
Appeal Decision

Site visit made on 26 November 2019 by Scott Britnell MSc FdA

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/Z0116/W/19/3235224

Easting (x) 362241 Northing (y) 173566 – Land to the rear of 324 Church Road and of Flats 1-3, 2 Beaconsfield Road, St George, Bristol BS5 8AJ

- 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 John Barr against the decision of Bristol City Council.
 - The application Ref 19/01604/F, dated 28 March 2019, was refused by notice dated 22 July 2019.
 - The development is proposed residential unit.
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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. The application form refers to the location of the appeal site with reference to the easting and northing co-ordinates. The appeal form provides the address as land to the rear of 324 Church Road and of Flats 1-3, 2 Beaconsfield Road, St George, Bristol, which is how the Council describe it. For the avoidance of doubt, I have included both descriptions within the banner header above.
4. The Council's decision notice lists drawing 18095_P1. However, both parties agree that this is an error and that the Council had received and considered drawing 18095_P1 A. Therefore, I have assessed the appeal on that basis.
5. The Council's second refusal reason consists of two parts. Firstly, that inadequate living conditions would be afforded to the occupants of the appeal proposal with particular regard to daylight and overshadowing. The second part of the reason states that the proposal would create 'an overbearing sense of enclosure to the adjoining site (subject to extant consent 18/04018/F)....' (my emphasis). While appearing to relate to the effect of the appeal proposal on the living conditions for the intended future occupants of the adjacent development, the Officer's report refers to the effect of that development on the occupants of the appeal proposal. In the absence of any evidence from the Council to the contrary, I have assessed the appeal on this basis.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area and the living conditions for the intended future occupants of the new dwelling, with particular regard to outlook, light and privacy¹.

Reasons for the Recommendation

7. The appeal site comprises an 'L' shaped parcel of land to the rear of No 324 Church Road and No 2 Beaconsfield Road. Vehicular access would be provided along an existing access lane. The proposal is for the erection of a two-storey, two bedroom detached dwelling house. The parties refer to an extant planning permission for the redevelopment of a former car sales site to the north and west, which would provide a three storey building containing nine flats. That permission was subject to revisions approved by the Council on 25 November 2019². Given that the proposal has been through two iterations with the Council, I consider that it has a reasonable prospect of being implemented.

Character and appearance

8. Beaconsfield Road and Church Road comprise a mix of residential and commercial premises. In terms of the dwellings in the area these are primarily 2 storeys in height, of varying design and materials. In this regard the new 2 storey dwelling would not appear out of context.
9. A defining characteristic of the area is the way that the dwellings face towards the road. They are largely set behind small front gardens in Beaconsfield Road, with those in Church Road, largely abutting the pavement. The new dwelling would be located to the rear of the flats at No 2 Beaconsfield Road and set back from Church Road. Although it would be accessed by a lane in between Nos 2 and 4 Beaconsfield Road, the new dwelling would have no street presence and would not be legible from surrounding roads. Given its tight relationship to surrounding properties and the scale and height of those buildings, including the adjacent development subject to the extant planning permission, but not yet built, the proposal would appear as a cramped form of development, hemmed in and visually overwhelmed by its surroundings. Consequently, it would appear as a poorly sited and incongruous feature that would cause harm to the character and appearance of the area.
10. I have been referred to the dwellings that front onto Coach House Lane, and the appellant has provided a copy of the Council's report relating to one of these³. I consider that the context of these dwellings is wholly separate and distinguishable from the appeal proposal, notwithstanding their proximity to the appeal site. They are located at the end of long rear gardens to existing dwellings and relate well to surrounding development in terms of scale and separation. Moreover, there is a coherency to the siting of these dwellings, creating a regular and uniform appearance that reflects the grain and pattern of development in the area, which the proposal would not achieve. As such, I do not consider that the presence of these dwellings reflects the appeal proposal or justifies the unacceptable development proposed.

¹ Although not raised in the Council's decision notice, concern was raised in the Officer report in this regard

² 19/02978/X – 318 – 322 Church Road, St George, Bristol, BS5 8AJ – Application to vary to condition No.12 (List of Approved Plans) attached to planning permission 18/04018/F – To reduce the size of the proposed building.

