
Appeal Decision

Site visit made on 28 July 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/P0119/W/20/3249063

4 Bridle Way, Alveston BS35 3RF

- 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 Inwood against the decision of South Gloucestershire Council.
 - The application Ref P19/10527/F, dated 1 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed is construction of 1 new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the application form. While different to that given on the decision notice, no agreement of any change has been provided.

Main Issues

3. The proposal would be development in the Green Belt. Both main parties agree it would not be inappropriate development, being limited infilling in a village. As the site is located in a residential area with dwellings in relatively close proximity, I have no reason to reach a different finding. Therefore, the main issues of the appeal are;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook and outdoor amenity space; and
 - Whether the proposed development would provide appropriate living conditions for future occupiers of the proposed dwelling, with particular regard to daylight and outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site is in an area where there is a variety of different house types. Notwithstanding this, there is far greater consistency to the plot layouts.

Properties are predominantly set back from the road in linear plots with some garden and parking to the front and the main private outdoor space to the rear. This gives an open and spacious feel to the streetscene.

5. I appreciate the proposal has attempted to respond to the individual topography of the site and that the size of the outdoor space may exceed the minimum standards in Policy PSP43 of the LP¹. However, the proposed dwelling would be positioned close to the street with parking and much of the outdoor space to the side of the property. The layout of the site and position of the dwelling would be discordant with the pattern of development in the surrounding streets. This, along with the limited back to back separation between the proposed dwelling and 4 Bridle Way (No 4), would result in a cramped appearance incongruous with the more spacious plots in the surrounding streets.
6. The proposal would only be partially visible from Wolfridge Ride due to the frontage hedgerow where it would appear as single storey in some views. Nevertheless, there would be clear views of the full scale of the dwelling and the layout of the site from the proposed access. Similarly, from Bridle Way itself, the uncomfortable relationship with the existing pattern of development and proximity to No 4 would be obvious in views above and between existing landscaping and dwellings from the street and the nearby properties.
7. There are 2 storey and single storey properties near the site and the topography often affects their form. Varying external materials, detailing and rooflights, that would not be out of keeping with those used in the area, would break up elevations where there would be a lack of windows. Therefore, although of an individual design, different to those it would be viewed with along Wolfridge Ride, the appearance of the proposed detached dwelling itself would not be incompatible with the existing built form.
8. There has been no compelling evidence provided to dispute the findings of the Arboricultural Impact Assessment and Tree Protection Plan provided. Were the appeal to be allowed, conditions could be imposed requiring measures to protect the retained features and requiring a landscape scheme.
9. Nevertheless, the proposal would unacceptably harm the character and appearance of the area. It would conflict with Policies CS1, CS16 and CS17 of the South Gloucestershire Local Plan; Core Strategy (CS) and Policy PSP1 of the LP. These, amongst other things, seek to ensure proposals respect and do not adversely affect the character and distinctiveness of both the site and area.
10. It would also fail to accord with the National Planning Policy Framework (Framework) where it states that development should be sympathetic to local character.

Living Conditions of Occupiers of Nearby Properties

11. The proposed dwelling would have varied external materials and be positioned towards one end of the plot with its gable facing No 4. As a result, it would not occupy the whole of the outlook from the rear of the existing property. Nonetheless, the topography of the site and the close proximity of the proposed dwelling to No 4, from where the 2-storey scale of the rear elevation

