



Appeal Decision

Site visit made on 22 June 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal Ref: APP/Z0116/W/20/3251236

57 Niblett's Hill, St George, Bristol BS5 8TP

- 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 David Iles against the decision of Bristol City Council.
 - The application Ref 19/04042/F, dated 16 August 2019, was refused by notice dated 20 December 2019.
 - The development proposed is described as the replacement of the existing side extension and detached garage to 57 Niblett's Hill with 2 new dwelling houses. The proposals include the associated internal alterations to the existing dwelling (57 Niblett's Hill), site access and landscaping.
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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 Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons for Recommendation

Character and Appearance

4. The appeal property is sited on the corner of Niblett's Hill and Nevalan Drive. Niblett's Hill is a pleasant quiet residential road rising from the riverside to the west, characterised by a substantial variation in dwelling types, with large detached properties, semi-detached units and terraces evident. Given the rising topography of the area, the appeal property, a semi-detached unit, is set above the road level, as is characteristic of the dwellings on this side of the road in the vicinity of the appeal site.
5. The road has an open aspect due to the set back of the building line, which provides small front gardens and off-road parking and largely open corner plots such as the appeal site. The properties in Nevalan Drive, have a relatively consistent set back building line also.
6. The development of the side garden of the host property as proposed would significantly erode the open appearance of the appeal site. Whilst the dwelling

adjoining the host property would broadly reflect nearby development in terms of its layout and relationship to the highway, the new dwelling closest to the corner of the roads would not. It would be sited close to the back edge of the pavement on Nevalan Drive and would appear as a prominent, incongruous addition in the streetscene which, taken with its relationship to the retaining wall opposite would significantly detract from the open entrance into this street. The retention of the existing planting and even supplementing this with additional planting would not obscure or mitigate this incongruous built form when viewed from next to the junction and particularly when approaching from Nevalan Drive.

7. The appellant points to examples of similar developments in the vicinity as precedents. Firstly, with regards to the approval at 53 Niblett's Hill¹, this site is next to Gunter's Hill, which appears to be a narrow access lane characterised by garaging rather than a residential street. As such, the context of the junction and subsequent visual impact is not considered comparable in this instance.
8. The second example is at No 50² or 50a Niblett's Hill where a new dwelling has been recently constructed on the junction with Dundridge Gardens. This dwelling does extend up to the highway in a similar fashion to the proposed development, however in this case some element of openness is retained by the substantial set back of the dwellings opposite. There are also other examples of dwellings forward of the Dundridge Gardens building line in the locality.
9. The third example given is a development at 56 St Aidan's Road³. It does not appear that this junction is or was characterised by openness, and the substantial separation distance between the dwellings fronting St Aidan's Road and those on Avalon Road minimises the impact of the development on the Avalon Road building line and character.
10. Notwithstanding the above, I find that both these latter two examples clearly detract from the street scene, and such I consider that such unsatisfactory developments do not provide justification for the proposal. In addition, each application and appeal must be considered on its individual merits, and this is the approach that I have taken in my consideration of this case.
11. I acknowledge that the proposal would make a contribution to the Government's objective of significantly boosting the supply of homes and that the location of the appeal site is sustainable being close to numerous facilities. I attach moderate weight to these matters. I also acknowledge that the proposal would be of a design and materials to reflect nearby development with sustainability measures incorporated, that acceptable living conditions would be provided to nearby occupiers, and that harm to highway safety would not occur. However, these matters carry neutral weight because they would be expected of any well-designed development.
12. Against these benefits is the substantial harm that the proposal would cause to the character and appearance of the area. I find therefore that the benefits of

¹ Approval ref: 17/00865/F

² Approval ref: 15/02622/F

³ Approval ref: 16/00648/F

the scheme do not individually, or cumulatively, outweigh the harmful impact identified.

13. In light of the foregoing I conclude that the proposed dwellings would be out of keeping with the character and appearance of the surrounding area, in conflict with the Policy BCS21 of the Bristol Development Framework Core Strategy 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 Local Plan 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, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are consistent with paragraph 127 of the National Planning Policy Framework. There are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
14. The Council have referenced DM Policy DM30 in the refusal reason, however as this relates to extensions and alterations to existing buildings, this is not considered relevant in this regard.

Conclusion

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR