



Appeal Decision

Site visit made on 5 November 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/P0119/W/19/3236011

99 Northville Road, Filton BS7 0RJ

- 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 Andrew Smith against the decision of South Gloucestershire Council.
 - The application Ref P19/4604/F, dated 24 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed was originally described as, "erection of an attached dwelling with associated parking and landscaping".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. A revised description ("Erection of 1 no. attached dwelling with parking, access and associated works") was agreed by the local planning authority and the appellant, and the application was determined on that basis. The appeal has also been determined on the basis of this revised description.
4. Amended plans (A03 Rev A; A05 Rev A; A06 Rev A) were submitted with the initial appeal documents, in addition to those upon which the Council determined the application. The revised scheme proposes the omission of a secondary first floor bedroom window, and an alternative site layout relocates a parking space from the rear of the proposal to join a space to the front of No 99 Northville Road, thereby increasing the area of rear garden for the proposed dwelling.
5. The Procedural Guide: Planning appeals – England (August 2019) states that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application, and that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have considered whether the amended plans should be accepted, taking account of the principle established in *Bernard*

Wheatcroft Ltd v SSE [JPL, 1982, P37], and as the revised proposal would materially alter the nature of the scheme, I conclude that the interests of interested parties would be prejudiced if the amended plans were taken into account in this appeal. Accordingly, this appeal has been determined on the basis of the original plans.

Main issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area, having regard to its design and layout; and
- The effect of the proposal on the living conditions of the intended future occupiers of the scheme, with regard to outdoor amenity space.

Reasons for the Recommendation

Character and appearance

7. The appeal site is situated on a prominent corner plot in a residential area, where the prevailing pattern of development is of a fine grain. In the immediate vicinity, some corner plots contain built form, such as at the junction between Northville Road and Fourth Avenue, and also at the junction between Cropthorne Road and Northville Road. The proposal which would extend close to the side boundary of the host property with Third Avenue and would be similar in form and location to the extended property on the opposite side of the junction.
8. However, the proposal would project further along Third Avenue than the development opposite and as a consequence would have a significantly greater presence on Third Avenue than the side extension at No 97 because of its width and design with its entrance door and windows facing towards this road.
9. Although dwellings on Third Avenue face towards the road, they are set back from it behind front gardens. The new dwelling would be in close proximity to the back edge of the pavement and its relationship to the highway would not reflect nearby development. It would be unduly prominent in the street scene and its layout and design would draw attention to this incongruous feature. The use of materials to match the host property would not mitigate this harm.
10. I note that a new dwelling has been constructed on a corner plot at No 78 Northville Road. However, this dwelling, whilst in the same road, is of a different design to the proposal before me, particularly with regards to fenestration on the side elevation. Its context within the street scene is not directly comparable to the proposal before me. It does not provide justification for the appeal scheme, which has been considered on its merits.
11. I acknowledge that the fenestration on the Third Avenue elevation would be likely to improve surveillance in this area. However, whilst this may be of benefit in preventing crime and disorder, no evidence has been provided to demonstrate that there is a particular issue in this regard. Limited weight is therefore given to this matter in my overall consideration of this case.
12. In light of the above I conclude that the proposal would be harmful to the character and appearance of the surrounding area and would conflict with the aims of Policies CS1, CS16, CS17 and CS25 of the South Gloucestershire Local

Plan: Core Strategy (2006 – 2027) (adopted December 2013) ('Core Strategy') and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017) ('Local Plan') which collectively require development to be of a high quality design which respects and enhances the character and distinctiveness of the area. The proposal also conflicts with the requirement in paragraph 127 of the National Planning Policy Framework ('the Framework') that developments are sympathetic to local character and add to the overall quality of the area.

Living conditions

13. The proposal comprises two bedrooms and a large study (in the proposed loft). The Council approached the application as a 3-bedroom dwelling, and due to the size of the proposed study I too consider that the study could potentially be used as a bedroom, particularly if the property were to be occupied by a family. Policy PSP43 of the Local Plan relates to private amenity space and provides that provision should, as a guide, meet or exceed 60m² for a 3 bedroom house, as a minimum.
14. The proposal comprises 25sq.m of garden space, and a 25sq.m yard which falls short of the minimum standard for private amenity space standards set out in Local Plan Policy PSP43 for a dwelling of this size. Even if I were to agree with the appellant that the property would have 2 bedrooms, only the proposed garden area would be private. The yard area the side of the property would be unlikely to be so unless it was surrounded by high boundary treatment, and accordingly the amount of private amenity space would also fall short of that set out within this policy.
15. There would be a high probability that a dwelling of this size whether it had 2 or 3 bedrooms, would be occupied by a family. Given the limited size of the proposed outdoor areas there would be little space for storage buildings and children's play equipment to be sited. Additionally, there would be insufficient space for children to play in, or for the intended future occupiers to entertain outside. The spaces would be unlikely to be functional for this family sized dwelling and would not create a high standard of amenity for future users.
16. It is acknowledged that the minimum standards are a guide, and that the supporting text indicates that where higher density development is involved the standards will be relaxed. However, in this case, the significant shortfall in private amenity space goes beyond what is acceptable. Whilst it has been argued that the amenity space provision is not out-of-character with the size and form of other properties' gardens on Northville Road, no actual figures have been provided to allow an accurate comparison. Similarly, whilst Nos 480 to 482 Filton Road have been put forward as an example, as the full details have not been provided, it is not possible to assess all the relevant circumstances that led to that decision to grant planning permission. Accordingly, this example does not provide justification for the proposal before me.
17. The proposal would provide access to good air and daylight, but this does not overcome my concerns in respect of the limited outdoor amenity space to serve this family sized dwelling. I acknowledge that there is public green space within walking distance of the appeal site which the intended future occupiers could use, however this would not mitigate the harm identified and nor does it justify

the creation of unacceptable living conditions which would not contribute to the health and wellbeing of the intended future occupiers.

18. I conclude that the proposal would have an unacceptable effect on the living conditions of the intended future occupiers of the scheme in conflict with Core Strategy Policies CS1, CS16, and CS17 and CS25 and with Local Plan Policies PSP8, PSP38 and PSP43 which require development, amongst other matters, to be of a high quality design, with adequate levels of private outdoor space of a size to meet the needs of the likely number of occupiers. There would also be conflict with the Framework at paragraph 127 in that a high standard of amenity would not be created for future users.
19. There would be no conflict with Policy CS25 in this regard, which details requirements and principles which contribute to the strategy for the communities of the North Fringe of Bristol urban area.

Other Matters/Planning Balance

20. The new dwelling would be situated in an accessible urban location and would contribute to the Government's objective to significantly boost the supply of homes. The contribution that the new dwelling would make to the supply of housing would however be limited. The economic and social benefits advanced are also noted, including the contribution to housing mix and the construction-related benefits. However, the contribution one new dwelling and its occupiers would make, in the absence of substantive evidence to demonstrate otherwise would be unlikely to be discernible. Accordingly, only limited weight is given to these matters. I have taken account of the numerous matters where the parties do not disagree, but this carries only neutral weight in my consideration of the proposal.
21. In conclusion I find that the matters advanced in support of the proposal, do not either individually or collectively outweigh the significant harm identified and the conflict with the development plan.

Conclusion and Recommendation

22. Having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR