
Appeal Decision

Site visit made on 28 July 2020

by **Stuart Willis BA Hons MSc PGCE MRTPI**

Decision date: 02 September 2020

Appeal Ref: APP/P0119/W/20/3249101

126 Beesmoor Road, Frampton Cotterell BS36 2JP

- 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 Yeend against the decision of South Gloucestershire Council.
 - The application Ref P19/14121/F, dated 3 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is erection of single story 2 bedroom, 3 person dwelling (C3) with parking cycle and bin storage (resubmission of application P19/4938/F).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a discrepancy between the plan references listed on the decision notice and those that the appellant has indicated were submitted to the Council. Whether drawing A104 Parking Plan was before the Council or not at the time of their decision, it was submitted at the outset of the appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place. Against this backdrop, whilst I have had regard to the principles established in Wheatcroft, no injustice would be caused to any appeal party or third party if I were to take this plan into account. I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to outlook and daylight.

Reasons

Character and Appearance

4. There is no predominant architectural style in the vicinity of the appeal site. Nonetheless, there is an overall consistency to the pattern of development along much of Beesmoor Road, including where the appeal site is located. This

is principally one of linear plots with properties fronting and addressing the road with their main outdoor space to the rear. The size and layout of the plots gives an open and spacious appearance to the streetscene. I did not see any residential properties directly to the rear of existing ones in the same row as the appeal site. In contrast, the proposed dwelling would be at odds with the prevailing pattern of development being located considerably further back from the road, to the rear of another property and close to its rear boundary.

5. While my attention has been drawn to the Bristol City Council Urban Living SPD, I have not been made aware of any specific guidance regarding the density of development in this area. The proposal would provide parking, bin and cycle storage and some outdoor space. Notwithstanding this, the proposed outdoor space and plot as a whole would be considerably smaller than the existing ones in this part of Beesmoor Road. Along with the location of the main outdoor space to the front of the dwelling and proximity of boundary treatments to the dwelling, the scheme would be incongruous with the surrounding plots and result in a cramped appearance in comparison.
6. Consequently, the position, size and layout of the appeal scheme would be discordant with the prevailing pattern of development in the area. This would erode the openness of the area and the feeling of space at the site that currently contributes positively to its character.
7. The proposal would be partly screened from the road due to landscaping and other buildings. Nonetheless, the scheme would be clearly seen from nearby properties. Moreover, the fact that a proposal can be screened is not a reason for allowing development that is inherently unacceptable.
8. While the properties along this side of Beesmoor Road are generally 2 storey, there is a mix of property styles in the area. The appeal scheme, although using a mix of materials, draws on those already present in nearby. Therefore, the appearance of the proposed dwelling itself would not be inappropriate.
9. My attention has been drawn to other properties in the area with similar sized outdoor spaces and plot sizes to the appeal scheme. Nonetheless, the development at Loveridge Court and Footes Lane are part of a group of dwellings with a consistent layout and proportions. They also generally have their main amenity space to the rear. At 24 Footes Lane¹, although the amenity space was not to the rear, the property fronts the road and is not directly behind another. Therefore, these cases are materially different to the appeal scheme.
10. The proposal would be unacceptably harmful to the character and appearance of the area. It would fail to accord with Policies CS1 and CS16 of the South Gloucestershire Local Plan Core Strategy. These, in part, seek to ensure development is of a density that is informed by, respects and enhances the character and distinctiveness of the site and its context. It would also be contrary to the National Planning Policy Framework (Framework) where it states that development should be sympathetic to local character.

Living Conditions

11. The principal bedroom would have an outlook over the largest part of the outdoor space. However, even using the appellant's figures with regard to the

¹ APP/P0119/W/16/3154354

distances to boundaries, other windows would be considerably closer to the boundary treatments.

12. The front elevation windows, while relatively large would face on, and be dominated by parking, bin and cycle stores. Nearby trees would also add to the sense of enclosure. Although orientated towards the garden, the living area windows would have limited separation to the existing and proposed boundary treatments. The outlook from these windows would be directed towards these rather than landscaping and other features beyond them. Moreover, an adjacent dwelling would heavily feature in the outlook in one direction. These factors would result in a restricted and uninviting outlook from these rooms.
13. Given the size, number and orientation of the openings and with the main living accommodation having three aspects, this would allow sufficient light to enter the proposed rooms.
14. Consequently, the proposal would fail to provide appropriate living conditions for future occupiers with regard to outlook. It would be contrary to Policy PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSP). This, in part, seeks to prevent development where they create unacceptable living conditions for 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.
15. While Policy PSP38 of the PSP is included in the reasons for refusal, it does not specifically relate to the living conditions of future occupiers but to those of neighbours. Therefore, it weighs neither for nor against the appeal scheme in relation to this issue.

Other Matters

16. 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. The proposal seeks to optimise housing provision by making efficient use of land. While any contribution is worthwhile, being for a single dwelling, I give these factors limited weight.
17. The appellant has highlighted that a similar size building could be constructed under permitted development rights representing a fallback position. Nonetheless, there is no certificate of lawful development, little information and no specific design of such a building. As such, it is not clear what proposals under such development rights would entail or what effect they would have. 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 matter limited weight.
18. I appreciate the appellant has amended the scheme to seek to overcome previous refusal reasons. Nonetheless, I have assessed the scheme before me and found it would result in harm as outlined above. I note comments regarding the conduct of the Council during the application. However, I have considered the proposal on its own individual circumstances and planning merits.
19. The Council have not included refusal reasons in relation to the principle of residential development in this location, access to facilities along with internal

space standards or highway matters. Given I am dismissing the appeal on other grounds there is no need for me to consider these matters further. Nevertheless, the absence of identified harm is a neutral factor.

Conclusion

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

Stuart Willis

INSPECTOR