



Appeal Decision

Site visit made on 28 May 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2020

Appeal Ref: APP/P0119/W/20/3247365

1A Christchurch Avenue, Downend, Bristol, South Gloucestershire BS16 5TG

- 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 Dale Freeman against the decision of South Gloucestershire Council.
 - The application Ref P19/7450/F, dated 19 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the conversion of existing dwelling to form 2no. flats, construction of dwelling and demolition of double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing dwelling to form 2no. flats, construction of dwelling and demolition of double garage, at 1A Christchurch Avenue, Downend, Bristol, South Gloucestershire BS16 5TG in accordance with the terms of the application, Ref P19/7450/F, dated 19 June 2019, and the plans submitted with it, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) the effect of the development on the living conditions of existing neighbouring occupiers with regards outlook and daylight; and
 - (c) whether the development would provide acceptable living conditions for future occupiers with regards adequacy of outdoor amenity space;

Reasons

Character and Appearance

3. The site is located on the corner of Christchurch Lane and Christchurch Avenue. The surrounding area comprises a dense residential street comprising dwellings that vary in design, scale and layout. There is no clearly defined and consistent appearance that would otherwise guide new development. The density of the area leads to a close relationship between dwellings and a very narrow street scene, creating an intimate character.

4. The appeal property forms an end of terrace with the Vicarage Cottages but is of distinctly contrasting appearance, constructed using different proportions and materials. Furthermore, unlike the cottages, its garden has already been eroded by extensions, an outbuilding and garages and it has a closer physical relationship and character with Christchurch Avenue.
5. The development would introduce a new dwelling within the garden area fronting onto Christchurch Avenue. However, because its elongated nature has already been eroded by existing development, this proposal would not introduce such a harmful change to the existing character. The siting of the new dwelling, although close to the boundaries of adjacent properties, would reflect the dense and intimate nature of the area. This intimate nature, by implication, means the new dwelling would not be able to be divorced or remote from other properties within the street scene. As such it reinforces the area's character.
6. Demolishing parts of the appeal property and garages to the south means the new dwelling could be delivered without negatively affecting the existing proportions of the rear garden area. Consequently, this would help to preserve the existing amount of garden space free from development, and associated levels of relief and openness.
7. The development would also convert an existing dwelling into two flats. The communal garden areas and private parking spaces for these are located at the southern extent of the site away from the living areas of occupiers, but this is considered to be an efficient layout for what is a linear parcel of land which would still read as being contiguous with the development.
8. Overall, the development would not harm the character and appearance of the area and accords with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 (SGLP:CS), Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (SGLP:PSP). Amongst other things, these policies seek to secure high quality design and protect the layout of residential curtilage and local distinctiveness.

Living conditions of existing occupiers

9. The garden areas of dwellings create openness in an otherwise dense and built up location. Even with the introduction of a new dwelling, because of the demolition occurring in tandem, the amount of built form relative to garden area remains similar and openness is therefore preserved. Consequently, although the layout is different, it would not be overbearing on the outlook from, or limit the amount of daylight enjoyed within, the garden areas of Vicarage Cottages or the habitable rooms and frontage of dwellings opposite, along Christchurch Avenue.
10. The appellant's submission has also shown how demolition to the rear of the appeal property not only preserves the current situation, but also reduces overbearing effects and improves the outlook and amount of daylight at adjacent properties, and at no. 6 Vicarage Cottages in particular.
11. Whilst I note that other concerns relating to privacy have been raised, the site is located in a densely populated residential area. As such a degree of overlooking, including the perception of it, is to be reasonably expected. The scale of development, nor its layout, would be harmful in this context.

12. Overall, the development would not harm the outlook or daylight of occupiers neighbouring the site. It would therefore accord with Policies PSP8 and PSP38 of the SGLP:PSP, which among other things seek to preserve the amenities of neighbouring occupiers.

Living conditions of future occupiers

13. The shortfall in private garden space for the new dwelling would be limited, but it is still easily accessible from adjacent living areas. Whilst its configuration is designed in the context of a dense and intimate character, and therefore is relatively compact, it does not deviate from guidance on space standards to the extent that it would be unacceptable. Consequently, it is suitable to meet the needs of future occupiers within this urban area.
14. Multi storey flats by their nature do not always offer occupiers immediate access to communal external amenity garden areas, which are typically located on ground floors adjacent. Therefore, it is normal and reasonable for occupiers to journey beyond their flat in order to access external amenity spaces. In this case, given the density and layout of the built up environment, the distance future occupiers would need to travel is negligible. Moreover, it would be no further than distance travelled by occupiers of the Vicarage Cottages when using the full extent of their rear garden areas.
15. There is no evidence substantiating that the area is particularly at risk of crime, or that security would be a concern. The intimate nature of the area generates high natural surveillance, with dwellings opposite the communal garden space and store. Consequently, although these areas are not immediately adjacent to the flats that they serve, there is sufficient natural surveillance to ensure such a layout would not generate security concerns.
16. Overall, the development would provide adequate outdoor amenity space to provide acceptable living conditions for future occupiers. It would comply with Policies PSP38 and PSP43 of the SGLP:PSP, which amongst other things, seeks to secure adequate provision of amenity space for occupiers, ensuring it is safe and accessible.

