
Appeal Decisions

Site visit made on 4 August 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal A - Ref: APP/D0121/W/20/3248471 37 Hillside Road, Portishead BS20 8EU

- 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 T. Whittingham, Keynsham Property Developments Ltd against the decision of North Somerset Council.
 - The application Ref 19/P/2734/FUL, dated 5 November 2019, was refused by notice dated 14 January 2020.
 - The development proposed is described as "demolish existing 3 bed house and construct 2no semi detached 4 Town Houses".
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Appeal B - Ref: APP/D0121/W/20/3252552 37 Hillside Road, Portishead BS20 8EU

- 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 T. Whittingham, Keynsham Property Developments Ltd against the decision of North Somerset Council.
 - The application Ref 20/P/0547/FUL, dated 2 March 2020, was refused by notice dated 27 April 2020.
 - The development proposed is to demolish existing 3 bed house and construct 2no semi detached houses.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The planning application form for Appeal A cites the incorrect address for the appeal site. However, it is clear from the documentation that this is an error and the correct address is subsequently referred to. I have therefore used the correct address in the banner heading above.

Main Issues

5. The main issues raised in both appeals are the effect of the proposals on:
 - i) the character and appearance of the area, and

- ii) biodiversity, bearing in mind the sites location near to a wildlife site and a Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

6. The appeal site comprises a single storey, detached property and associated gardens with a frontage to Hillside Road. The immediate vicinity is characterised by detached properties, of varying scales, set back from the highway. The site is bordered to both sides by existing dwellings, with a single storey dwelling to one side and a two-storey dwelling to the other.
7. Properties predominantly have parking areas to their front, however the appearance of these is softened by the inclusion of planted areas that ensure that the frontage of each site is not dominated by hard surfaced areas. There is also an open, grassed and vegetated area to the opposite side of Hillside Road alongside the estuary, which provides a pleasant and verdant setting to the site. The presence of vegetated frontages to the nearby dwellings provides an attractive integration with this grassed area. I note the appellants contention that the area has a suburban appearance, however given the close relationship with the area of green space, I consider that the area shares a greater affinity with a semi-countryside location.
8. Appeal scheme A would result in the addition of a pair of semi-detached, three storey properties to the site, albeit that in order to take account of the ground levels within the site, the building would be two storeys in height to the rear. Excavation of the site would be required in order to provide two garages to the lower ground floor, that would be at the same level as the adjacent road. As a consequence, the proposed building would have a bulk and massing that would be noticeably greater than that of nearby dwellings. Whilst I acknowledge that some neighbouring dwellings are two-storey in height, with garages provided beneath, their elevations do not visually read as three-storey buildings. The garages below the main massing of those dwellings are subservient elements, restricted only to a small length of the site frontages. Consequently, the buildings appear as two-storey dwellings.
9. By comparison, the buildings proposed within appeal scheme A would have a dominant and strident appearance to the street. Whilst the submitted details show that the overall height of the building would not be significantly greater than that of the neighbouring two-storey properties, given the reduction in ground levels in combination with the full three-storey height along the entire length of the front elevation, it would not integrate acceptably with the scale and form of existing buildings within the locale. Moreover, that the frontage of the site would be dominated by parking for the dwellings, with little opportunity for the inclusion of landscaping would also accentuate the overly dominant built form of the proposed development.
10. Turning to appeal scheme B, the proposed building has been reduced in length, part of the lower ground floor has been removed leaving only a garage serving each of the dwellings and additional planting has been included to the front garden. The reduction in the length of the dwelling would, in my view, only marginally reduce the bulk and massing of the proposal. It would remain a hefty and considerable building that would have an imposing and unduly conspicuous appearance within the streetscene.
11. I acknowledge that the removal of the entrance from the lower ground floor would remove a built element from this level, however the garages positioned at each

end of the elevation of the building would serve to highlight its length, as well as the overall height of the front elevation. Whilst garages to part of the lower ground floor are visible on neighbouring properties, the inclusion of two garages within, and at either end of, the appeal building is not analogous with these examples. In addition, the inclusion of additional landscaping within appeal scheme B to the front garden would not be comparable to that evident at other properties within the immediate vicinity of the site. As such, this does little to ameliorate the unacceptable appearance of the building.

