



Appeal Decision

Site visit made on 23 March 2020 by Ben Phillips Bsc Msc

Decision by V Lucas LLB (Hons) MCD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/Z0116/W/20/3244177

Land to the rear of 26-28 Moorlands Road, Fishponds, Bristol BS16 3LF

- 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 Tim Lear against the decision of Bristol City Council.
 - The application Ref 19/01053/F, dated 1 March 2019, was refused by notice dated 4 July 2019.
 - The development proposed is the Erection of dwelling on the site of an existing double garage
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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.

Main Issues

3. The main issues in this case are the following:
 - The effect that the proposed dwelling would have on the character and appearance of the surrounding area; and
 - Whether the proposal would result in satisfactory living conditions for future occupiers, with particular regards to privacy and outlook;
 - The effect of the proposed dwelling on the living conditions of the occupants of No 26 Moorlands Road, with particular regard to outlook; and
 - Whether the proposed development provides adequate cycle parking and refuse storage and justifies the loss of two off-street parking spaces.

Reasons for Recommendation

Character and appearance

4. Moorlands Road is a quiet, suburban, residential road, in the Fishponds area of north east Bristol. This part of the road is a dead end which ends with a large public open space. Moorlands Road, like the surrounding streets, including Vera Road, is characterised by two storey semi-detached and terraced properties of varied traditional suburban design, fronting the highway with some small front

gardens and some hardstanding used for off street parking. Whilst individually the dwellings are not of a particularly high quality architecturally and there is variety in terms of materials and detailing, there is a coherent character evident.

5. The appeal site is currently a detached double garage sited to the rear of Nos 26 and 28 Moorlands Road and, it is understood, serving both. The garage is sited at the end of Vera Road and access to the new dwelling would be from this road. Whilst the proposed dwelling would not be particularly visible from Vera Road given its siting behind No 19, it would appear prominent from the park/open space to the south.
6. The dwelling would remain subservient to the taller surrounding properties and the proposed brick and tiled roof would also not look out of place in the context of the varied detailing and materials, including the brick of surrounding properties on Moorlands Road and Vera Road. However, the chalet style roof design is unlike any other dwelling in the vicinity, and the detached nature of the proposed dwelling is out of keeping with the surrounding built form, as is its siting to the rear of the established building line. As such, the dwelling would appear out of keeping and incongruous in this context.
7. In light of the foregoing I conclude that the proposed dwelling would be out of keeping with the character and appearance of the surrounding area, in conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (Adopted 2011) (CS), which advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, and Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies (Adopted 2014) (DM), which set out that development should be appropriate to the immediate context and not harm the local character, be of a high quality. These policies are consistent with paragraph 127 of the National Planning Policy Framework (the Framework).

Living conditions for future occupiers

8. Given its siting and the limited remaining rear gardens of Nos 26 and 28 Moorlands Road, the eastern side elevation and rear garden of the proposed dwelling would be in close proximity to the rear elevations of both these neighbours.
9. Whilst a suburban context such as this characterised by semi-detached and terraced dwellings where a degree of mutual overlooking is to be expected, and as this window serves a bedroom overlooking would only be occasional and during the daytime, this direct overlooking at a limited distance would lead to a lack of privacy which would make the garden/patio area and part of the living room uncomfortable and unpleasant spaces to spend time in.
10. The proposed dwelling provides a good level of internal floor space, in addition to external space, which meets the minimum standards. However, this does not outweigh the harm identified above with regards to a lack of privacy. The appellants reference an Inspectors decision at 21 Vera Road¹, however the impact described by the Inspector relates to a ground floor bedroom window set behind a 1.8m fence, and as such is not directly comparable.

¹ Appeal reference APP/Z0116/A/08/2066775.

11. In light of the foregoing, it is concluded that the proposal does not provide future occupants with satisfactory living conditions. The proposal therefore conflicts with CS Policy BCS21 and DM Policies DM29 which seek to create a high-quality environment for future occupiers that achieves an appropriate level of privacy. Moreover, there is conflict with paragraph 127 of the Framework which requires that a high standard of amenity for future users is provided.

