



Appeal Decision

Site visit made on 14 July 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/Z0116/W/20/3249386

172 St Johns Lane, Bristol, BS3 5AR

- 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 Charlotte Hale against the decision of Bristol City Council.
 - The application Ref 19/04798/F, dated 27 September 2019, was refused by notice dated 24 February 2020.
 - The development proposed is erection of extensions at first and second floor level and the change of use from retail (A1) to 4 self-contained flats, including alterations to existing shopfront.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. During the application process the scheme was reduced from 5 to 4 flats and the Council's decision made on this basis, which is therefore reflected in the description above.
3. Building works were ongoing at the time of the site visit and largely enclosed beneath a tarpaulin shroud. For this reason, I cannot be certain that what has been built is consistent with the details of the application. For the avoidance of doubt, I therefore have based my decision on the submitted plans.
4. To overcome one of the Council's objections the appellant has provided an amended plan in relation to refuse storage, which introduces bins at the front of the house, adjacent to the adjoining property. I have considered the matter according to the principles established by the Wheatcroft¹ judgement, to which the appellant has also referred. Determining the appeal using the new information could potentially prejudice the interests of the neighbours as I have no evidence to suggest that they are aware of the revisions. In the interests of fairness, I am therefore obliged to determine the appeal on the basis of the original plans considered by the Council.

Main issues

5. The main issues are the effect of the proposal on:
 - Character and appearance of host building and surrounding area;

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- The living conditions of future occupants, with regard to provision of indoor space and privacy;
- The living conditions of neighbours, with particular regard to privacy and outlook for the occupants of 170 St Johns Lane, 9 Kensal Avenue and 1 Atlas Road;
- Whether or not the proposal is compliant with local policies regarding sustainable energy;
- Whether or not sufficient space has been provided for refuse and recycling.

Reasons

Character and appearance

6. The site is an end of terrace, bay fronted building in a prominent location at a busy road junction. Houses in the area are of mixed architectural style and age, but the host property clearly relates to the older terraces adjacent and behind, which are characterised by a pitched roof and a regular pattern of rear outriggers. The ground floor of the host building had previously been extended across the entire yard, although the outrigger remained at first-floor level in addition to a small, sloping extension housing a staircase.
7. Large extensions to the roof and first-floor would not be physically or visually subservient to the host building in height, form or proportion. This would be highly evident from both St John's Road and Atlas Road, despite the angled rear of the building. This is in conflict with the requirements of Policy DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted July 2014)(SADMP), which requires that alterations do not dominate the host building and are respectful of the street scene.
8. Policy DM30 also requires that extensions retain traditional architectural features and materials, where possible. Extension of the first-floor results in the loss of the remaining outrigger, creating inconsistency with the distinctive pattern of the terrace. The lead grey, cuboid roof extension would be incongruent with the architectural style, material and colour of the host building and surrounding terraces. The rendered front at ground floor level would not be consistent with the stone used across the rest of the terrace.
9. I consider that there is scope for contemporary design locally because the adjacent building on Atlas Road is modern in form and finish, and the wider architecture seen in the area is highly variable. I have also taken into account that the existing ground floor extension is brick built. However, the host building is clearly read as part of the terrace and the extent of loss of traditional form, particularly on the roof, is harmful to the character of the area.
10. The extensions would dominate the host building, traditional structures would be subsumed, and proposed materials would be incongruent with the host building and area. The development would therefore be in conflict with the overall aims of Policy BCS21 of the Bristol Development Framework Core Strategy (June 2011)(the CS) and Policies DM26, DM27 and DM30 of the SADMP, which together aim to ensure high quality design.

