



Appeal Decision

Site visit made on 4 December 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/Z0116/W/19/3237008

Mary Seacole Court, 110 Mina Road, St Werburghs, Bristol BS2 9TP

- 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 Patrick Sepulveda, Sustainable Britain LTD against the decision of Bristol City Council.
 - The application Ref 19/01566/F, dated 29 March 2019, was refused by notice dated 5 July 2019.
 - The development proposed is extension to existing block of flats: to erect two new storeys on top of existing two storeys split in to two levels. The proposal seeks consent for additional 9 units, 7 in a third storey and 2 in a fourth storey, set back from the edge of the building (resubmission of application 18/05704/F).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site benefits from planning permission for the addition of a third storey at the property under application 17/05589/F. From the information before me, the current submission includes the third storey as at the time of submission of the planning application subject of this appeal, the works had not been completed. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; and ii) living conditions of occupiers of 107-121 Mina Road with regard to privacy and noise and disturbance.

Reasons

Character and appearance

4. The appeal site sits on a prominent corner location at the junction of Mina Road and James Street. The area is predominantly residential in character although there is a cluster of commercial premises around the roundabout near to the site. The predominant height of development within the immediate area is two storey, although there are examples of three storey development including that at Penfield Court to the north of the appeal site on Mina Road.
5. The appeal proposal seeks to add an additional two storeys on top of the existing building that will provide a total of 9 additional residential units. At the

time of my site visit, works to provide a third floor had largely been completed. The addition of a third storey has previously been found to be acceptable by the Council, although the appeal proposal includes minor alterations including to the pattern of fenestration and roof of the two-storey projection to Mina Road. The Council have not raised any particular objection to this element of the proposal and I have no reason to form a different view in this regard.

6. However, the appeal proposal seeks to add a fourth storey above that previously consented and as such my assessment primarily focuses on this element. I acknowledge that it is common to have additional vertical emphasis at corner locations. However, the addition of a third floor under the previous consent has resulted in a building at the upper end of the height of established local character. Although the fourth storey of the appeal proposal would be set in and back from some elevations, the appeal proposal would increase this vertical emphasis further. On the evidence before me, the additional height and mass would be readily apparent from view from the public domain, including from, and on approach to, the Mina Road roundabout.
7. Owing to its increased height and design the appeal development would, in my mind, introduce an overly prominent, conspicuous and discordant form of development that fails to respect the predominant and established character and form of buildings within the local area. Furthermore, when viewed from the footpath to the east, the proposal would introduce a significant and unrelieved four storey mass that although set back beyond the parking court would not, to my mind, be adequately relieved by the proposed variety in materials. On balance, I consider that although the appeal development seeks to make an efficient use of land, the proposal would result in an overly dominant feature that would cause significant harm to the character and appearance of the area.
8. Although I acknowledge the height and form of Penfield Court to the north, this building is somewhat different in its form to the appeal proposal being three storeys with a pitched roof. The appeal proposal would introduce a fourth storey within a flat roofed extension, that from the evidence before me, would be significantly more prominent and jarring within its context despite the setback and change in materials proposed.
9. A number of further examples of buildings of similar form or height have been cited by the appellant. However, I consider that these examples are generally divorced from the appeal site and do not form the immediate context in which the appeal development is read. In any event, I have determined the appeal on its individual planning merits and within its particular context, and reference to other developments does not alter my findings that the proposal would be at odds with the character of neighbouring built form.
10. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, it would not accord with policy BCS21 of the adopted Bristol Development Framework Core Strategy 2011 (CS) that seeks development that delivers high quality urban design. It would also be at odds with policy DM26 of the adopted Bristol Local Plan Site Allocations and Development Management Policies 2014 (SADMP) that seeks amongst other things that development should respond to local scale and character. Conflict would also occur with policies DM27 and DM30 of the same plan that seek, amongst other things, that height, scale and massing of development should be appropriate to the immediate context and

respect the scale, form and design of the character of the host building. The appeal proposal would also be contrary to the advice contained within the National Planning Policy Framework (the Framework) including that in Section 12.

Living conditions

11. The appeal proposal would introduce additional windows and roof terraces at third floor level. The Council contend that the introduction of roof terraces would provide a clear line of sight into first floor windows of properties on the opposite side of Mina Road and that the proposal would also result in increased noise and disturbance.
12. However, the proposed roof terraces would be setback from the edge of the flat roofed area and would be in an elevated position relative to the windows within the opposing terraced properties to the western side of Mina Road. Although users may be drawn to the edge of the terraces, I am not persuaded that the proposal would result in significant harm over and above that which currently exists from existing openings within the appeal building, owing to the degree of separation and the angle of view. Nor am I persuaded that any such harm could not be mitigated through an appropriate scheme of screening or landscaping. As such I do not consider that the introduction of roof terraces of the form proposed would result in an unacceptable loss of privacy for occupiers of 107-121 Mina Road.
13. On the evidence before me, I am not persuaded that the use of the roof terraces would be likely to generate any more noise than a domestic garden. Given that the site is within an established residential area and the fact that the terrace would be set away from the windows of neighbouring residential properties I consider, on balance, that the proposal would not result in unacceptable levels of noise or disturbance.
14. For the reasons outlined above, I conclude that in terms of noise, disturbance and loss of privacy the proposal would not lead to any significant impacts for the occupiers of No 107-121 Mina Road. Hence it would accord with the living conditions aims of policies BCS21 of the adopted CS; and DM27 and DM30 of the adopted SADMP and the advice contained within the Framework including that in Section 12.

Other Matters

15. I acknowledge letters of support received and the indication that the provision of additional dwellings of the type and form proposed would be a benefit of the scheme. However, the harm I have identified above with regard to the main issue with regard to character and appearance, to my mind, outweighs any such benefit. As such whilst these matters are acknowledged none of them outweigh or alter my conclusion on the main issues.

Conclusion

16. Although I have identified no significant harm to the living conditions of occupiers of 107-121 Mina Road this does not outweigh the harm including conflict with the development plan in relation to the first main issue in this case. Accordingly, for the reasons outlined above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR