
Appeal Decision

Site visit made on 25 February 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/P0119/W/19/3233770

Manor Kitchens, 3 Soundwell Road, Bristol BS16 4QG

- 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 A Harding against the decision of South Gloucestershire Council.
 - The application Ref P19/2464/F, dated 1 March 2019, was refused by notice dated 5 June 2019.
 - The development proposed is originally described as "Conversion and alteration to convert kitchen/store to form 2No. 1 bed flats".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of development has been taken from the original application form. The Council described the proposed development as "*External alterations to facilitate change of use from kitchen/store to 2 No. flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)*" on their decision notice for greater clarity. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would achieve acceptable living conditions for future occupants, having regard for outlook and noise, disturbance and odour in the surrounding area.

Reasons

4. The appeal site is a former commercial kitchen and storage building to the rear of and used in association with Manor Kitchen, which fronts Soundwell Road and has since ceased operation having been converted into residential flats. The appeal site fronts a poorly maintained rear laneway accessed from Seymour Road. The laneway is predominantly characterised by garages, refuse storage, utility boxes and the rear extent of development fronting onto the surrounding streets.
5. The appeal proposal seeks to convert the existing building into two residential flats located at the ground and first floor levels respectively. Whilst there are examples of residential development in the area I did not observe any examples which directly fronted towards and gained primary access onto the rear laneway as per the appeal proposal. The general laneway environment is

utilitarian in nature and function, and does not represent a pleasant environment from a residential perspective. Whilst the proposal would positively activate this space it would come at the expense of the living conditions of future occupants, for whom the only views at the ground floor level would comprise of an unsightly service area for development along the primary street frontages. The noise, disturbance and odour associated with such service activities along the laneway, whether infrequent or not, would further compromise the living conditions within the proposed development.

6. I note the appeal site is conveniently located close to a local centre, shopping facilities and bus routes, and that the appellant considers the appeal proposal to represent affordable housing which would positively contribute towards the local supply. However, such benefits would not outweigh the harm I have identified in this instance. The appellant further suggests that the appeal site would be too small and inaccessible for a commercial use. No substantive evidence has been provided to demonstrate that this is the case. Nevertheless, it does not follow that a residential use would be more appropriate on the appeal site, particularly as the location and accessibility of the appeal site have been suggested as beneficial attributes by the appellant.
7. Based on the information provided, I am not satisfied that the nearby planning permission referenced by the appellant¹ are comparable to the appeal proposal. Both decisions sought to establish residential flats which would be accessed from the main street frontages, with no direct access or interface towards the rear laneway at ground floor level. The appeal proposal in comparison would solely front onto the rear laneway for both access and outlook. There is no form of defensible space between the building façade and the laneway environment and as such would detrimentally compromise the living conditions experienced by future occupants within the dwelling unit. Notwithstanding the referenced decisions, I have determined the appeal based on its own merits.
8. Accordingly, the appeal proposal would result in unacceptable living conditions for future occupants, with regard for outlook and noise, disturbance and odour in the surrounding area. It conflicts with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted December 2013), Policies PSP8 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted November 2017), Technical Advice Note: Assessing Residential Amenity (adopted June 2016) and Paragraph 127 of the National Planning Policy Framework. These policies and advice note collectively seek, amongst other things, to facilitate high quality residential development which is designed and appropriately located to achieve an acceptable standard of living conditions for future occupants.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR

¹ LPA Ref: PK18/0346/PNOR and PK16/6935/F