
Appeal Decision

Site visit made on 1 July 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/Z0116/W/20/3244375

15 Downend Road, Fishponds, Bristol BS16 5AS

- 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 P Russell against the decision of Bristol City Council.
 - The application Ref 19/03327/F, dated 2 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is erection of 3/4 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposal on the character and appearance of the area, including whether or not the proposal would preserve or enhance the character or appearance of the Stapleton and Frome Valley Conservation Area; and
- the effect of the proposal on the living conditions of neighbouring residents with particular regard to outlook and privacy; and
- whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook and privacy; and
- the effect of the proposal on highway safety.

Reasons

3. The appeal site forms part of the residential curtilage to the rear of 15 Downend Road; an end of terrace property currently in use as a House of Multiple Occupation (HMO). The appeal site sits between Downend Road and Lawn Road with an access lane from Lawn Road and is currently garden land. The area earmarked for the new dwelling has been partially separated from the host dwelling by a fence.
4. The proposal is for the demolition of the existing garage and the erection of a 3/4 bedroom dwelling with a new garage.

Character and appearance

5. No 15 Downend Road is situated within the Stapleton and Frome Valley Conservation Area (CA). I am required by Section 72 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 (The Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. Development within the area has a traditional character and appearance; though I note there are a variety of different property types. Nos 11-15 Downend Road and Nos 2-14 Lawn Road appear to be bay-fronted dwellings faced in rubble stone. Nos 16 and 18 Lawn Road, which are sited next to the proposed vehicular access, form a semi-detached pair faced in render and red brick. Plots in the area generally appear to be fairly long and narrow with tight-knit buildings and reasonably large rear garden areas.
7. The Stapleton and Frome Valley Conservation Area Map and Statement states that 'There is a danger that the large gardens and estates of historical buildings within the Conservation Area will be developed, altering the 17th and 18th Century settlement pattern' and goes on to state; 'The sub division of large garden plots is a particular problem in the area and will not normally be permitted.'
8. The proposed dwelling would involve such a sub-division. The resultant development would, consequently, have a notably different built form, whereby both dwellings would be sited within significantly smaller plots. The footprint of the proposed dwelling would occupy the majority of its plot. The garden areas of the proposed dwelling would be split into small sections around the perimeter of the plot on all sides. This garden layout would, in itself, be at odds with the prevailing pattern of development where dwellings benefit from reasonably large rear gardens.
9. The scale, proportions and layout of the proposed dwelling would, therefore, cause the proposal to appear overly large within its plot and out of keeping with other nearby dwellings.
10. The proposed materials which would be used in the construction of the proposed dwelling would be notably different to others used in the vicinity of the appeal site. However, in my view, the wider area contains a varied palette of materials and the addition of more modern, but complementary materials, would not cause harm in this respect.
11. Nevertheless, for the reasons set out above, the proposed built form would appear incongruous and would not be visually compatible with the surrounding pattern of development.
12. In addition to the requirement under section 72 of The Act, the CA is also a designated heritage asset as defined by the National Planning Policy Framework (the Framework), which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.
13. In this case due to the small scale of the proposal, the proposed development would cause less than substantial harm to the significance of the designated heritage asset. Paragraph 196 of the Framework indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal. In this case, though I note the benefits associated with the provision of a unit of family accommodation and making efficient use of land, the public benefits would be limited by the scale of the development

and would not outweigh the harm I have identified. Accordingly, I consider that the proposal would cause unacceptable harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA.

14. The proposal would, therefore, be at odds with Policy BCS21 and BCS22 of the Bristol Development Framework Core Strategy, June 2011 (CS). Amongst other things, these policies state that development proposals will safeguard heritage assets and should deliver high quality urban design and contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. The development would also conflict with Policy DM21 of the Site Allocations and Development Management Policies Local Plan, July 2014 (SADMP) which sets out that development of garden land should not result in harm to the character and appearance of the area.
15. The proposal would also fail to accord with Policy DM29 of the SADMP, which states that new buildings should be designed to a high standard of quality, and Policy DM26 of the SADMP which expects the design of development proposals to contribute towards local character and distinctiveness by, amongst other things, respecting, building upon, or restoring the local pattern and grain of development including the historical development of the area. Additionally, the scheme would fail to meet the expectations of Policy DM27 of the SADMP which identifies further that the height, scale and massing of development should be appropriate to the immediate context, site constraints and character of adjoining streets and spaces.
16. Furthermore, the proposal would fail to conform with the Framework which sets out arrangements for the protection of heritage assets, promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions at neighbouring dwellings

17. The proposed dwelling would infill an area of garden land to the rear of the host dwelling, No 15 Downend Road and to the rear of dwellings along Lawn Road which would border the site on two sides.
18. The proposed dwelling would have a fairly modest roof profile and would be sufficiently distant, and separated by intervening garden areas, from properties along Lawn Road so as not to cause an overtly harmful impact in respect of the outlook from those properties.
19. The proposed dwelling would be sited approximately 16.6m from the rear of No 6 Lawn Road and around 18.8m from No 2; thus the "rule of thumb" adopted by the Council regarding separation distances would not be met. However, the only windows in the elevation of the proposed dwelling which would look onto Nos 2 Lawn Road onwards would be two fairly small upper floor windows on the front elevation of the proposed dwelling which would serve bathrooms. These windows would not facilitate unacceptable overlooking of the Lawn Road dwellings as they would be obscure glazed with restricted opening. Such details could be secured by a suitably worded planning condition.
20. Whilst I do not consider that the proposal would be unduly harmful to the living conditions of the occupiers of properties along Lawn Road, the same cannot be said for its effect on the host dwelling at 15 Downend Road. The proposed

dwelling would be particularly close to No 15. The side elevation of the proposed dwelling would be sited approximately 12m from the main rear elevation of No 15 and around 3.7m from the existing rear extension.

