
Appeal Decision

Site visit made on 25 August 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/P0119/W/20/3252931
29 Meadgate, Emersons Green BS16 7AZ

- 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 Richard Lloyd against the decision of South Gloucestershire Council.
 - The application Ref P19/7455/F, dated 17 June 2019, was refused by notice dated 5th December 2019.
 - The development proposed is the construction of a studio dwelling with gallery bedroom and bathroom.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In an attempt to address the Council's refusal reason relating to the absence of a tree survey the appellant has submitted an Arboriculture Report. The Council have had sight of it and had the opportunity to comment. I have therefore assessed the appeal on the basis of this additional information.

Main Issues

3. The main issues of the appeal are the effect of the proposed dwelling upon the:
 - character and appearance of the area, having particular reference to: (i) the proposed design; and (ii) the trees on the site; and
 - living conditions of residents of No 168 Westerleigh Road, with particular reference to outlook.

Reasons

Design

4. The appeal site comprises part of the rear and side garden, as well as the forecourt of No 29 Meadgate, an end of terrace two storey dwelling located on a modern residential estate. The estate is characterised by two storey dwellings, and although they are not identical in design, they are largely consistent in terms of their two-storey form, roof design, material finishes and positioning of windows and doors. Public spaces, along with front and rear gardens are characterised by shrubs and mature trees that visually enhance the area's appearance. Together with the estate's attractive landscaping, the

regularity of dwelling form, detailing and appearance has a positive visual impact on the area.

5. The proposed dwelling would adjoin the flank wall of No 29 and would incorporate a low eaves line that would noticeably contrast with the higher roof eaves of No 29 and those of surrounding two storey dwellings. The proposed front elevation would face the street and a communal parking area. It would be consistent with No 29 in having a small single storey projecting addition with entrance door and matching mono pitch roof. Yet other than this similarity, the dwelling's front elevation would appear bland given the modest number, size and irregular arrangement of windows. Therefore, with its squat proportions, and the irregular size and positioning of windows, the proposed dwelling would present itself poorly to the street and would appear discordant in stark contrast to the taller, more uniform designs of the majority of the two storey dwellings on the Meadgate estate. It would therefore have a harmful impact upon the character and appearance of the area.
6. The appellant indicates that the appearance of the proposed dwelling has changed from the previous hipped roof design, which concerned the previous Inspector in his appeal decision¹ relating to a dwelling at this site. However, in doing so this would result in a dwelling that would noticeably unbalance the homogenous design and appearance of surrounding dwellings, to the detriment of the character of the Meadgate estate.
7. Notwithstanding its front entrance porch, the remaining part of the proposed dwelling would be partially set back from the front elevation and roof of No 29. However, the proposal would nevertheless be clearly visible from the street, from within dwellings opposite on Meadgate and from upper floor rear windows of properties facing Westerleigh Road. From these locations I consider that the proposal's discordance architecturally with surrounding dwellings would be obvious.
8. I have been referred to examples on the estate where dwellings are adjoined by smaller additions that incorporate a different roof design to the main dwelling. I observed during my site visit that these were largely ancillary additions to the main dwelling such as garages. The proposal, however, would be the principle building and, in this respect, it would not be consistent with the surrounding dwellings in terms of its design.

Trees

9. The proposed development requires the removal of 3 trees close to the appeal site's boundary with Nos 166A and 168 Westerleigh Road (Nos 166A and 168), to make way for the construction of the proposed dwelling. These trees have a prominent and attractive appearance that contributes to Meadgate's high quality landscape setting.
10. The appellant's arboriculture report indicates that two of the trees proposed for removal are Category B trees. These, according to the arboriculture report, are in good condition with no obvious signs of defect and would continue to make a contribution for a further 20-40 years. Yet, their loss would result in the removal of important landscape features that would significantly diminish the

¹ Appeal decision ref: APP/P0119/A/09/2100532

attractive verdant setting of this part of the estate, thus harming the character and appearance of the area.

11. The appellant proposes to mitigate for the loss of trees with replanting. However, the submitted report is vague in respect of the specific location, type and amount of replacement trees and enhancement planting. Therefore, I cannot be certain whether the mitigation proposed would address my concerns relating to the effect the loss of trees would have on the area.
12. I have considered whether this matter could be dealt with by condition were I to allow the appeal. However, the proximity of the proposed dwelling, hardstandings and neighbouring boundaries mean I cannot be certain on the level of space that would be available for replacement planting, including their rooting areas in this context. Planting could take place to the rear of the site, however, landscape mitigation at this location would likely be screened by the existing development and would have a less positive effect on Meadgate, and therefore fail to address the harm I have identified.
13. On this basis a condition would not be reasonable, and consequently, I find that the lack of an adequate replanting scheme would not address the impact incurred by the loss of the trees and the consequent harm to the character and appearance of the area.

Conclusions on character and appearance

14. The proposal would harm the character and appearance of the area in terms of its effect on design and trees on the site. It would conflict with Policy CS1 and CS9 of the Local Plan² and Policies PSP1, PSP2, PSP3 and PSP38 of the Policies, Sites and Places Plan³ insofar as they require developments to respect form, proportions, architectural style and detailing, while respecting and enhancing the character and distinctiveness of the site and its context; and also where they seek to conserve landscape features and provide appropriate landscape mitigation and enhancement that outweighs harm.

Living conditions

15. The flank wall of the proposed dwelling would face the rear elevation of No 168 and maintain, according to the Council, a distance of approximately 7-8m. No 168 is also located at a marginally lower land level to the appeal site. Despite this close relationship, No 168 has a shallow rear garden and the existing rear kitchen window and patio doors, which I observed on my site visit, would already have their outlook diminished by the rear boundary fence that separates No 168 from the appeal property.
16. The appeal proposal would rise above and be taller than the fence, yet, the proposal would be set down from the roof of No 29 while its asymmetrical roof profile would taper and reduce in mass towards its ridgeline. Consequently, the neighbouring kitchen and dining rooms would not experience a significant loss of outlook from the physical presence of the proposed dwelling to the extent that the living conditions of neighbouring occupiers would be harmed.
17. I, therefore, conclude that the proposed dwelling would not harm the living conditions of occupiers of No 168 Westerleigh Road, with regard to outlook, in

² South Gloucestershire Local Plan: Core Strategy, adopted December 2013

³ South Gloucestershire Local Plan: Policies, Sites and Places Plan, adopted November 2017

that it would comply with the overall aims of Policy CS1 of the Local Plan and Policies PSP8 and PSP39 of the Policies, Sites and Places Plan in protecting residential amenity of neighbours.

Other Matters

18. The appellant has indicated that there is currently demand in the area for one-bedroom accommodation of the type proposed. Be that as it may, this would not overcome the concerns I have in respect of the proposal's harm to the area's character and appearance.

Conclusion

19. Although the proposed dwelling would not have a harmful impact on the living conditions of nearby occupiers, this lack of harm would be a neutral effect. Consequently, it would not overcome the proposed dwelling's design, which is discordant with its surroundings, the loss of trees and the lack of effective mitigation put forward. Together these would result in harm to the character and appearance of the area, while also conflicting with policies in the development plan.
20. For the reasons set out above, the appeal is dismissed.

R. E. Jones

INSPECTOR