



Appeal Decision

Site visit made on 12 November 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/Z0116/D/19/3232954

53 Fallodon Way, Henleaze, Bristol BS9 4HT

- 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 James Packer against the decision of Bristol City Council.
 - The application Ref 19/01629/H, dated 2 April 2019, was refused by notice dated 28 May 2019.
 - The development proposed is new garage at side of house.
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Decision

1. The appeal is allowed, and planning permission is granted for a new garage at side of house at 53 Fallodon Way, Henleaze, Bristol BS9 4HT in accordance with the terms of the application 19/01629/H, dated 2 April 2019, subject to the conditions set out in the attached Schedule.

Main Issue

2. The effect on the character and appearance of the existing dwelling and the area.

Reasons

3. The appeal property is a modern detached dwelling that stands on a prominent corner plot in a residential area. It has been extended at the ground floor on all sides. Most relevant to the appeal proposal is an existing outbuilding that has been erected to the side of the dwelling, adjacent to Remenham Drive. The appeal proposal would see the outbuilding and an adjacent length of timber fence replaced with a brick garage and wall.
4. Evidence before me suggests that the existing fence and wall have not received planning permission. The Council suggests that the presence of the existing shed should not be given weight for this reason. However, appeal submissions suggest that it has been standing long enough to be immune from enforcement action, and I am therefore satisfied that these existing structures should be afforded weight. They present a hard edge adjacent to the footway, which does not accord with the otherwise more open or verdant plot boundaries. The proposed garage and wall would be set in, to allow for a strip of planting, which would be an enhancement, as would the use of brick rather than timber. This set back, although modest, would be sufficient to ensure that neither the wall or the garage would have an overbearing effect on the footway or the public realm.

5. The garage would have a modest single storey scale with a low lean-to roof, which would sit below the height of the existing stair window. It would also be meaningfully set back from the front and rear elevation of the original two storey dwelling and would be detached from the existing wrap around single storey extensions on the other three elevations. The garage would thus be a subservient addition and would not mask the form of the original dwelling.
6. The Council's design guide¹ (SPD) advises that particular attention needs to be paid to the design of both single and two storey extensions on corner plots, owing to the effect they can have on an established building line. The side of the existing dwelling is already significantly beyond the front of the neighbouring dwellings to the south. Although the dwellings to the south roughly align, they form a short row of four detached buildings that are fronted with a mix of projecting gables and lean-to elements, to the extent that together they do not establish a strong building line. I am therefore satisfied that the proposal would not harm an established building line or be harmful to the general layout of built form in the area.
7. In summary, the proposal would not harm the character or appearance of the existing dwelling or the area, and would accord with Policy BCS21 of the Bristol Development Framework Core Strategy adopted 2011 and Policies DM26, DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies Local Plan adopted 2014 (SADMP), which together seek to ensure that development proposals are designed to a high quality and contribute positively to the character, identity and distinctiveness of an area.

Conditions

8. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty, and a materials condition to safeguard the character and appearance of the existing dwelling and area. I have imposed a condition relating to the protection of existing trees during the construction of the wall. In the event that the trees cannot be retained, the condition would secure suitable replacement planting, to safeguard the character and appearance of the area.

Conclusion

9. For the reasons above, the appeal should be allowed.

Andrew Tucker

INSPECTOR

¹ Supplementary Planning Document Number 2 A Guide for Designing House Alterations and Extensions 2005

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: 9590.01 Location & Block Plan, 9590.01 Block Plan with Frontage Dimensions, 9608.02 Existing Plans & Elevations and 9608.03 Proposed Plans & Elevations.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the commencement of the construction of the boundary wall hereby approved, an Arboricultural Impact Assessment (AIA) shall be prepared, submitted to and approved in writing by the Local Planning Authority. The AIA shall be conducted in accordance with BS 5837 2012 and include a survey of all trees that could potentially be adversely impacted by the proposals and detail the impact of the proposed development on all trees on the site.

Where it is identified that trees will be adversely impacted, an Arboricultural Method Statement should be supplied with a clear specification and a scale tree protection plan identifying protection measures for any retained trees. If the AIA requires the loss of any trees, a tree planting plan should be submitted in line with Bristol Tree Replacement Standard (Policy DM17 of the SADMP).

Planting as required shall be carried out no later than the first planting season following the date that the development hereby permitted is first brought into use, or in accordance with a programme, details of which shall be submitted to and agreed in writing by the Local Planning Authority.

Planted materials as required shall be maintained for 5 years from the completion of the development and any trees that are removed, die, are severely damaged or become seriously diseased within that 5 years shall be replaced with others of a similar size and species to those originally agreed.