



Appeal Decision

Site visit made on 15 January 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/Z0116/W/19/3241011

Land to the rear of 1A Clouds Hill Avenue, St George, Bristol BS5 7JE

- 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 & Mrs Derek and Fiona Brimble against the decision of Bristol City Council.
 - The application Ref 19/00542/F, dated 4 February 2019, was refused by notice dated 8 July 2019.
 - The development proposed is erection of a single dwelling on the land to the rear of 1A Cloud Hill Avenue, following the removal of the existing garage and outbuilding. Reconfiguration of the external space shared by numbers 1-5 Clouds Hill Road. Alterations to the west elevation of 1A Clouds Hill Avenue.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling, following the removal of the existing garage and outbuilding. Reconfiguration of the external space shared by numbers 1-5 Clouds Hill Road. Alterations to the west elevation of 1A Clouds Hill Avenue, at Land to the rear of 1A Clouds Hill Avenue, St George, Bristol BS5 7JE, in accordance with the terms of application ref: 19/00542/F dated 4 February 2019, and subject to the conditions in the attached schedule.

Procedural Matter

2. In allowing the appeal, I have made a minor alteration to the description of development to remove the unnecessary additional reference to the appeal site. In doing this, I am satisfied that the interests of the parties have not been compromised.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions for the occupants of neighbouring properties, having particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is a small parcel of land that is currently occupied by a single storey outbuilding with a mono-pitch roof which fronts onto the main road. The

site occupies a location to the rear of a terrace of houses and to the side of an additional terrace.

5. Clouds Hill Avenue is primarily defined by the presence of two storey terraced houses which exhibit a distinct uniformity in their visual appearance. However, opposite the appeal site is a red brick, flat roof building. The form and appearance of this building is distinctly at odds with much of the surrounding architecture, however, despite this difference, it is a building which sits comfortably in the street scene due to its overall scale and mass. In addition, further to the north of the appeal site, a detached single storey outbuilding is located in a gap between the more consistent two storey houses. However, due to its height and scale, the building has an unassuming presence within the street scene.
6. Therefore, despite the prevailing uniformity within the area, there are discreet examples of alternative buildings which remain sympathetic to the prevailing character and appearance of the area.
7. The proposal would introduce a two storey dwelling which would be set back from the main highway. It would have an asymmetrical pitched roof and would be faced in rubble stone to complement the surrounding buildings. It would also have a lower ridge height to the buildings either side of it. Furthermore, due to the asymmetric roof profile, the eaves height would be significantly lower than its neighbour to the left when viewed from the road. This would also have the effect of creating a generous gap between the buildings at an elevated level.
8. The proposed dwelling would be demonstrably different in appearance to the terraced houses either side. However, due to its height, roof profile, and location within the site set back from the highway, the dwelling would be subservient to its larger neighbours. Consequently, it would represent a discreet but well considered addition to the street scene. Moreover, the building would add to the sympathetic variety found elsewhere in the locality. In this respect, it would not be at odds with the character or context of the broader surroundings.
9. Accordingly, for the reasons identified above, I conclude that the proposal would not harm the character and appearance of the area. It would therefore comply with Policies BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014) (LP). Taken together, these require high quality design which contribute towards local character and distinctiveness.

Living conditions

10. The proposed dwelling would be located to the rear of Nos 3 and 5 Clouds Hill Road. These properties have windows that face towards the appeal site, but those located at ground floor level are all glazed with obscure glass. Consequently, their outlook is already significantly restricted, and I am therefore satisfied that despite the increased height of the building, the outlook from these windows would not be materially affected.
11. The neighbouring properties also have windows facing the appeal site at first and second floor level. However, due to the presence of rear wings, the

massing of the rear elevations step away from the appeal site. As a consequence, the windows at elevated levels are notably further away from the proposed dwelling than those at ground floor. The height of the facing windows at the upper levels is also increased relative to the appeal site due to the rising land levels of the road. The combination of the distance from the proposed dwelling and the elevated height of the facing windows would have the effect of limiting the impact of the increased bulk of the new dwelling. Consequently, I am satisfied that existing outlooks would not be unduly compromised.

12. Therefore, for the reasons identified above and having particular regard to outlook, I conclude that the proposal would not harm the living conditions for the neighbouring properties. Consequently, it would accord with Policies BCS21 of the CS, and Policy DM30 of the LP which, taken together, seek high quality urban design which safeguards the amenity of existing, neighbouring development.
13. In refusing planning permission, the Council have also made reference to a Supplementary Planning Document. However, as this relates to house alterations and extensions rather than new development, it is not relevant to the appeal proposal.

Conditions

14. In light of my findings set out above, conditions are necessary to specify the time limit for implementing the planning permission as well as the approved drawing numbers. In addition, due to the risk of land contamination, conditions are necessary to ensure suitable remediation and the reporting of unexpected contamination.
15. Conditions 5 and 6 are necessary in the interests of sustainable construction, however, I have made some minor alterations to the specific requirements for the photovoltaic panels. Finally, conditions 7 and 8 are necessary to ensure suitable refuse and cycle storage would be provided for future occupants.

Conclusion

16. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development shall conform in all aspects with the following plans and details: 001 Revision C; 002 Revision B; 004 Revision D; and 005 Revision D.
- 3) No occupation of the development shall take place until the approved remediation scheme to install 400mm of clean imported soils in areas of soft landscaping has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of this work, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by the Local Planning Authority.
- 4) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

- 5) Prior to their installation, details relating to the photovoltaic panels (including the exact location, dimensions, design/technical specification and method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed and operational prior to the first occupation of the use which they serve and retained as operational thereafter.
- 6) The development permitted by this planning permission shall be carried out in complete accordance with the Sustainability Assessment, prepared by M Sustainability, dated 30 November 2018, unless otherwise agreed in writing by the Local Planning Authority.
- 7) No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
- 8) No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.