



Appeal Decision

Site visit made on 30 June 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by Alex Hutson MRTPI CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/Z0116/W/20/3245117

145 Bishop Road, Bishopston, Bristol BS7 8LX

- 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 James Thoburn against the decision Bristol City Council.
 - The application Ref 19/04096/F, dated 21 August 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the erection of 1 no. two bedroom Passivhaus dwelling with associated vehicular parking, bin and cycle storage, on land to the rear of 145 Bishop Road and access from King's Drive.
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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.

Procedural matter

3. There are some discrepancies between the plans listed on the Council's Decision Notice and those submitted with the original application. However, I have had regard to all the plans as originally submitted to the Council to accompany the application and identified as such by the appellant.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, including its effect on trees.

Reasons for the Recommendation

5. The appeal site comprises the property of 145 Bishop Road, located on the corner of Bishop Road and King's Drive, its rear garden and an area of informal parking for the residents of No 145. The locality is predominantly characterised by two-storey dwellings of a similar appearance and which tend to utilise similar materials, these being red brick and pebbledash. This affords a uniform quality to the streetscene along Bishop Road and King's Drive. The rear garden of No 145 and the open nature of the area of hardstanding add a spatial quality to the streetscene along King's Drive and the locality in general. This is reflected in the large rear garden to the property which is immediately opposite the appeal site, which extends along King's Drive, notwithstanding it contains a small garage building. The neighbourhood has a verdant and leafy quality and

a mature tree on the boundary of the appeal site along King's Drive contributes positively to this.

6. The proposal seeks to introduce a two-storey dwelling onto the appeal site with associated parking. It would be sited to the rear of No 145, partly on the area of hardstanding used for parking and partly on an area of lawn, and would be accessed from King's Drive.
7. I recognise that the appellant has sought to take an innovative approach to the proposed dwelling's design and materials, taking cues from other buildings nearby, and that it would be partly sunken to reduce its overall height. I also acknowledge that the appellant has taken a number of steps in an attempt to overcome concerns relating to previous schemes on the appeal site which were refused by the Council and dismissed on appeal¹. In addition, I note the appellant's argument that the proposal would appear subordinate to No 145 and would have a scale commensurate with subservient ancillary accommodation such as a garage, a small coach house or stable.
8. Nonetheless, the proposal would be clearly recognisable as a separate dwelling and its overall height, bulk and massing, in combination with the limited spacing with the rear extension of No 145, would erode the sense of space and openness to the rear of No 145 and along this part of King's Drive. This is notwithstanding that some vegetation grows along the frontage of the appeal site. Moreover, the proposed dwelling, due to its partially sunken nature, would appear somewhat 'squat' and at odds with the levels of other dwellings along King's Drive. Accordingly, the proposal would give rise to considerable harm to the character and appearance of the area.
9. I have had regard to the numerous examples of other developments which the appellant has referred to² and acknowledge that contemporary and innovative design can, in some situations, complement an area where a more traditional character predominates. However, many of these examples do not share the same geographical context as that of the appeal site, some are extensions to existing buildings or replaced existing structures, and many were considered under a different planning policy context, whether that be in a different local authority area or, where in Bristol, prior to the adoption of its most recent planning policies. These examples are thus not helpfully comparable. In any event, each case should be considered on its own merits.
10. The tree along the frontage of the appeal site with King's Drive would be in close proximity to the proposed dwelling. I have been provided with little evidence to demonstrate that it would not be detrimentally affected by construction works. Damage to this tree, potentially resulting in its loss, would detract from the verdant and leafy quality of the locality. This would add to the harm to the character and appearance of the area which I have identified.
11. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the area, including its effect on trees. This would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011 and Policies DM15, DM17, DM21, DM26 and

¹ Appeal Refs: APP/Z0116/A/12/2169506; and APP/Z0116/A/12/2189314

² Including: 91 King's Drive, Bristol; The Old Guide Hall, Bristol; 1 Tyne Road, Bristol; 8 Springfield Grove, Bristol; 24 Kellaway Avenue Bristol; 21C Kellaway Ave, Bristol; 83 King's Drive, Bristol; 28 Tintagel Crescent, London; 3 Tavistock Road, London; 38 St Aidan's Road, London; Land to the rear of 66 East Dulwich Grove, London; and Land to the rear of 102 Agar Grove, London.

DM27 of the Bristol Site Allocations and Development Management Policies Local Plan 2014. These policies require, amongst other things, development to contribute positively to an area's character and identity, including the creation of quality urban design, and to ensure the improved management of existing trees and the integration of important existing trees within new development.

Other Matters

12. The proposal would be built to high energy efficiency standards using the Passivhaus model and would provide a high quality living environment for any future occupiers. In addition, it would contribute, albeit to a limited degree, to the Council's housing land supply. These matters would be in compliance with a number of the Council's development plan policies. However, they would not, either individually or collectively, outweigh the harm I have identified to the character and appearance of the area and thus to the conflict with the development plan overall.
13. Whilst the appellant suggests that the appeal site comprises previously developed land, the Glossary to the National Planning Policy Framework sets out that land in built-up areas, such as residential gardens, do not fall within this category.

Conclusion and Recommendation

14. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL 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 dismissed.

Alex Hutson

INSPECTOR