



Appeal Decision

Site visit made on 13 July 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: 29 July 2020

Appeal Ref: APP/Z0116/W/20/3250495

11 Henleaze Park, Henleaze, Bristol BS9 4LR

- 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 and Mrs Smart and Witchel against the decision of Bristol City Council.
 - The application Ref P19/05361/F, dated 4 November 2019, was refused by notice dated 11 February 2020.
 - The development proposed is described as the demolition of existing dwelling and erection of replacement dwelling.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing dwelling and erection of replacement dwelling at 11 Henleaze Park, Henleaze, Bristol BS9 4LR in accordance with the terms of the application, Ref P19/05361/F, dated 4 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 0706/001, 0706/002, 0706/003, 0706/004.
 - 3) No development above the base course shall occur until details / samples of the materials to be used in the construction of the external surfaces of the property hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) No development above the base course shall occur until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

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 replacement dwelling on the character and appearance of the surrounding area.

Reasons for Recommendation

4. Henleaze Park is a short, pleasant and quiet residential street in the Henleaze suburb in north Bristol. The road and the streets to the rear are characterised by 1960's detached or semi-detached dormer bungalows of similar appearance, although many have been extended by the addition of further dormers or roof extensions.
5. The proposed replacement dwelling would be of a modest scale that is appropriate to its plot and retains the pattern of development within the locality. Although flat roofed dormers are a feature of the area, the pitched roof design of the dormers would reflect the design of the replacement dwelling and I note that the Council has previously found a pitched roof dormer on the front and rear of the existing property acceptable¹. Furthermore, there are visible similar pitched dormers in the vicinity, for example to the rear at No 2 Longleat Close.
6. The pitched roof side dormers would result in a roof form that is not characteristic of the area. However, they would be set back from the front elevation of the dwelling and would not be unduly prominent in the streetscene. Moreover, they would be viewed in the context of nearby residential properties, including a number of side dormer extensions, including at No 15 and No 17. Accordingly, I find that they would not be incongruous in their setting.
7. In light of the foregoing, I conclude that the proposed replacement dwelling would have no detrimental impact on the character and appearance of the area. There is therefore no conflict with Policy BCS21 of the Bristol City Council Core Strategy (2011) or Policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (DM) (2014) which collectively seek to ensure that development is not harmful and contributes positively to an area's character and identity. Moreover, there would be no conflict with the aims of the National Planning Policy Framework (the Framework) which requires at paragraph 127 that developments, amongst other matters, are sympathetic to local character. There would also be no conflict with the aims of the Henleaze 'Our Place' Character Appraisal (2016) in terms of the chalet bungalow form of the resultant dwelling which is characteristic of this part of Henleaze. Moreover, the material palette could be controlled by a suitably worded planning condition.
8. The Council also make reference to DM Policy DM30, however as this relates to extensions and alterations to existing buildings, this policy is not relevant to this proposed development.

Conditions

9. The Council has suggested the imposition of a condition relating to the start date of development, and in addition to requiring compliance with the application plans. I consider these to be appropriate in the interest of clarity. In

¹ Ref 19/02866/H

addition, I agree that a condition controlling external materials is necessary in the interest of character and appearance, however a standard condition relating to external materials is considered sufficient. The requirement for details of windows and doors is not considered necessary given the variety present in the street scene. The suggested condition requiring materials matching existing original work is also not necessary.

10. The Council also request a condition relating to Sustainable Drainage Systems (SuDS), and I consider that such a condition is necessary in the interests of residents' living conditions, to minimise flood risk and pollution and to conserve and enhance the natural environment. No sustainability statement is before me and as such a condition requiring accordance with it is not necessary.
11. Further conditions are suggested by the Council relating to full details of the PV panels, cycle and refuse storage shown on plan. These are not shown on the submitted plans and therefore, given the replacement dwelling nature of the development, conditions requiring details of these features are not considered necessary or reasonable.
12. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance (PPG) advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. The Council have not provided this clear justification and as such the suggested condition removing permitted development rights is not considered appropriate.
13. I have altered some of the Council's suggested wording so that the conditions that I recommend to be imposed meet the advice on conditions set out in the Framework and the PPG.

Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the conditions set out above.

RC Kirby

INSPECTOR