



Appeal Decision

Site visit made on 26 September 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/Z0116/W/19/3234701

72 Alma Road, Clifton, Bristol BS8 2DJ

- 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 Ediz Cakin against the decision of Bristol City Council.
 - The application Ref 19/00972/FUL, dated 25 February 2019, was refused by notice dated 1 July 2019.
 - The development proposed is conversion of garage to dwelling to the rear of 72 Alma Road, Clifton.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether future occupiers of the proposed development would have adequate living conditions, with particular regard to outlook, natural light and overlooking;
 - The effect of the development on the living conditions of surrounding occupiers, with particular regard to overlooking;
 - Whether the proposed refuse and recycling storage area would be acceptable with regards to access for collection purposes;
 - The effect of the development on the character and appearance of the surrounding area, with particular regard to the Whiteladies Road Conservation Area (CA);
 - Whether the development would harm the function, flexibility and viability of the commercial unit and the Whiteladies Road town centre; and
 - The effect of the development on the mix and balance of accommodation in the area.

Reasons

Future occupiers' living conditions

3. Habitable accommodation on the ground floor would be served by a glazed sliding/folding door. However, facing towards the relatively close wall on the opposite side of the rear access lane, outlook from the bedroom would effectively be restricted to a blank wall. The set-back of the sliding/folding door would increase the gap to the wall but it would not significantly improve the

outlook. It would also reduce the amount of natural light that would reach the bedroom. On my site visit, I was struck by how little natural light reached the ground-floor when the garage door was open. Given the proposed sliding/folding door would be narrower than the garage door and recessed, it is likely that even less natural light would reach the bedroom.

4. The first-floor would be served by two rooflights and one window. This would provide some natural light to the kitchen and living and dining room. However, outlook would only be provided by the single window, which would be angled and relatively narrow. Outlook from the first-floor would therefore be significantly restricted and only obtainable from a small area in the immediate vicinity of the window.
5. The proposed rooflights would be visible from upper floor windows of surrounding properties, which are in relatively close proximity. However, the angle of the rooflights and their position – relatively high up in the roof – indicates that future occupiers of the development would not be significantly overlooked by surrounding properties, with any views limited to oblique angles.
6. It has been put to me that the proposed open-plan dwelling would be spacious, airy and exceed the guidelines in terms of usable floorspace, and that although there would be a limited view at ground-floor, outlook has been expanded by the sliding door being recessed. It is asserted that this counteracts the deficiencies with outlook and the essentially night-time use of the bedroom also precludes the need for a generous outlook in any event. I recognise that the first-floor window would provide surveillance of the access lane, and increasing the outlook at first-floor level may result in overlooking of adjoining properties. However, these matters do not lead me to a different conclusion, nor do they indicate that the accommodation as a whole would receive adequate levels of outlook and natural light and not feel unacceptably enclosed.
7. For the above reasons, I conclude that future occupiers of the proposed development would not have adequate living conditions, with particular regard to outlook and natural light. I therefore find that it conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) and Policies DM27, DM29 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (BLP). Amongst other aspects, these require development to safeguard the amenity of the host premises, create a high-quality environment for future occupiers and achieve appropriate levels of outlook and daylight. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) regarding providing a high standard of amenity for future users.

Surrounding occupiers' living conditions

8. The proposed rooflights would be relatively high up in the roof. The single window serving the first-floor would face the access lane. Any overlooking towards adjoining properties would therefore essentially be limited to oblique glimpses. A planning condition could also prevent future occupiers from using the small platform as a balcony or terrace area.
9. Accordingly, I conclude that the development would not harm the living conditions of surrounding occupiers, with particular regard to overlooking. I therefore find that it accords with CS Policy BCS21 and BLP Policies DM27, DM29 and DM30 in relation to their requirements that proposals ensure

existing development achieves appropriate levels of privacy and safeguard the amenity of existing development and the host premises. The proposal would also be consistent with the provisions in the Framework in relation to providing a high standard of amenity for existing users.

Waste and recycling

10. Providing supplementary guidance to the local plan, the Bristol City Council Waste and Recycling Guide (2010, updated 2017) sets out, amongst other aspects, that the location and distance to storage areas within the site should encourage their use by occupants and encourage occupants to return containers to the storage areas following collection. It also indicates that householders will not be expected to carry/wheel their waste further than 30 metres, as set out within the Department for Transport's Manual for Streets.
11. The distance between the proposed refuse store and highway, where the bins would need to be on collection day, is slightly beyond the guidance distance. However, the additional distance is not significant, while access between the site and highway would involve a relatively flat, hard-surfaced route. Accordingly, the minor additional distance beyond the guidance distance would not inevitably mean that occupiers of the development would leave their bins on the highway rather than return them to the refuse store. A condition securing details of refuse collection arrangements could also be imposed if permission were to be granted. It seems to me that the location of the refuse store would therefore not result in bins being left on the highway permanently. Accordingly, issues relating to public safety – with regard to obstructing the highway and emergency access routes – and visual clutter – with regard to bins harming the streetscene, the character and appearance of the Whiteladies Road CA and the setting of the Grade II ABC Cinema – would not arise.
12. For the above reasons, I conclude that the proposed refuse and recycling storage area would be acceptable with regards to access for collection purposes. I therefore find that the proposed development accords with CS Policies BCS10, BCS15, BCS21 and BCS22, and BLP Policies DM23, DM26, DM27, DM28, DM29, DM30, DM31 and DM32. Amongst other aspects, these require development of a high quality design that: create safe places; provide adequate and inclusive access and satisfactory arrangements for the storage and access of refuse and recyclable materials; respect and contribute towards local character and distinctiveness and a safe, high-quality public realm; and conserve, preserve or enhance heritage assets. It would also not conflict with the objectives of the Conservation Area Enhancement Statement and would be consistent with the provisions in the Framework relating to achieving well-designed places, conserving and enhancing the historic environment, providing suitable access and avoiding an unacceptable impact on highway safety.

Character and appearance

13. Situated within the Whiteladies Road CA, the site is located to the rear of Alma Road and is accessed by a private access lane from Melrose Place. It contains a double garage with floorspace above and forms part of a terraced mews of similar garages/outbuildings. The site is surrounded by two- to three-storey terraced properties, and the Grade II ABC Cinema building is nearby and backs on to the lane. The site is visible from surrounding plots and along the lane, but its location means that there are limited views of it from the public realm. The building on the appeal site has a relatively rundown appearance fronting the

lane, with its first-floor window in poor condition, its walls consisting of unfinished blockwork, and an array of air conditioning units above the metal garage door. The building does not therefore contribute positively to the character and appearance of the surrounding area.

14. As set out in the Conservation Area Enhancement Statement, the significance and special interest in the part of the CA where the site is located is derived from, amongst other aspects, its series of irregular street grids, the subtle combination of mainly domestic qualities and the regularly spaced buildings. I give great weight to the conservation of designated heritage assets and the desirability of preserving or enhancing the character or appearance of the CA.
15. Adjoining garages/outbuildings contain first-floor windows fronting the lane. The proposed box extension would therefore introduce a different feature. However, with each building in the row containing a different type and size of window, the box extension would not disrupt a consistent rhythm or fenestration pattern. Although it would present a blank appearance from the front, visual interest could be added to the box extension through colour and/or detailing which could be secured by a planning condition. Its projection beyond the main building line would also not be significantly different from that of the existing air-conditioning units fronting the lane.
16. Amongst other aspects, the development would involve relocation of the existing air-conditioning units, the addition of render on the elevation fronting the lane, and a revised and more active ground-floor façade. These aspects would serve to improve the character and appearance of the building.
17. Consequently, the development would not appear incongruous, of a poor quality design or out of keeping with adjoining built form. The character and appearance of the surrounding area would therefore not be harmed. Combined with limited views of the site from the public realm, the appeal proposal would also preserve the character and appearance of the Whiteladies CA.
18. With the exception of refuse collection arrangements, which I have considered above, the Council do not allege that the proposed development would harm the setting of the nearby Grade II ABC Cinema building. Having considered the development and visited the site, I concur with that view. Accordingly, I find that the development would not affect its setting.
19. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area and would preserve the character and appearance of the Whiteladies Road CA. I therefore find that it accords with CS Policies BCS21 and BCS22 and BLP Policies DM26, DM27, DM28, DM29, DM30 and DM31. Amongst other aspects, these require development of a high standard of design quality that: respect and contribute towards local identity, character and distinctiveness; respect the design and character of the host building and retain distinctive architectural features; and conserve, preserve or enhance heritage assets and their settings. It would also be consistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Commercial unit

20. The appeal site is linked to the existing commercial unit, currently a dental practice, at 72 Alma Road. Although unused, the garage building is capable of

providing ancillary storage space for the dentist practice, which could also operate as a retail unit given its location in the Whiteladies Road town centre and primary shopping area.

21. While the appeal proposal would not result in the loss of retail floorspace, the proposed residential conversion would reduce the storage space available to the commercial unit. However, that unit has a relatively large basement and the evidence before me indicates that access to it, albeit via a relatively narrow staircase, has been sufficient to allow for the bringing in of large items such as dentist chairs and associated equipment. The basement would therefore appear to be capable of providing accessible storage space for the commercial unit and, for example, a retail use if it were proposed in the future. Furthermore, the garage building is linked to the commercial unit by a single-width door and some steps, and access to its first-floor also involves a flight of stairs. Accordingly, access to items stored in the basement would not be significantly more difficult than to items stored in the garage building.
22. The commercial unit is not particularly large, with the ground-floor – excluding the garage building – being just under 100 square metres. On this basis, it seems to me that a future retail use of the unit would be unlikely to require the amount of storage available in both the basement and the garage building. The use of the adjoining garages/outbuildings for storage and the previous planning permission for garage conversion/reconstruction to create additional dental practice use do not lead me to a different conclusion.
23. For the above reasons, the reduction in storage space available to the commercial unit would not be significant and not result in an unacceptable reduction in the facilities required for the unit to be viable. Nor would the proposal reduce the unit's future versatility for other potential uses, such as under a shopping function. Accordingly, the development would not harm the function, flexibility and viability of the commercial unit and the Whiteladies Road town centre. I therefore find that it accords with CS Policy BCS7 and BLP Policies DM8 and DM9. Amongst other aspects, these: encourage uses which contribute to maintaining the vitality, viability and diversity of centres; require development in centres and primary shopping areas to maintain active ground floor uses and the function of the centre and its ability to meet day-to-day shopping needs; and resist proposals involving the loss of retail floorspace, including storage or servicing space, that would be detrimental to the continued viability of the retail unit. It would also be consistent with the provisions in the Framework relating to ensuring the vitality of town centres.

Mix and balance of accommodation

24. CS Policy BCS18 requires all new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities, and seeks development to redress any housing imbalance that exists. The supporting text to the policy refers to the Strategic Housing Market Assessment which, it states, suggests that developments should provide or contribute to a mix of housing types and avoid excessive concentration of one particular type.
25. Based on 2011 census data, accommodation in the local area consists of 24.3% houses and 75.7% flats, with 58.7% of properties having two bedrooms or less. The Council suggests that this means that there is a need for larger properties in the local area.

26. The creation of the one-bed residential unit would not contribute towards this. However, it seems to me that the site would be incapable of providing more bedroom space than that proposed, and the new unit would be set out over two floors and would have a relatively generous internal floor area. It would therefore provide accommodation more akin to a small house than a typical flat. This would contribute to the mix of housing types in the area and help to reduce the local imbalance between houses and flats. The proportion of properties with two bedrooms or less is also not so great that one additional small house, in what is a relatively built-up environment, would result in a significant effect on the mix of housing sizes in the local area.
27. For the above reasons, I conclude that the proposed development would not significantly harm the mix and balance of accommodation in the area and that the creation of mixed, balanced and inclusive communities would not be undermined. I therefore find that it would accord with CS Policy BCS18. It would also be consistent with the provisions in the Framework relating to delivering a sufficient supply of homes.
28. The Council also alleges conflict with BLP Policy DM2 with regards to this matter. However, that policy relates to residential sub-divisions, shared and specialist housing and I have little evidence that the appeal proposal would involve any of these. This policy has therefore not been determinative in my decision on this matter.

Planning Balance

29. The development would provide some social and economic benefits, such as from construction works and the provision of a new house which would contribute to local housing supply. The site is in an accessible location, close to various services, facilities and public transport options. It has been put to me that the new house would be at the less expensive end of the scale, the public realm would be largely unaffected, the development would re-use a redundant building with an array of air-conditioning units that would remain in place if the appeal is dismissed, and there would be a public safety benefit through the provision of surveillance on the lane and the introduction of an active frontage. Amongst other aspects, I have also found that the development would not harm the character and appearance of the surrounding area.
30. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan. Given my findings that it would not provide adequate living conditions for future occupiers, the appeal proposal does not constitute the optimum viable use of the site. I have little substantive evidence that the policies which are most important for determining the application are out-of-date. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

31. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR