
Appeal Decision

Site visit made on 16 July 2020

by J Gibson BUEP MP

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/Z0116/W/20/3247444

Land adjacent to Kingsley House, Kingsley Road, Bristol BS6 6AF

- 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 The Elliot Group against the decision of Bristol City Council.
 - The application Ref 19/03583/F, dated 22 July 2019, was refused by notice dated 26 September 2019.
 - The development proposed is for the erection of 1 no. garage (Use Class C3) with associated landscaping works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended set of proposed plans have been submitted by the appellant as part of this appeal for consideration. The revised plans modestly reduce the overall height and width of the proposed garage, and increase the depth. The proposed width of the access gate has also been reduced. The Council have commented on the plans as part of their statement of case. I am therefore satisfied that the appeal can be determined based on the revised plans and that no interested parties would be prejudiced in doing so.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard for the Cotham and Redland Conservation Area (CA).

Reasons

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal site is located within the Cotham and Redland CA. The CA is described as a leafy residential suburb with well-defined urban streets, high quality Victorian townscape, and complimented by the spacious and verdant character of individual gardens and areas of public landscape. Collectively the high quality urban layout and spacious/verdant character are considered features which contribute towards the significance of the CA¹.

¹ Cotham and Redland Conservation Area Character Appraisal and Management Proposals (adopted September 2011)

5. The appeal site is a vacant plot of land which once formed the rear garden area for Kingsley House, an end of terrace dwelling fronting Cotham Brow. The appeal site is now used independent of Kingsley House for private residential parking, with access off Kingsley Road. The site is secured by a front boundary wall and close boarded gates, is predominantly surfaced with aggregate material over the vehicle turning and parking area and has a small pocket of landscaping remaining towards the rear of the site. Despite the vacant status of the appeal site I observed during my site visit that it still makes a positive visual contribution to the surrounding character and local distinctiveness of the area.
6. The gap preserved by the appeal site provides a positive break between the built form along Cotham Brow and Kingsley Road, which enhances their visual prominence and contribution to the CA as defined character buildings. The gap also offers a unique visual corridor across the rear gardens of the Kingsley House terrace row from Kingsley Road, which naturally draws your line of sight up towards the rear elevations of the terrace dwellings fronting Eastfield Road. The Eastfield Road terraces are elevated compared to Kingsley Road built form and present an interesting and attractive uniform design with varying colours delineating the rear elevation of each dwelling. Such glimpsing views are recognised as a positive feature that contribute to the special interest and local distinctiveness of an area. They result from the well-defined urban layout and spacious/verdant gaps which characterise the CA, and are accordingly encouraged to be protected under the Cotham and Redland CA Character Appraisal and Management Proposal (CAMP) (adopted September 2011).
7. The appeal proposal comprises of a single storey double car garage with a gable roof design and associated landscape planting. The proposed garage would occupy the predominant width of the appeal site and would be visible from the street scene above the front boundary wall and gates. Whilst it would not wholly obscure views of the terrace row along Eastfield Road, the scale of the proposed garage would unduly detract from and interrupt the views across the site by becoming the focal point for any street scene views. The introduced built form would also erode the spaciousness of the site which emphasises the historic urban layout and character of dwellings along Cotham Brow and Kingsley Road.
8. I therefore find that the proposed development would harm the character and appearance of the surrounding area, with particular regard for the Cotham and Redland CA. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) I consider the harm to the CA as a designated heritage asset to be less than substantial. Paragraph 193 of the Framework specifies that if any harm to a designated heritage asset is identified it must be attributed with great weight. Therefore, I have had regard to whether the appeal proposal would offer any public benefits which may outweigh this harm.
9. The appellant describes the appeal site as a negative feature that detracts from the CA, and contests that as the site represents previously developed land in a sustainable location that the proposed garage would accordingly represent an optimal use of the site. Whilst I note the appellant's contentions, I have clearly set out the basis for which I consider the appeal site to make a positive contribution to the CA in its current state. Furthermore, I am not convinced that the proposed garage would represent the optimum use of the site, given in its current state the appeal site could accommodate more parked cars than

with the appeal proposal and is already capable of being secured by the existing gates and wall enclosing the site. Nevertheless, I am not satisfied that this would amount to a public benefit that would outweigh the harm identified.

10. I note also that the design and materials of the proposed garage are intended to compliment the surrounding built form and that the proposed landscape planting on the appeal site would improve the verdant character of the appeal site. Whilst these are positive elements of the proposal, they would attract limited weight that would not outweigh the great weight attributed to the harm identified as per the Framework.
11. Consequently, the appeal proposal conflicts with Policies DM26, DM27 and DM31 of the Site Allocations and Development Management Policies Local Plan (adopted July 2014), the Cotham and Redland CA CAMP, and Sections 12 and 16 of the National Planning Policy Framework. Collectively these policies and guidance seek, amongst other things, to ensure development is designed to contribute positively towards local character and distinctiveness whilst conserving and enhancing heritage assets and their setting.
12. The Council refer to Policy DM23 in their reason for refusal. The policy relates to transport matters and seeks to ensure new development has safe access to the highway network. The Council state in their delegated report that they find no conflict with respect to Policy DM23. I therefore consider reference to Policy DM23 in the Council's reason for refusal to be an administrative error, and have therefore determined the appeal based on the stated policies relevant to the character and appearance and CA main issue.

Other Matters

13. The appellant has referred to a number of appeal decisions which they consider comparable to the appeal proposal and have identified some examples within the wider area of similar garage development in support of their case. Based on the information provided I am not satisfied that the identified cases and examples are directly comparable to the appeal before me, particularly given the positive characteristics of the appeal site I have previously described. Notwithstanding this, each case is considered on its own merits and particular circumstances, which I have done in determining this case.

Conclusion

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

J Gibson

INSPECTOR