
Appeal Decision

Site visit made on 21 January 2020 by Scott Britnell MSc FdA

Decision by Sarah Housden BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/Z0116/W/19/3227746

17 Shepton Walk, Bedminster, Bristol BS3 5NU

- 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 Manuel Desousawilson against the decision of Bristol City Council.
 - The application Ref 19/00319/F, dated 21 January 2019, was refused by notice dated 23 April 2019.
 - The development proposed is conversion of double garage to a one bed dwelling house.
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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 was made by Mr Manuel Desousawilson, while the appeal form names the appellant as Mr Laurie Durston. However, Mr Manuel Desousawilson has confirmed by e-mail dated 16 October 2019 that he is the appellant and that Mr Laurie Durston was acting as his agent at the time the appeal was submitted, and that he had completed this part of the form incorrectly. I have therefore assessed the appeal on the basis that Mr Manuel Desousawilson is the appellant.
4. The description of development set out in the banner heading above has been taken from the Council's refusal notice, as a description is not included within the application form. I note that this is how the appellant has described the proposal within his appeal statement, and so I have assessed the appeal on this basis.

Main Issues

5. The main issues in this case are:
 - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular regard to outlook and daylight, and whether or not future occupiers of the proposed dwelling would have acceptable living conditions having particular regard to outlook, daylight and outdoor space; and,

- The effect of the proposal on the character and appearance of the area, having particular regard to the effect on the Shepton Walk/Honeywick Close street scene.

Reasons for the Recommendation

Living conditions

6. The proposal requires a significant increase in the height of the existing garage building by raising its eaves and ridge heights to create accommodation in the roof space. The ground floor and first floor windows at No 10 Honeywick Close (No 10), the neighbouring dwelling to the north, would be located in close proximity to the flank wall of the new dwelling. Due to the position of the proposed dwelling forward of and in close proximity to No 10, and its size, scale and height, it would appear overbearing and increase the sense of enclosure when viewed from the windows in the front elevation of No 10. It would also reduce the levels of light afforded to these windows over and above the current situation. This would be to the detriment of the living conditions that the occupiers currently enjoy.
7. The occupant of the ground floor flat at No 17 Shepton Walk (No 17) is concerned that the proposal would restrict sunlight to their rear garden. Given the presence of the two storey west facing element of No 17, this area is likely to be already overshadowed to some extent. Although the proposal would increase the height of the appeal building, given this context and the orientation of the appeal site, I do not consider that there would be a significant decline in the amount of sunlight/natural daylight that would reach the rear garden of No 17.
8. Given the orientation of the appeal site and its relationship with No 19 Shepton Walk (No 19), any loss of light to that property, over and above the current situation, is likely to be restricted to early evening and affect only the bottom end of the rear garden. That area is already likely to suffer a degree of overshadowing from the appeal building. As such, I do not consider that this would result in a significant adverse effect on the occupier's living conditions. Further, the only fenestration on the south elevation is a ground floor door and roof light and a single roof light on the north elevation. Consequently, the proposal would not result in a loss of privacy affecting the occupants of No 19.
9. The proposed dwelling would provide a single aspect to the living and dining areas, as well as the bedroom. The outlook afforded to future occupants would therefore be significantly restricted, as would the levels of daylight to the ground floor, which would be the principal living space. Externally, a small, restricted rear garden would be provided. The front garden would also be small and would contain both bin and cycle stores. Consequently, the proposal would not provide adequate outdoor amenity space for future occupants to enjoy.
10. In reaching this conclusion, I note that the appellant indicates that the proposal would meet the Council's required space standards for a one bedroom dwelling, which is not disputed. However, the living conditions that would be afforded to future occupants would be unacceptable for the reasons given above.
11. In conclusion, the proposal would result in unacceptable effects on the living conditions for the occupants of No 10 and would also fail to provide adequate

living conditions for future occupants of the proposed dwelling. There would be conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (June 2011) (BCS) and Policy DM29 of the Bristol Local Plan Site Allocations and Development Management Policies Local Plan (July 2014) (SADM), which seek, among other things, to ensure that new development is designed to a high quality standard, and that existing and proposed development achieves appropriate levels of outlook and daylight.

Character and appearance

12. The surrounding area consists of a mix of semi-detached properties to the south, while Honeywick Close to the north is a more recent development consisting predominantly of short terraces. The existing garage building occupies a prominent and conspicuous location set forward of the neighbouring properties to the north. Within this context, due to the combination of its prominent location, height, size, scale and design the proposal would appear as an uncharacteristic and incongruous building which would be unduly prominent in the Shepton Walk/Honeywick Close street scene. It would fail to respond appropriately to the prevailing pattern and form of development in the area and would also appear cramped given its proximity to No 17 Shepton Walk.
13. In reaching this conclusion, I have considered the Dean Street/Murray Street developments referred to by the appellant. However, these are located some distance from the appeal site and are set within a different context. As such, they are not directly comparable to the circumstances of the appeal proposal and I afford them very limited weight in the determination of this appeal.
14. In conclusion, the proposal would have an unacceptable effect on the character and appearance of the Shepton Walk/Honeywick Close street scene and the wider area. There would be conflict with Policy BCS21 of the BCS and Policies DM26, DM27, DM29 and DM30 of the SADM. These seek, among other things, to ensure that development contributes positively to an area's character and identity and is designed to a high standard of quality. Where buildings are extended or altered, they will be expected to respect the siting, scale, form, proportions and the overall design and character of the host building, its curtilage and the broader street scene.
15. The Council also refers to Policies DM21 (Development of Private Gardens) and DM28 (Public Realm) of the SADM. However, the proposal would not result in the loss of a garden, so I do not consider Policy DM21 to be relevant to my assessment of the appeal. Further, Policy DM28 appears to relate specifically to proposals which affect the public realm, namely, streets, spaces and movement corridors. As such, I do not consider it to be directly relevant to this proposal.

Other Matters

16. The appellant and third party comments refer to rubbish being frequently dumped on the land to the front of the existing garage and that bringing the building back into an active use would alleviate this problem. However, this could also be achieved with the current use of the building and is essentially a maintenance matter. As such, I afford this matter limited weight in my assessment of the appeal.

17. I also note that the proposal would not provide an off-street parking space. However, given the proximity of the appeal site to local services, it would be possible to occupy the property without the need for a private motor car. The proposal would also provide cycle storage facilities, which would encourage and support alternative modes of transport. Although these matters weigh in favour of the proposal they do not outweigh the harm that I have identified.
18. I also note that the appellant suggests that no formal objections were made in respect of the application. However, the Council has provided a copy of the objection that was made and further comments were submitted at the appeal stage which I have taken into account in coming to my decision.
19. Had my findings in relation to the main issues in this case been more favourable, it would have been necessary to address other comments made by adjoining occupiers in more detail. However, as I am recommending that the appeal is dismissed and it will not affect the overall outcome, I make no further comments on these matters.

Conclusion and Recommendation

20. The proposal is unacceptable for the reasons given above, and there are no other matters that would outweigh the harm identified or justify a decision other than in accordance with the development plan. Therefore, 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.

Sarah Housden

INSPECTOR