Effect on living conditions

12. As stated above, the proposed dwelling would be located close to the rear boundary of 26 Moorlands Road. Whilst including a pitched roof that slopes away from the boundary, the dwelling would present a tall, solid mass of wall rising above the proposed rear boundary treatment which, exacerbated by the limited rear garden size of No 26, results in a significant enclosing effect upon the rear garden environment and rear rooms closest to it within No 26.
13. Whilst, given the orientation of the structures, the development would not prevent sufficient sunlight reaching the neighbouring properties, the side elevation would result in an overbearing, dominant, intrusive addition when viewed from the rear garden and rooms of No 26. The proposal would have an adverse effect upon the current outlook from the rear of this property and make the garden area and rear rooms less pleasant to use as a result.
14. The appellants point to the example at 1 Moorlands Road², which is a similar replacement of detached garage with a new dwelling. However, it appears that this replacement dwelling is less substantial in scale than that proposed under this appeal, with consequently a lesser impact on outlook. Similarly, the appellants also point to development at 28 Ambleside Avenue³, the construction of two dwellings on a corner plot. This corner plot location is not comparable with the siting of the dwelling before me, given its location next to the side elevations of the adjacent properties. Also referenced by the appellants is the city centre Wapping Wharf development. Again, this high density multi storey city centre development is not comparable in terms of its context or expectations of separation distances and outlook.
15. In any event, the granting of planning permission elsewhere does not justify harmful development such as the appeal proposal. Each planning application and appeal needs to be considered on its merits.
16. In light of the foregoing, it is also concluded that the proposal would have a harmful effect on the living conditions of the occupiers of No 26 Moorlands Road in terms of outlook. The proposal therefore conflicts with CS Policy BCS21 and DM Policies DM29 which seeks to protect living conditions and the amenity of existing development. Moreover, there is conflict with paragraph 127 of the Framework which requires that a high standard of amenity for existing and future users is provided.

Parking and refuse storage

17. Whilst it is stated by the appellants that they are not used as such, the development would result in the loss of a car parking space each for No 26 and 28 Moorlands Road. This would leave these properties with no off street

² Planning approval reference 15/00934/F

³ Planning approval reference 18/04004/F

parking spaces, however this is similar to the majority of dwellings along Moorlands Road and the surrounding streets. At the time of my visit, which it is acknowledged was not when most people would be home, there were plenty of off street parking spaces evident in the vicinity of the properties, especially given their siting at the end of a cul de sac with a turning circle and extended parking space available.

18. Accordingly, it does not appear that the road is under significant parking stress, and in the absence of evidence to demonstrate otherwise, it is unlikely that on-street car parking in the area has reached saturation, or that which does exist has resulted in highway safety issues. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This has not been demonstrated in this case.
19. The proposed site layout drawing sets out a designated and shared cycle and bin store, located to the front of the property. However, DM Policy DM32 sets out that recycling and refuse areas should be separate from cycle storage. The storage area is of sufficient scale for the requirements of the bin storage and there would be sufficient space within the appeal site to provide a separate cycle storage area, given the access to the rear garden around the side of the property and the limited cycle space required for a one bed dwelling. Appropriate details could be secured through condition.
20. As such there is no conflict with CS policies BCS10, BSC13 and BCS15 of the Bristol Core Strategy and DM policies DM23 and DM32, which amongst other requirements, seek to improve accessibility within Bristol, mitigate climate change and not give rise to unacceptable traffic conditions.

Other Matters

21. I note that the appellant considers that the proposal accords with other development plan policies for example with regards to the efficient use of land and density. I have determined the proposal on its merits and against the development plan taken as a whole and found that conflict would occur. The benefits of the addition of 1 dwelling to the local housing stock carries limited weight and this does not outweigh the harm and policy conflict identified. It is understood that further information was requested at the application stage, however this should be taken up with the Council and is not a matter for a s78 appeal.
22. These matters do not alter the conclusions that I have reached, nor does the absence of objection from nearby properties at the planning application stage.

Conclusion

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

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

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

V Lucas

INSPECTOR