12. Accordingly, whilst I note the differences between appeal schemes A and B, both proposed developments would have an unacceptable and harmful effect on the character and appearance of the area. Thus, they would conflict with policy CS12 of the North Somerset Council Core Strategy (2017) (the Core Strategy), as well as policies DM32 and DM37 of the North Somerset Council Development Management Policies - Sites and Policies Plan Part 1 (2016) (the Sites and Policies Plan). Together, and amongst other things, these policies seek to ensure development is sensitive to local character and that new dwellings do not adversely affect the character of an area. The scheme would also conflict with the design aims of the National Planning Policy Framework.
13. I have been referred to the North Somerset Residential Design Guide Supplementary Planning Document (Section 2: Appearance and Character of house extensions and alterations). However, as both appeal schemes propose the demolition of the existing house and its replacement with two new properties, I do not consider this document to be directly relevant to my consideration of the appeals.
14. I acknowledge that there have been a number of developments within the area that have resulted in the replacement of smaller dwellings with larger buildings, as well as extensions to dwellings. Furthermore, I note that there is variety in the style, age and design of nearby dwellings and that the appellant asserts that the existing dwelling within the appeal site is of little architectural or aesthetic value. However, none of the properties that I was able to discern in the area resulted in a building of the bulk and massing as those which are proposed within the appeal schemes and it is the specific circumstances of each of the cases before me that lead me to conclude that they are unacceptable. The retention of a gap between the proposed building and its neighbours does little to allay my concern as I set out above.
15. I note concern over the inclusion of large areas of glazing to the front elevation of the proposed buildings. However, I observed that the inclusion of modern glazed elements such as this was not absent from the area, nor was the inclusion of balconies. Thus, I do not find these elements of the proposals objectionable.

Biodiversity

16. An Ecological Appraisal has been submitted which demonstrates that the proposed developments are unlikely to have an adverse effect on protected species. Whilst this has been submitted in respect of appeal scheme B, its findings are equally applicable to both appeals. I note that Natural England concurs with the conclusion of the appraisal in regard to protected species. It has been recognised that the proposal has the potential to affect the nearby estuary, but that subject to a Construction Ecological Management Plan being secured by appropriate planning condition, any unacceptable effects can be avoided.
17. In addition to the above, the Council raise concern over the provision of compensation for the loss of the existing landscaped front garden, particularly as a

feature which provides connectivity to the nearby SSSI and wildlife site. The ecological appraisal identifies that a large part of the front garden comprises hardstanding areas, which I observed at my site visit to be the case. There were also areas of planted shrubs, but little in the way of native flora. A number of species poor hedgerows were also present, along the frontage and sides of the site, as well as at the end of the parking area.

18. The appeal schemes propose the retention of the side boundary hedging, with appeal scheme B also including some additional planting along the frontage of the site. Given that a large part of the front garden is already given over to hardstanding, together with that the hedges are species poor and planting is introduced shrubbery, I am not convinced that the proposed schemes would result in any diminution of the biodiversity potential of the site. I am also conscious that connectivity would be retained through the retention of the boundary hedging to the sides of the site.
19. Accordingly, I find that neither scheme would conflict with policy CS4 of the Core Strategy or policy DM8 of the Sites and Policies Plan, insofar as these policies seek to maintain the biodiversity of North Somerset and that development takes account of local biodiversity impact.

Other Matters

20. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites. The proposals would each result in the provision of an additional dwelling within the site. I also note that there would be social benefits through the provision of modern housing, as well as economic benefits both during construction of the developments and throughout their lifetime. However, given the small scale of the schemes, these benefits would be limited. As such, whilst taking these into account, I find that the adverse impact of the schemes, in terms of harm to the character and appearance of the area, would significantly and demonstrably outweigh the benefits that would arise from each of them.
21. Reference had been made to the previous removal of trees within the site. However, this appears to have taken place before my consideration of the appeals. Furthermore, the existing trees currently on the site are to be retained within the proposed developments. As such, I find no conflict with policy DM9 of the Site and Policies Plan.
22. There is also reference to the scheme resulting in an increased sense of security for occupiers, however there is nothing before to suggest that the existing dwelling is inadequate in this regard.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

Martin Allen

INSPECTOR