Other Matters

17. Several other matters have been raised by parties and these are dealt with in turn below. They include parking provision and highway safety, noise from additional occupants, structural safety of garages and disturbance from construction activities.
18. The level of parking offered by the development meets adopted standards, providing one space per bedroom and the Council's highways department has not raised any issues with providing additional dwellings in this context. The size of spaces is also deemed appropriate to facilitate safe ingress and egress.
19. The limited scale of the proposal would only introduce a limited number of additional occupants. Consequently, it would be unlikely to produce noise generating activities that are different to those typical of the residential area, or of the scale that would harm the living conditions of existing occupiers.
20. Concerns have been raised about the structural safety of the retained garage. These matters are not covered under planning legislation, but separately under different legislation.

21. Comments regarding financial gain do not relate to the planning merits of the case. As such both of these matters are outside the scope of this appeal. The limited scale of the proposal is such that disturbance from construction would also be limited, and temporary in nature. Construction activities could be sufficiently controlled through the use of planning conditions, thereby safeguarding the living conditions of surrounding occupiers. Areas for the storage of refuse are indicated on the submitted plans and sufficient for keeping adjacent footways clear for pedestrian use, preserving highway safety.

Conditions

22. The Council suggested 7 conditions, and these have been considered in relation to the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG). Some of the conditions have been amended in the interests of precision. As such, the main parties have been given the opportunity to comment on the draft conditions. I have attached 7 conditions set out in the accompanying Schedule, all of which are deemed necessary to make the development acceptable in planning terms.
23. The standard conditions setting out the time limit for implementation, and compliance with the approved plans are necessary to provide certainty. The site is in a dense residential area with neighbouring occupiers in close proximity, where space for construction vehicles is limited and there is potential for conflict. Consequently, conditions managing construction are necessary to ensure activities, such as materials storage and vehicle parking, are conducted safely and that unacceptable effects on the living conditions of neighbouring occupiers, such as noise and disturbance, are mitigated. To protect the character and appearance of the area it is necessary to impose conditions requiring approval of the materials and landscaping features to be implemented as part of the development. There are existing on street parking stresses in the area and managing access, including securing off street parking provision at the development in perpetuity, is necessary to avoid additional on street parking stresses and the deterioration of highway safety.
24. The PPG is clear that pre-commencement conditions should only be used where clearly justified, likely meaning requirements of the condition are fundamental to the development permitted and it would otherwise be necessary to refuse permission. In this case I find that the condition relating to construction is necessary because of the dense residential area and limited space for vehicles, which could generate conflicts unless carefully planned before commencement. The condition relating to landscaping features is necessary because existing trees and hedgerows could be damaged during demolition preventing their retention. The procedural requirements set out in Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended) have been followed and the appellant provided a substantive response, confirming that they were happy with the pre-commencement conditions suggested.

Conclusion

25. For the reasons given, the appeal is allowed, and planning permission is granted subject to conditions in the attached Schedule.

Liam Page

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - a) Location Plan
Received 20 June 2019
 - b) Existing Block Plan Drawing No. 01
Received 20 June 2019
 - c) Existing Site Plan Drawing No. 02
Received 20 June 2019
 - d) Existing Floor Plans Drawing No. 03
Received 20 June 2019
 - e) Existing Elevations Drawing No. 04
Received 20 June 2019
 - f) Block Plan Proposed Drawing No. 101 Rev A
Received 19 August 2019
 - g) Site Plan Proposed Drawing No. 102 Rev B
Received 19 August 2019
 - h) Proposed Flats Floor Plans Drawing No. 103
Received 20 June 2019
 - i) Proposed House Floor Plans Drawing No. 104 Rev A
Received 5 July 2019
 - j) Elevations Proposed Flats Drawing No. 105
Received 20 June 2019
 - k) Proposed House Elevations Drawing No. 106
Received 20 June 2019
 - l) Elevations Proposed Drawing No. 107 Rev A
Received 19 August 2019
 - m) Proposed Elevations Massing Analysis Drawing No. 108
Received 20 June 2019
 - n) Proposed Massing Analysis Plan Drawing No. 109 Rev A
Received 20 June 2019
- 3) Prior to the commencement of development, including demolition, a site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be carried out in accordance with the approved CEMP. The CEMP shall address the following matters:
 - a) Measures to control the tracking of mud off-site from vehicles;

- b) Measures to control dust from the demolition and construction works approved;
 - c) Arrangements for the delivery and storage of materials;
 - d) Arrangements for contractor parking;
 - e) Temporary access arrangements for construction traffic;
 - f) Details of the Main Contractor including membership of Considerate Constructors scheme;
 - g) Site Manager contact details; and
 - h) Details of the processes for keeping local residents and businesses informed of works being carried out and dealing with complaints.
- 4) The hours of working on site during the period of demolition and construction shall be restricted to 0730hrs to 1800hrs Monday to Friday; and 0800hrs to 1300hrs Saturdays with no working on site shall take place on Sundays or Bank Holidays. The term 'working' includes the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of the site.
- 5) Prior to the commencement of development details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard-surfacing shall be submitted to the local planning authority for approval. Development shall be carried out in accordance with the agreed details.
- 6) No building operations hereby approved, except for demolition, shall be undertaken until details and samples of the roofing and external facing materials proposed are submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 7) The development hereby approved shall not be occupied until the access and car parking have been completed in accordance with the approved plans and retained thereafter for the lifetime of the development for that purpose.

End of Schedule