¹ the South Gloucestershire Local Plan: Policies, Sites and Places Plan

- would be evident, mean it would be a dominant and oppressive presence in the outlook from the rear rooms and remaining garden of No 4.
12. Boundary treatments would reduce direct inter-visibility between the existing and proposed properties. Nonetheless, given the difference in levels, the boundary treatments themselves would be an imposing presence from within the plot of No 4 creating an uncomfortably enclosed outlook.
 13. The usability of the appeal site at present by the occupiers of No 4 would be affected by its steeply sloping nature. Notwithstanding this, at my visit I saw that the garden was terraced and that upper parts of the garden were still in use. While I acknowledge the minimum size guidance in Policy PSP43 of the LP, the proposal would considerably, and unacceptably, reduce the depth of the rear garden space of No 4. While a sizable area to the front of the dwelling would remain, this is adjacent to the street, where the parking is located, and would not have the same level of privacy or functionality as the rear garden.
 14. The proposed dwelling would appear as a large scale and relatively stark feature from 6 Bridle Way (No 6). Nonetheless, trees would partly screen views of it from within the garden and rear rooms of No 6. Moreover, the views towards the appeal building would be angled, rather than directly towards it. While the appeal building would undoubtedly be a presence in the outlook from the upper floor windows, these are set in further from the edge of the roof. This would reduce the prominence of the appeal building from within these rooms. These factors would prevent the appeal scheme from being an unacceptably dominant feature from the rear rooms and garden of No 6.
 15. However, the proposal would unacceptably harm the living conditions of the occupiers of No 4, with regard to outlook and outdoor amenity space. It would be contrary to Policies PSP8 and PSP43 of the LP. These, in part, state that developments should not have an unacceptable impact on the residential amenity of nearby properties. It would also be contrary to the Framework where it requires a high standard of amenity for existing and future users.

Living Conditions of Future Occupiers

16. The predominantly open plan upper floor and Bedroom 1 would have windows on 2 elevations, some of which are of a large size. This would allow sufficient daylight to enter these rooms. Non-habitable functional rooms at the lower level would not have any windows. However, given the nature of their use, time spent within them would be limited.
17. Nevertheless, Bedroom 2 would only have 1, far smaller window located at the lower level. I acknowledge the orientation of the window with regards to the direction of the sun and that being built into the ground limits the opportunity for windows on other elevations. Notwithstanding this, the window would be towards one end of the room, positioned close to retaining walls and steep slopes to the parking area. This would limit the light that would be able to reach the room. Consequently, from the evidence before me I cannot be confident that sufficient daylight would be able to enter this room. It would be a gloomy and unattractive space.
18. The proposal is for a reasonably sized dwelling which could be occupied by a range of people and appropriate outdoor space needs to be provided accordingly. That the overall size of the outdoor space would exceed the

guidance in Policy PSP43 of the LP has not been disputed. However, while boundary treatments enclosing outdoor areas is not uncommon, tall retaining structures and steeply sloping areas would result in these spaces being uninviting. Furthermore, being split into several smaller areas at different levels would reduce the functionality of the outdoor space. Therefore, appropriate outdoor space would not be provided for future occupiers.

19. Therefore, the proposal would fail to provide appropriate living conditions for future occupiers with regard to daylight and outdoor amenity space. It would fail to accord with Policies PSP8 and PSP43 of the LP. These, in part, state that developments should not create unacceptable living conditions on the residential amenity of occupiers of the development. It would also be contrary to the Framework where it requires a high standard of amenity for existing and future users.

Other Matters

20. There has been no detailed evidence presented to me to demonstrate that the Council lacks a 5 year supply of housing land and that the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework should be engaged.
21. Nonetheless, the proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement and different types of need. It also encourages the optimal use of sites.
22. There would be benefits to the local economy arising from the construction period and future spend of occupants giving support to local services and facilities. In addition, the accessibility of the site to these and public transport, along with the energy efficiency of the proposed dwelling, weigh in favour of the scheme. However, while any contribution is worthwhile, being for a single dwelling, I give these matters limited weight.
23. The appellant has highlighted that a building of at least the same footprint could be constructed at the site under permitted development rights. Nonetheless, there is no certificate of lawful development, little information and no specific design of such a building. Consequently, it is not clear what proposals under such development rights would entail or what effect they would have. Furthermore, while I note comments from the appellant, there is no guarantee that any potential scheme would be built were the appeal dismissed. In any event, an outbuilding would not create a separate unit with its own plot and therefore would not be directly comparable to the scheme before me. Therefore, I give this potential fallback position little weight.
24. Although the appellant has amended the scheme to seek to overcome previous refusal reasons, I have assessed the scheme before me and found it would result in harm as outlined above.
25. The Council have not included refusal reasons in relation to ground stability and contamination, size of the internal space or highway matters. As I am dismissing the appeal on other grounds, there is no need for me to consider these matters further and the absence of identified harm would be a neutral factor.

Conclusion

26. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR