
Appeal Decision

Site visit made on 14 October 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/Z0116/W/19/3234472

533 Southmead Road, Southmead, Bristol BS10 5NG

- 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 A. Ahmadi against the decision of Bristol City Council.
 - The application Ref 19/00378/F, dated 24 January 2019, was refused by notice dated 28 May 2019
 - The development proposed is the extension and conversion of existing garage into 1 x bed self-contained dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on both neighbours to the site and future occupants of the proposed dwelling, and (2) the effect on the character and appearance of the area as a result of the proposed house.

Reasons

Living Conditions - Neighbours

3. The proposed new two storey dwelling is to the rear of what was 533 Southmead Road, which has been extended with two additional dwellings now included in a side addition. Currently, there are some parking spaces and a tall garage building on the area of the proposed new dwelling.
4. In this position the proposed house would be close to the rear of No 533 and the adjoining new dwellings. However, there would remain a reasonable separation distance to the rear windows of these dwellings, to the extent that the proposal should not result in a significant adverse effect to outlook or overbearing impact.
5. The proposed dwelling would also be roughly to the northwest of No 533, including the nearby glazed doors. Therefore, whilst there could still be some overshadowing impact or loss of light, this would not be to a significant degree.
6. Furthermore, the gap of the rear lane and the set-back position of No 1 Felstead Road is such that the proposal should not appear overbearing or have any significant overshadowing effect to this neighbouring property.

7. The proposal does include a ground floor side elevation window that would look back towards the neighbouring property. However, there is a clear separation and currently a high fence which screens views. In any case, there could also be a condition that this window be obscure glazed which would sufficiently address this issue. In these circumstances, I do not regard the proposal would result in a significant loss of privacy for these neighbours. The other windows proposed, by reason of their position and height on the proposed dwelling, also would not result in any significant loss of privacy to any neighbour to the site.
8. The position of the proposed dwelling would mean that the gardens to the properties No 533 and 1a Felstead Road (Unit 1 on the previously approved plans) could not be extended further towards the rear lane. However, on site there is an existing garage (although it is not clear if this currently benefits from planning permission) with the area to the side made into off-street parking. As such, I am not convinced that even without the proposed new dwelling this would result in significantly more garden space for occupants of these other dwellings.
9. In any case, each of these neighbouring dwellings would have some amenity space, particularly the family size dwelling at No 533. Whilst the garden space for this dwelling is relatively small, it would allow for some private outdoor space to an acceptable level. The proposal would also be sited in an area of a relatively high density built environment, with parks in the area to also contribute towards open space provision, even if not private.
10. Overall, I do not regard the proposal as having a significant impact to the living conditions of neighbours to the site. The proposal is therefore in accordance with policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011) and policies DM21 (Development of Private Gardens), DM27 (Layout & Form), and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014). These policies seek to require development to safeguard the amenity of existing development and ensure adequate functioning gardens will remain.

Living Conditions – Future Occupiers

11. The proposed dwelling would be within a restricted plot, which means, for example, that there would be a limited quality of outlook. For instance, the rear glazed doors would view a high wall adjacent to the patio at a distance of approximately 2m. However, there are other windows at both storeys which would provide improved levels of outlook to a more appropriate standard overall.
12. In terms of light, much could be attained from the ground floor through the front elevation glazed doors. Whilst it could be that the ground floor could be slightly gloomy at times, the level of light should be sufficient to ensure a decent standard of living conditions in this regard.
13. There is an existing dormer window at No 1 Felstead Road, which would look towards the proposed dwelling at relatively close proximity. However, the side elevation of the proposed dwelling facing this neighbouring property does not contain windows, other than rooflights. These would be high level and I consider it unlikely that this would result in high levels of real or perceived overlooking of future occupiers from neighbouring properties.

14. The proposal would result in a modest sized dwelling. In this regard, policy BCS18 of the Core Strategy requires that:

'Residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.'

15. In this regard, the Council consider the National Described Space Standards (Technical Housing Standards - 2015) as the appropriate space standards now. This sets out that for a one bedroom, two person, two storey dwelling a gross internal floor area of 58 sqm, with 1.5 sqm built in storage, is required. Although there is some dispute between the parties as to the actual internal area total, the appellant has stated that the dwelling would be marginally below the threshold.
16. Whilst this shortfall may be small, this is less than the minimum that is advised with the 'Technical Housing Standards - National Described Space Standards' document. Although there is no direct reference to these 'Space Standards' in the policies provided, this document does provide a clear indication of what should be required for new housing in terms of internal space for a good standard of living environment for future occupants. The proposed dwelling would not achieve the minimum required internal floor area space and, to my mind, would result in a cramped living environment for future occupiers.
17. I recognise that some of the rooms inside the proposed house may have a sense of spaciousness and good levels of light through use of windows/rooflights for example, but this does not sufficiently address the matter of the lack of internal habitable floor space for future occupiers. I also acknowledge that future occupants would be aware of the house floor areas before they decided to purchase or rent, but this is not adequate justification for a dwelling which provides only an overly cramped living environment.
18. As such, due to the lack of internal space to be provided, the proposal would be harmful to the living conditions of future occupiers, thereby being contrary to Policy BCS18 (Housing Type). This policy, amongst other things, require proposed development to provide sufficient space for everyday activities within new dwellings.
19. However, being that I have only found harm in the lack of internal space proposed, I do not find that the proposal is clearly contrary to the following policies: BCS15 (Sustainable Design and Construction), BCS18 (Housing Type) and BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011), and policies DM27 (Layout & Form) and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014).

Character and Appearance

20. The site is within a residential area which is characterised by short terraces or semi-detached pairs of two storey houses. Although many of the houses have been extended, there is an evident degree of uniformity to these streets in terms of house design and sizes.
21. However, the proposed dwelling would be a particularly narrow dwelling compared to the neighbouring properties, with a differing roof form due to the use of front and rear gables. Furthermore, the dwelling would be positioned within a very restricted plot, tight to the sides of the plot. This would be at

odds with the generally more spacious character of the surrounding dwellings within their plots, which usually includes sizable rear gardens. Therefore, the development in this setting would appear cramped within its plot.

22. Whilst I recognise there is a tall garage on site currently, this is clearly an outbuilding which is subservient to the main dwelling. However, what would be a new dwelling would have a different character and appearance to the existing garage. However, the dwelling as proposed would contrast with the prevailing character of the houses in the area and would appear incongruous as a result of its scale, form and massing. Even when considering the materials and detailing proposed, the dwelling would not adequately reflect the characteristics and scale prevalent in this area.
23. My attention has been drawn to the approved application for a new dwelling opposite the site, adjacent to No 2 Felstead Road. However, the dwelling in this instance is of a different scale and design to that proposed with this appeal. As such, whilst there are some similarities between the two schemes, the differences are such that this is not a fully comparable example and therefore I give this matter limited weight.
24. There is also the example of the small new dwelling approved at 2 Chandos Road. However, this is not in the vicinity of the site and it has a different built environment context. Therefore, I also give this matter limited weight.
25. Whilst the site is not covered by any particular designations based on design or heritage, the proposed dwelling, for the reasons set out here, would appear cramped and incongruous within this street scene to the extent that it would be harmful to the character of the area. It would not represent good design within the context of this site. The proposal would therefore not accord with the objectives of policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011) and policies DM21 (Development of Private Gardens), DM26 (Local Character & Distinctiveness), DM27 (Layout and Form), DM28 (Public Realm) and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014). These policies seek to require development to contribute positively to an area's character and identity, reinforcing local distinctiveness and responding to the scale and character of streets, amongst other things.

Planning Balance

26. The site is within an urban area where there is good access to shops and other services, together with public transport routes. The proposal would include sustainable assets, such as PV panels and the use of water saving devices, for example. The proposal would provide an additional single dwelling towards local housing stock. I also recognise the lack of objections from neighbours to the site.
27. The proposal would also include economic benefits, such as for businesses involved in the construction of the proposed dwelling. The appellant has also stated that this would be an efficient use of land.
28. However, the benefits of the proposal would not outweigh the harm I have identified above, to both the character and appearance of the area, and the living conditions of future occupiers due to lack of internal space. The harm would significantly and demonstrably outweigh the benefits.

Conclusion

29. For the reasons set out above, the appeal should be dismissed.

S. Rennie

INSPECTOR