 19 November 2018.
 - The development proposed is the construction of a 3 bedroom dwelling and new access and parking following demolition of existing garage to 99c Church Road.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline format with details of the access to the site to be considered at this stage. All other detailed matters are reserved for subsequent consideration. I am therefore only concerned with the principle of the erection of a dwelling on the site and the access to it. The proposal includes other plans and cross-sections of the site and the proposed dwelling over and above those needed to consider the access to the site and I have treated them as for illustrative purposes only. However, I shall consider the proposal on the basis that the new dwelling is likely to have two floors of accommodation.

Main Issues

3. Having regard to the representations made on this case, the main issues are:
 - The effect on highway safety;
 - The effect of the dwelling proposed on the character and appearance of the area;
 - The effect on the living conditions of neighbours particularly in properties fronting Jeffries Hill Bottom to the north of the appeal site; and
 - Whether the appellant has demonstrated that the development will be safe concerning land stability.

Reasons

Background

4. The appeal site comprises No. 99c Church Road a semi-detached property, and its garden land to the rear. To the west of this lies a terrace (No.s 103-113) of

two storey houses and No.101 is situated in a backland position with access adjoining No.103. From the edge of the garden of these houses including the appeal site the land slopes away steeply to the rear gardens of houses fronting Jeffries Hill Bottom. It is proposed to site a new dwelling on the edge of the land at the higher level.

Policy context

5. The development plan includes the South Gloucester Local Plan Core Strategy (CS) adopted in 2013 and the Policies Sites and Places Plan (PSPP) adopted in 2017. From my general reading of the policies relevant to the appeal, it appears to me that the site lies within an established residential area and that there is no policy objection in principle to a further dwelling in the locality. The main issues concern the specific appeal site. Further, the appellant's representations on the appeal mainly relate to reported difficulties in seeking a decision from the Council on the case. I will therefore have regard to the appellant's main case as set out in the Design and Access Statement submitted with the application.

Effect on Highway safety

6. There is no representation from the Council or the highway authority that the access proposed for the new dwelling would be unacceptable in causing a danger to highway safety. At my site visit I noted that despite the slope of the land there was adequate space available within the appeal site for a car to turn and so enter and leave the site in a forward gear. This space for a turning manoeuvre is shown on the appellant's plan B/NMAHANHAM.1/02. The local representations made about the 'swept path analysis' do not amount to a credible critique of this analysis.
7. Although visibility for a car driver exiting the site could be restricted by on-street parking I observed that otherwise there was good visibility along Church Road in both directions. There are no parking restrictions on the highway in the vicinity of the site at the moment, but if the permission was implemented and the new access created, on-street parking would need to avoid causing an obstruction.
8. Overall on this issue I conclude that the proposed access to the new dwelling would not result in a danger to highway safety and would accord with the requirements of Policy PSP11 (1) and part (3) of Policy PSP38.

Effect on Character and appearance

9. Policy CS16 requires new housing to make efficient use of land where the density of new development should be informed by the character of the area and contribute to securing high quality design objectives as set out in Policy CS1. In this case although the subdivision of the existing garden to form a new dwelling would give rise to a similar density of housing, I have concerns about the physical setting of the site and its position away from the general grain of mainly frontage development. I have taken account of the siting of No.101 in a existing backland position but the footprint of that property appeared to me to be on relatively flat land close to the gardens of the adjoining terrace.
10. The physical position and nature of the appeal site is materially different to No.101. The land slopes away from about the end of the retained garden for

99C and then to the north of the appeal site lies a very steep drop to the properties fronting Jeffries Hill Bottom. To my mind, even though I am only considering a new dwelling in principle, a new property here would be likely to be both prominent and isolated on the slope and would be at odds with the present grain of development. Physically and visually it would not integrate well with the prevailing pattern of development. I find that such development in principle would be materially harmful to the character and appearance of the area and as it would not respect the building line or established form of development it would not accord with Policy PSP38 (1).

Effect on living conditions

11. Although only dealing with an outline application, in considering the principle of the erection of a dwelling I have to consider the likely effects on people living around the site. The illustrative cross-section PL07 Rev. A shows the relationship of the land levels and the potential floor levels of a new two storey property. In this the ground floor level of the new house would be above the level of the roof ridge of No.43 Jeffries Hill Bottom and be about 16m away. This would be likely to result in the new house having an overbearing and harmful visual impact on the living conditions of the occupiers of the adjacent properties at the lower level. Moreover, given the sloping nature and tapering form of the appeal site it does not appear to me that there would much scope for an alternative siting available for the dwelling and still leave sufficient space for access, parking and turning space.
12. On the basis of the outline plans before me, I find that it has not been demonstrated that a dwelling can be sited on the appeal site without resulting in a harmful overbearing effect on the living conditions of neighbours and there is likely to be a conflict with part (2) of Policy PSP38.

Land stability

13. Representations made by local people and on their behalf by a local councillor, suggest that there is an on-going issue of land stability over the considerable difference in land levels in the vicinity of the appeal site. At my visit I considered the difference in levels from around the highway in Jeffries Hill Bottom and from the appeal site itself. The latter appeared to have been subject to previous alterations to ground levels. Taken all of these aspects together, it appears to me that there is a legitimate concern locally about land stability and how this may be affected by the erection of a new dwelling and associated groundwork.
14. Guidance in the National Planning Policy Framework (NPPF) indicates in paragraph 179 that where a site is affected by land stability issues responsibility for securing a safe development rests with the developer/landowner. There is no detailed evidence before me to demonstrate that the proposed new house could be developed without adversely affecting land stability. Therefore, this issue remains outstanding.

Planning balance

15. Bringing together my conclusions on the main issues, I have found that while the erection of a new dwelling would not be a danger to highway safety, the principle of development on the appeal site is not acceptable as a new dwelling here would be prominent and isolated and would not integrate well with the

established pattern of development. A dwelling would also be likely to have a harmful overbearing effect on the living conditions of the adjacent properties in Jeffries Hill Bottom at the foot of the slope. I also have concerns about land stability which the current proposal has not demonstrated can be overcome.

16. These factors amount to significant adverse effects and the proposal conflicts with the parts of the development that I have referred to. However, they have to be balanced with other considerations.
17. I recognise that the site comprises land already developed in a sustainable location and both local and national policy seek to make efficient use of such land and encourage sustainable development. A single house would also contribute to housing supply in a modest way and there would be limited economic benefits particularly during the construction phase.
18. However, I find that these benefits are general in nature and do not outweigh the specific environmental harm that the proposal would cause. For this reason I find that the proposal would not constitute sustainable development when the NPPF is read as a whole. I conclude that the conflict with the development plan is not outweighed by any other consideration.

Conclusion

19. For the reasons given above I conclude that the appeal should not be allowed.

David Murray

INSPECTOR