³ 18/04146/F – Land to the Rear of 342 Church Road, St George, Bristol, BS5 8AJ

11. I conclude that the siting of the proposal would appear as an incongruous form of development and would fail to relate well to its surroundings or respect the prevailing grain and pattern of development of the area, resulting in harm to its character and appearance. There would be conflict with Policies BCS21 of the Bristol Development Framework Core Strategy (June 2011) (BCS) and Policies DM26 and DM27 of the Bristol Local Plan Site Allocations and Development Management Policies Local Plan (July 2014) (SADMP). Collectively, these seek, among other things, to ensure that development contributes positively to an area's character and identity, by creating or reinforcing local distinctiveness; that it respects, builds upon or restores the local pattern and grain of development and that proposals should not prejudice the potential for the area to achieve a coherent, interconnected and integrated built form.
12. The Council also refer to Policy DM30 of the SADMP. The introduction to this policy makes it clear that it deals specifically with extensions and alterations to existing buildings and so is not relevant to the proposal before me.

Living conditions

13. The proposed development for the adjacent site to the north would have a three storey built form across almost the entirety of its width, extending south to the west of the appeal site. The appellant indicates⁴ that under the recent revisions the size of the building would be reduced and moved away from the boundary with the appeal site. However, it is evident from the drawings submitted that there would be a substantial building within close proximity to the appeal site and the proposed dwelling.
14. The outlook from the rear rooms and courtyard space of the proposed dwelling would be of this large building. This close relationship would be likely to result in a significant enclosing effect of the rear of the new dwelling. The appellant suggests that the kitchen window on the north elevation could be removed or obscure glazed, and that the bedroom and bathroom windows could be obscure glazed, thereby preventing any overbearing effects. However, such measures would be unlikely to address the identified harm or provide acceptable living conditions to the intended future occupiers and is not what is being proposed on the submitted drawings in any case.
15. The northerly aspect of the rear elevation of the new dwelling would result in low levels of sunlight reaching this area and given the relationship to the proposed building to the rear, levels of natural light would also be likely to be low. However, the open plan layout of the ground floor would allow light from the front window to reach the kitchen area making this space light and airy to use. The provision of a roof light to serve the bedroom would ensure that this room would be satisfactorily lit by natural light also. Having regard to these matters satisfactory internal living conditions would be provided to the future occupants.
16. However, the rear courtyard area would be in shadow for much of the day. It would be a gloomy area to sit out in. The front garden area would have a southerly aspect and would be a more pleasant space for the intended future occupiers to use. However, this area would not be private because of the windows in the rear elevation of No 2 Beaconsfield Road from where

⁴ E-mail from Oliver Marigold of Tetlow King 25 November 2019.

neighbouring occupiers would have direct views into this garden area. As a consequence, I find that acceptable outdoor living space where children could play and occupiers could sit out in privacy, would not be provided for this family sized dwelling. A poor standard of living conditions would be provided. While the new occupants would have access to the nearby St George's Park, this does not overcome the harm I have identified. The proposal is not directly comparable to that proposed on the adjacent site, and the Council's acceptance of this scheme does not justify harmful development on the appeal site.

17. For the above reasons, I conclude that the proposal would not provide adequate living conditions for the intended future occupants of the new dwelling. There would be conflict with Policy BCS21 of the BCS, which seeks, among other things, to ensure that development creates a high-quality environment for future occupiers.
18. The Council also refer to Policy DM30 of the SADMP and Supplementary Planning Document 2, A Guide for Designing House Alterations and Extensions (October 2005), which I do not consider relevant to the consideration of this appeal, as they relate specifically to the extension and alteration of existing buildings.

Other Matters

19. The appeal site is located close to public transport within an established residential area. Whilst these matters weigh in favour of the proposal, as does the provision of an additional unit of residential accommodation on a previously developed site, they do not outweigh the harm that I have identified or the conflict with the development plan.

Conclusion and Recommendation

20. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

21. 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