21. The proposed dwelling would span a significant proportion of the boundary with No 15 at close proximity. The minimal separation distance, combined with the scale, bulk and massing of the proposed dwelling, would lead to the proposal appearing overly dominant when viewed from No 15. The proposal would appear visually overbearing and would create an oppressive sense of enclosure for the occupiers of No 15. This would be exacerbated by the fairly small area of garden space which would be allocated to No 15 following the sub-division.
22. Though the proposed dwelling would indeed appear overbearing when viewed from No 15, in my view, due to the position of the dwelling within the site, the outlook from other properties along Downend Road would not be adversely affected by the scheme.
23. Whilst the proposed dwelling would be close to No 15, only one ground floor window would look towards it. This window would be close to the existing rear projection at No 15 but would be separated from it by a 1.8m close board fence. As such the opportunities for overlooking of No 15 from the proposed dwelling are extremely limited and the scheme would not cause harm in this respect.
24. For the reasons set out above, the proposal would cause harm to the living conditions of the occupiers of No 15 Downend Road with particular regard to outlook. As such, the proposal would conflict with Policy BCS21 of the CS and Policy DM27 and DM29 of the SADMP which expect new development to safeguard the amenity of existing development and enable existing development to achieve appropriate levels of outlook.
25. There would also be a failure to conform with the Framework which states that developments should create a high standard of amenity for existing and future users.

Living conditions for future occupiers

26. The proposed dwelling would be surrounded on three sides by other dwellings, with the Church and Sunday School enclosing the plot along the remaining side. The surrounding dwellings would generally be taller than the proposed dwelling. This is particularly true of the grand, imposing Church building. The rear elevation of the proposed dwelling contains a number of key windows serving habitable rooms; these windows would directly face the Church and Sunday School with only a minimal separation distance. The proximity of these large buildings would lead to them appearing particularly overbearing when viewed from the proposed dwelling.
27. One of the proposed bedrooms would be served only by a single velux rooflight. This rooflight would not provide a satisfactory standard of outlook from this room.
28. The outlook from the proposed dwelling would, as a result, be poor and the occupiers of that property would experience a sense of enclosure to the detriment of the living conditions at the property.

29. Additionally, as set out above, the separation distances between the properties used by the Council as a rule of thumb would not be met. Whilst I have concluded that this would not facilitate overlooking of other properties from the proposed dwelling, in my view, due to the topography of the site and the nature of the other properties, they would indeed overlook the proposed dwelling. The proposed dwelling would be in the centre of properties with high level windows looking directly towards the dwelling and its garden area on every side. Consequently, the occupiers of the proposed dwelling would not have an acceptable level of privacy and would feel exposed and overlooked.
30. For these reasons, the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to outlook and privacy. Therefore, the scheme would fail to accord with Policy BCS21 of the CS and Policy DM27 and DM29 of the SADMP which expect new development to create a high-quality environment for future occupiers and enable proposed development to achieve appropriate levels of privacy and outlook. Once again, there would also be a failure to meet the standards set out within the Framework.

Highway Safety

31. The appeal site is located in an area well served by public transport and with a number of facilities within walking distance. The proposed dwelling would be served by a new attached garage and parking area accessed via a private access drive from Lawn Road. At the time of my site visit I observed a number of parked cars along Lawn Road which, combined with the nature of the road layout, ensured that vehicle speeds were relatively low. The volume of traffic also appeared reasonably low.
32. I note that the access drive would not meet the Council's stated minimum standard of 3m for a private access drive along its entire length. However, the access drive is already in use serving three garages and whilst this proposal would intensify the use of the drive, in my view, this would not be to such an extent so as to cause unacceptable harm to highway safety. I also note the potential improvements to the turning area for all users of the drive.
33. I therefore consider that the proposal would not fail to provide sufficient and safe vehicular and pedestrian access. Accordingly, the scheme would not conflict with Policy BCS10 of the CS which states that developments should be designed and located to ensure the provision of safe streets. The proposal would also comply with Policy DM23 of the SADMP which sets out that developments will be expected to provide safe and adequate access for all sections of the community.

Other Matters

34. I have noted a number of other concerns raised; including, amongst other things, the location of the proposed bin store, the potential for noise and disturbance, the potential effect on light levels at neighbouring dwellings and the removal of trees. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.

35. I acknowledge that the scheme represents a reduction in size from that previously submitted and also note the appellant's intention to create a sensitively designed building form that relates to the surrounding area, including the intentions of the design to reduce the roof profile and height. I also recognise the benefits associated with providing a unit of family accommodation in an area where demand is high.
36. I have given careful regard to all of the above considerations. However, none are sufficient to outweigh the harm I have identified or dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and would fail to provide satisfactory living conditions for neighbouring residents and future occupiers.

Conclusion

37. For the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR