
Appeal Decision

Site visit made on 21 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/Z0116/W/19/3239812

16 Hadrian Close, Sea Mills, Bristol BS9 1DZ

- 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 Ms Lesley Emery against the decision of Bristol City Council.
 - The application Ref 19/01844/F, dated 15 April 2019, was refused by notice dated 23 July 2019.
 - The development proposed is demolish the existing building (Use Class C3) and build a two-storey detached residential dwelling (Use Class C3) with secure bicycle store (Self Build).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including the Sea Mills Conservation Area;
 - the living conditions of neighbouring occupiers at No.15, with particular regard to outlook;
 - Trees within the site.

Reasons

Character and appearance

3. The appeal site is an approximately triangular plot of land located within Hadrian Close in the Sea Mills area of Bristol. The site currently has a 2 bedroom single-storey post war prefabricated concrete dwelling which has a flat roof. The site has pedestrian access only, and this is taken via a pedestrian footpath which is adjacent to No.15 Hadrian Close. The boundary of the site with No.15 has a number of tall Leylandii running along the boundary.
4. The appeal proposal is for the demolition of the existing bungalow, to be replaced with a two storey dwelling. This dwelling would be larger than the existing dwelling on site in both scale, footprint and height. The proposal would include a small balcony and would be finished in red brick, and would include timber cladding to the first floor.

5. The immediate area around the appeal site is characterised with dwellings that comprise of single storey pre-fabricated concrete bungalows. As such, the proposal with its second storey would not be in keeping with the surrounding scale of development, most notably from its increased height. The scale and mass of the proposal would be highly visible from a number of public view points, including the A4 Portway and neighbouring properties. The proposal would therefore appear as an incongruous addition to the area, and would not be in keeping with its character and appearance.
6. The appeal site is within the Sea Mills Conservation Area (CA). The Sea Mills Conservation Area Character Appraisal shows that the site is located within the Trym Valley and River Avon Character area. This identifies the character of the area as being verdant and open, which is largely undeveloped apart from a pocket of low-density, low-rise housing at the southernmost point on the periphery of the CA. The significance of the CA is derived from the Garden Suburb of Sea Mills, which is an intact example of Ebenezer Howard and Raymond Unwin's model of a planning detached Garden Suburb, and is described as being Bristol's finest example of planned post WW1 municipal housing.
7. The Trym Valley and River Avon Character area are shown to be important to the CA as it provides a green buffer to the Garden Suburb. Furthermore, the Character Appraisal states that far-reaching views beyond the CA's boundaries play an important part in defining its special interest. The low-density, low-rise dwellings around its periphery and to the south of the Portway allow far-reaching views into and out the CA. Preserving the setting and views out from, as well as view in the CA is vital in protecting its character and significance. It further identifies that two of the threats to this part of the CA are loss of views from developments that would disturb the setting of the CA, and unsympathetic development of Hadrian Close.
8. As the appeal site lies within the CA, I have a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act) to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Annex 2: Glossary of the Framework confirms that CA's are included within the definition of a designated heritage asset.
9. The introduction of a two-storey dwelling in this location would not be in keeping with the surrounding scale of development and harms the character and appearance of the area. I find that the proposal would constitute unsympathetic development, and the visibility of the proposal with its increased height would interrupt views out from and into the CA. As such, I find that the proposal neither conserves or enhance the character or appearance of the CA. It is considered that given the scale of the development this will cause less than substantial harm to a designated heritage asset.
10. Paragraph 196 of the Framework states that where the development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals. Turning to these public benefits, the scheme would be a self-build

dwelling which I recognise as a benefit of the proposal. I also recognise that the proposal presents an opportunity to replace an existing somewhat dilapidated dwelling with a new modern dwelling. However, these suggested benefits would not outweigh the harm I have identified to the CA above.

11. The appellant has drawn my attention to 32 Hadrian Close, which has recently been developed to provide two new dwellings¹. Whilst I have not been provided with the full details of that scheme, during my site visit I observed that whilst these properties have a second storey, the buildings scale and form sits well with the surrounding single storey bungalows. Furthermore, the site is not located on the periphery of the CA like the appeal proposal and therefore the visual impacts differ. As such it is not directly comparable to the appeal proposal. In any event, each application and appeal should be determined on its own merits which is what I have done.
12. Consequently, I find that the proposal would harm the character and appearance of the area, and fails to conserve or enhance the character or appearance of the CA. It therefore conflicts with Core Strategy 2011 (CS) policies BCS21, and with Site Allocations and Development Management Policies 2014 (DMP) DM21, DM26, DM27 and DM29. Together these policies seek, amongst other things, that development is of a high-quality design which contributes positively to an area's character. I also find conflict with CS policy BCS22 and DMP policy DM31, and the Sea Mills Conservation Area Character Appraisal 2011. Together these seek, amongst other things, that development preserves or enhances heritage assets. It would also not accord with the Framework, in particular, concerning the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of paragraphs 195 to 196 of the Framework, less than substantial harm would arise to the CA, as a designated heritage asset.

Living Conditions

13. The current dwelling on the appeal site is located approximately 5.5metres from the boundary with the neighbouring property of 15 Hadrian Close. The appeal proposal would be of a much larger scale than the existing dwelling on the site. Furthermore, the positioning of the proposed dwelling would bring it much closer to the boundary with No.15, and reduces the gap between the two buildings to approximately 3.5 metres. Currently the dwellings are slightly staggered, with No.15 sitting slightly forward of the existing dwelling. The two storey element of the appeal proposal would run parallel to the boundary of the two properties, and as such introduces considerable built form where there is currently none. Given the increased height and position of the proposal, it would appear as a dominating overbearing feature for these neighbouring occupiers and harm their living conditions in respect of outlook.
14. It was apparent during my site visit that along the boundary with No.15 there is a large stand of Leylandii, which are of a considerable height. I appreciate that currently these are likely to cause some harm to the living conditions of the neighbouring occupiers through a feeling of overbearing and overshadowing from this vegetation. The proposal necessitates the removal of several of these trees, and the appellant contends that this would result in betterment for the neighbouring occupiers. Whilst I do not disagree that the removal of this vegetation could improve the outlook for occupiers of No.15,

¹ Council reference 17/01794/F

replacing the trees with a two storey dwelling in close proximity to the boundary would largely negate any benefit of their removal. I note that the appellant has indicated that the occupiers at No.15 are supportive of the proposals. I have been provided with no cogent evidence of this, which limits the weight I can give this assertion.

15. Accordingly, I find that the proposal would harm the living conditions of neighbouring occupiers at No.15 with particular regard to outlook. This is in conflict with CS policy BCS21 and DMP policies DM26, DM27 and DM29. Together these policies seek, amongst other things, that development is of a high quality design which achieves appropriate levels of outlook for both existing and proposed development. It would also not accord with the Framework, in particular, achieving well-designed places that have a high standard of amenity for existing and future users.

Trees

16. Policy BCS9 of the CS states that development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site. The appeal proposal would necessitate the removal of several of the existing high Leylandii trees on site. The appellant has indicated that where required the boundary would be replanted with new evergreen hedgerows which would be maintained at a height of 2 metres. Whilst a tree survey has been provided which identifies the location of trees on site, no arboricultural report has been submitted which considers the impact of the development on the trees on site. The appellant has stated that the production of an arboricultural report could be secured via a pre-commencement planning condition. I do not agree since the contents of this report would have an effect on the acceptability or not of the principle of the development. As such it would not be appropriate to be secured by a planning condition.
17. In any event, notwithstanding the absence of this report, it was apparent from my site visit that the existing trees on site are highly visible and provide a positive contribution to the character of the locality. Whilst the appellant contends that the trees in question were initially planted as a hedgerow which has grown unkempt and unmanaged, in reaching maturity they provide an important contribution to the green infrastructure of the locality. In my view the proposed replacement hedging would not provide a suitable replacement for these trees and would therefore impact the green infrastructure of the locality. Policy BCS9 is clear that if the provision of green infrastructure of an appropriate type standard or size is not possible than off-site contributions will be required. No such contribution has been provided by the appellant.
18. Consequently, I find that the proposal would harm the trees on site and fails to provide the appropriate green infrastructure. Accordingly, I find conflict with CS policies BCS9, BCS11 and BCS21, and DMP policies DM15, DM17, DM26, DM27 and DM29. Together these policies seek, amongst other things, that development incorporates green infrastructure, and where tree loss is essential appropriate that replacement trees are provided. It would also not accord with the Framework, in particular, its aims to conserve and enhance the natural environment.

Conclusions

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

S Shapland

INSPECTOR