



Appeal Decision

Site visit made on 18 September 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/Z0116/W/19/3232172

18C Merton Road, Bishopston, Bristol BS7 8TL

- 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 R Blessitt against the decision of Bristol City Council.
 - The application Ref 18/04795/F, dated 10 September 2018, was refused by notice dated 8 March 2019.
 - The development proposed was originally described as: 'Construction of 1No. store and 2No. single storey business units.'
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Decision

1. The appeal is allowed and planning permission is granted for the Construction of 1No. store and 2No. single storey business units at 18C Merton Road, Bishopston, Bristol BS7 8TL in accordance with the terms of the application, Ref: 18/04795/F, dated 10 September 2018, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matter

2. Development at the site has commenced and the single storey storage building that forms part of this proposal has been constructed. Despite this, I have assessed the appeal on the basis of the drawings that are before me and which were before the Council. The fact that development has commenced has had no bearing on my assessment of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of the apartments at 5 Ashley Down Road, with particular regard to outlook and daylight.

Reasons

4. The appeal site is located within an industrial estate, but despite this location, the northern and eastern boundaries of the site are defined by an adjacent apartment building. The building wraps around the appeal site and the adjacent walls contain a series of windows immediately next to the site. The wall that defines the northern boundary of the appeal site contains windows at ground, first and second floor level, whereas the wall that defines the eastern boundary contains windows at ground and first floor level.
5. The proposed single storey development would occupy the full extent of the appeal site and would abut the adjacent apartment building. Consequently, the

windows which serve the adjacent apartments located at ground floor level would be entirely enclosed by the proposed development. Due to their height, the first floor windows would not be entirely enclosed by the proposal, but the overall height of the building would obscure much of these openings. The window located at second floor level would not be affected.

6. The adjacent windows are fixed shut and are glazed with obscure glass. In addition, the ground floor window on the northern boundary has metal bars across it. It is therefore quite apparent that the windows do not provide an outlook or a means of ventilation for the adjacent apartments. Consequently, these matters would not be affected by the proposed development.
7. Due to its location, the proposal would undoubtedly reduce the amount of daylight received by the adjacent windows. However, I have no compelling evidence before me to confirm that the windows serve habitable rooms. Instead, on the basis of the evidence before me, the windows serve circulation space for the apartments. Consequently, the windows fulfil a secondary function to the apartments in terms of the provision of a light source. Therefore, despite the reduction in daylight that would be caused by the proposal, I am satisfied that this would not harm the levels of daylight received by the principal living accommodation.
8. The proposal would also reduce access to the neighbouring building for maintenance purposes. Despite this, it is not uncommon for buildings to be sited close to each other and I have no substantive evidence before me that would suggest that development should be restricted on this basis.
9. Consequently, for the reasons identified above, I conclude that the proposed development would not harm the living conditions for the occupants of the neighbouring properties. Accordingly, the proposal would comply with Policies DM26 and DM27 of the Site Allocations and Development Management Policies, Local Plan (2014), which taken together, requires development to contribute towards local character and enable existing development to achieve appropriate levels of outlook and daylight.

Other Matters and Conditions

10. The original application form identifies the proposal as being for a B1 light industrial use. Such a use, by definition, can co-exist with residential development. In addition, the appeal site is located within a well-established industrial estate. Due to the proposed use and the context of the existing neighbours, I am satisfied that the proposal would not give rise to unacceptable levels of noise, disturbance or fire risk. However, because the description of development does not specify the proposed use, it is necessary to attach a condition to specify the use of the building.
11. The development will cause disruption during construction. However, it is a small scale addition and consequently, it is not necessary to control construction processes. I also have no substantive evidence before me that would suggest that emergency escape from the adjacent apartments would be compromised by the proposal. Furthermore, I am satisfied that the development will have a generally low energy demand. Consequently, due to the scale of the proposal, modest efficiencies could be made through lighting and heating and it is therefore not necessary to control these matters by way of condition.

12. In the interests of precision and clarity, conditions are necessary to establish the time limit for commencing development as well as to list the approved drawing numbers. In addition, in the interests of safeguarding living conditions, conditions are necessary to control plant and equipment that may be installed at the premises as well as to control refuse and recycling collection times.

Conclusion

13. For the reasons identified above, the appeal is allowed.

Martin Chandler

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: 639/10 A; 639/11; 639/12; 639/13.
- 3) The premises shall be used for use class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) No plant or equipment shall be installed until details including method of construction, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The plant or equipment shall be implemented strictly in accordance with the details so approved and retained thereafter as such.
- 5) Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 18.00 Monday to Friday only.