Living conditions of future occupants

11. The Council have calculated that Apartment 1 would have a footprint of 50 m² for 2 bedrooms (3 people) over 2 storeys. The appellant disputes this figure and states that it would be 62 m². Either way, Drawing 3757.PL.04 suggests that this would result in small living accommodation with an awkward layout in the main living area, within which I consider that 3 occupants would feel cramped.
12. Policy BCS18 of the CS requires that development meets the 'Technical housing standards – nationally described space standard' (2015). Both calculated footprints represent a shortfall when compared to the recommended minimum gross internal floor area of 70 m² and the proposal therefore conflicts with the requirements of policy BCS18, which aims to secure sufficient space for everyday activities.
13. Policy BCS18 requires that development provides space to enable flexibility and adaptability. Several appeals on this matter have been brought to my attention, and I concur that the nature of flats of this scale means that the degree of flexibility is naturally limited. However, in all of the appeals written since 2015, when the Council introduced a new guidance note changing standards, the development would meet, or 'largely meet', the space standard for the number of occupants proposed, and deliberations relate to flexibility beyond this. In the current case, there is already a shortfall in space in Apartment 1 for the proposed number of occupants and I do not consider that the development would represent flexible accommodation. In addition, as written, Policy BCS18 implies that flexibility is achieved if appropriate space standards are met, which in this case they are not.
14. Apartments 2, 3 and 4 would all meet the minimum space standard. I do not find any presumption against single bed-space units in the policies before me, in line with the appeals brought to my attention.
15. Apartments 2 and 3 would potentially be overlooked by flats at 1 Atlas Road. Windows at 1 Atlas Road are designed to be partly opaque on the ground floor and the window on the first floor is off set compared to Apartment 3. I therefore consider the privacy of future occupants would be adequate.
16. Apartment 1 would result in cramped accommodation and is therefore in conflict with Policies BCS18, BSC20, BSC21 of the CS and Policy DM30 of the SADMP, which together seek to create a high-quality environment for future occupiers.

Living conditions of neighbours

17. It is not in dispute that the occupants of 170 St Johns Lane would suffer from an increased sense of enclosure from the rear windows, albeit to a limited extent when allowing for the existing additional staircase structure that already reduces the outlook from the original design.
18. The rear of several properties along Kensal Avenue would potentially be overlooked by the introduction of a first-floor rear window. The window would be directly behind No 9, and the distance of a lane and garage from the small garden. It is proposed to make this window opaque, which would reduce the loss of privacy, but not entirely remove the perception of being overlooked. In addition, the extension would significantly reduce the gap at the visually

sensitive first floor level as viewed from the garden of No 9, and combined with the roof extension, the new structure would be overbearing and cause an unacceptable loss of outlook from both the house and the garden of 9 Kensal Avenue.

19. The living room window of Apartment 2 would look towards the side entrance of 1 Atlas Road, but as this is an entrance hallway rather than a habitable room, I do not consider this overly harmful. The living room window of Apartment 3 would look towards a first-floor window at 1 Atlas Road, but as the window on the host building is small and at an oblique angle, any loss of privacy would be minimal.
20. The development would cause loss of outlook at the rear of 170 St Johns Lane, and would be overbearing when viewed from neighbouring properties to the rear, in particular 9 Kensal Avenue, causing a significant loss of outlook and subsequent harm to living conditions. This is in conflict with Policy BCS21 of the CS and Policy DM30 of the SADMP, which aim to safeguard the amenity of neighbouring occupiers.

Energy strategy

21. The appellant has submitted a new Energy Strategy (March 2020), on which the Council has not made any comment. The strategy includes the required energy calculations for 4 rather than 5 units of accommodation, which I consider fulfils this aspect of the Council's reason for refusal.
22. Policy BCS14 requires that development demonstrates that heating and cooling systems have been selected according to the 'heat hierarchy'. In their appeal statement, the appellant draws attention to the 'greening of the grid' and the age of the policy, all of which are relevant. It is a requirement of the policy to provide evidence that alternative heating sources have been considered and, overall, I do not consider that the revised strategy fulfils this requirement.
23. However, in the absence of any evidence to the contrary, I have no reason to consider that the proposed approach would not be satisfactory overall, nor that outstanding issues could not be resolved by way of a condition, were I minded to allow the appeal.

Refuse storage

24. Insufficient refuse storage was provided in the original proposal. Revised plans have been submitted at the appeal stage, which, for the reasons above I am unable to accept. The original proposal, on which I am basing my decision, does not meet the requirements of Policy DM32 of the SADMP, which aims to protect the area from adverse impacts on visual appearance and general amenity, such as odours and obstruction.

Conclusions

25. There is benefit from redevelopment of a previously developed site in line with Policies BCS5 and BCS20, to which I give significant weight. The proposal would contribute to the housing mix, including smaller units in the area, which is supported by Policy BCS18, although the weight given to this is modest given that it is a small-scale development. However, these benefits are not sufficient to overcome the harm caused to the appearance of the host property and area,

and to living standards of future occupants and neighbours, the harm from both to which I attach substantial weight.

26. For the reasons above, and having regard to all other matters raised, the appeal should be dismissed.

B Davies

INSPECTOR