
Appeal Decision

Site visit made on 15 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/Z0116/W/20/3254995

30 Charlton Mead Drive, Southmead, Bristol BS10 6LG

- 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 Stephen Holdaway against the decision of Bristol City Council.
 - The application Ref 19/05123/F, dated 18 October 2019, was refused by notice dated 2 March 2020.
 - The development proposed is described as the "construction of a new dwelling on the existing site at 30 Charlton Mead Drive".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of neighbouring occupants of 28 Charlton Mead Drive, with particular regard for privacy and sense of enclosure; and
 - green infrastructure, with particular regard for the Filton Golf Course Site of Nature Conservation Interest (SNCI)

Reasons

Character and appearance

3. The appeal site forms part of the rear garden area for 30 Charlton Mead Drive, located on the western side of the host dwelling. The surrounding area is characterised as a well-established residential suburb with a uniform development layout and rhythmic built form pattern, comprising primarily of two storey link-detached and semi-detached dwellings along this section of Charlton Mead Road in particular. The appeal site is bounded by the Filton Golf Course SNCI to the south which serves as a soft verdant backdrop defining the southern edge of the suburb.
4. The appeal site currently acts as a pleasant break in the otherwise tight built form layout which characterises Charlton Mead Drive. The spacious qualities of the appeal site help delineate the building lines on either side of the bend of Charlton Mead Drive, strengthening the appearance of the built form pattern along each section of Charlton Mead Drive. These spacious qualities also allow

for clear views across the appeal site through to the vegetated backdrop of the SNCI which positively contributes to the street scene.

5. The proposed dwelling replicates the design, scale and proportions of similar dwellings present within the surrounding area, including the host dwelling at No 30. However, the proposed siting and layout of the dwelling towards the rear of the appeal site would unduly disrupt the current built form pattern along both sides of Charlton Mead Drive harming the current rhythm within the street scene. This combined with the overall massing and scale of the proposal would also erode the spacious qualities of the site and obstruct the open views of the SNCI within the street scene. As such, the proposed dwelling would result in unacceptable harm to the character and appearance of the surrounding area.
6. The appellant contests that there is sufficient variety in built form and layout within the surrounding area to justify the siting and location of the proposed dwelling, particularly given the narrow constraints of the appeal site towards the front. The described variation to dwellings in the surrounding area generally relate to extensions and alterations as opposed to new dwellings and changes to built form layout similar to the appeal proposal. As such, these described changes over time do not in my view provide sufficient grounds which would justify the location of the proposed new dwelling. Furthermore, it does not follow that the proposal would be acceptable in this regard given the resulting loss of the positive open characteristics of the appeal site described.
7. The appellant also refers to the generous size of the appeal site and proximity to local centres as justification for the proposed dwelling. While the appeal site may be of a sufficient size to achieve a comparably sized rear garden area to what is generally present in the area, the proposed configuration would not adhere to the pattern of plot layouts which characterise this portion of Charlton Mead Drive. With respect to the proximity of the appeal site to local centres, the appellant measures this using direct lines rather than by following the local highway network which future occupants would have to utilise to travel to these centres. Nevertheless, the suggested close proximity of the appeal site to local centres would be outweighed by the identified harm to the character and appearance of the surrounding area. The same applies to the appellant's suggestion that the proposal would be a more efficient use of the appeal site than its current function as a rear garden area.
8. Several examples have been put forward by the appellant for consideration of rear garden development permitted by the Council elsewhere in the city, suggesting they serve as precedent for the appeal proposal. However, the specific details and documentation relating to these planning permissions and their context have not been submitted for consideration. As such, I cannot be certain of the circumstances under which they were granted planning permission and accordingly whether they are comparable to the appeal proposal or not. Nevertheless, I have considered the appeal before me based on the information provided and my site visit observations.
9. Accordingly, the proposed development would harm the character and appearance of the surrounding area. It conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) (adopted June 2011), Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (SADMP) (adopted July 2014), and Paragraph 127 of the National Planning Policy Framework (the Framework).

10. Collectively the CS and SADMP policies seek, amongst other things, to ensure development has a high quality design which contributes positively towards and reinforces the local character and distinctiveness of areas. The Framework provisions similarly support development which are well designed and sympathetic to the local character of areas, including the surrounding built environment.

Living conditions

11. The proposed dwelling would be located towards the rear of the appeal site, in close proximity to the boundary shared with No 28 and adjacent to its rear garden area. The boundary between the appeal site and No 28 is currently formed by a hedge and some planting which obscures predominant views between the two sites, albeit I observed distinct gaps along the boundary which offered clearer views between the sites during my site visit.
12. Similar to the appeal site, No 28 and its rear garden area are of a generous size and benefit from a degree of spaciousness given the current interface with the appeal site. The side elevation of the dwelling at No 28 faces the appeal site and has a habitable window at the first floor level and two more at ground floor level. The existing boundary treatment would screen predominant views of the habitable windows at ground floor level.
13. By virtue of its siting and orientation, the front elevation of the proposed dwelling would face the neighbouring dwelling at No 28. Consequently, the habitable windows to the front of the proposed dwelling would overlook towards the dwelling at No 28. This arrangement would appear to result in direct views between the first floor habitable windows of both dwellings which would harm the level of privacy currently experienced by the neighbouring occupants at No 28.
14. The proposed dwelling would also represent a dominant feature which would erode the spacious characteristics that currently benefit the rear garden area of No 28. The close proximity of the proposed dwelling to the shared boundary of No 28 and combined height, scale and massing would appear overbearing and introduce a harmful sense of enclosure which would have a detrimental effect on the living conditions of the neighbouring occupants.
15. The inset nature of the proposed windows would not make a meaningful difference towards reducing the visibility between the two dwellings in my view. This is primarily attributed to the close proximity between the proposal and No 28 and the overall width of the front facing habitable windows, which would allow for a potentially wider range of visibility. Furthermore, the appellant's contentions that the occupants of No 28 already experience a lesser degree of privacy are not accepted given the separation distance between the dwellings fronting Rockstowes Way and the habitable windows of No 28, particularly compared to closeness of the appeal proposal. The same would apply when considering the overbearing effect of the proposal on the rear garden area compared to the existing built form.
16. I note also the Council's concerns over the potential loss of privacy in the rear garden of No 28. However, this could have appropriately been addressed by a condition requiring obscure glazing to the side window serving the stair landing of the proposal. As such, this matter has not informed my conclusion on a loss of privacy.

17. Accordingly, the proposed development would harm the living conditions of neighbouring occupants at 28 Charlton Mead Drive, with particular regard for privacy and sense of enclosure. It conflicts with Policy BCS21 of the CS, Policies DM26, DM27 and DM29 of the SADMP, and Paragraph 127 of the Framework. The CS and SADMP policies collectively seek, amongst other things, to ensure development achieves a high quality design which does not harm the living conditions of existing occupants on neighbouring properties. The provisions of the Framework similarly support this.

Green infrastructure

18. The appeal site adjoins the Filton Golf Course SNCI along its southern boundary. The Filton Golf Course SNCI is a locally designated site of nature conservation value under the development plan and forms part of the wider Bristol Wildlife Network. Policies BCS9 of the CS and DM19 of the SADMP set out the need to protect such strategic green infrastructure networks and for development to demonstrate that it would not have a harmful effect on them to be permitted.
19. The appeal proposal does not include any tree works and was accompanied by an Arboricultural Report which set out measures to protect trees on site from the development, which were accepted by Council officers. However, an appropriate survey and assessment of potential impacts to the SNCI was not submitted, which is required to demonstrate that no direct or indirect harm to the nature and wildlife conservation value of the site and SNCI would occur as a result of the proposal.
20. I note the appellant has expressed a willingness to supply such a survey and assessment to demonstrate that the proposed development would not have a harmful effect upon the appeal site and adjoining Filton Golf Course SNCI. However, this is not something that can be progressed through the appeal process and as such I have determined the appeal before me based on the submitted evidence.
21. Accordingly, insufficient information has been provided to conclude that the proposed development would not result in harm to green infrastructure, with particular regard for the Filton Golf Course SNCI. It therefore conflicts with Policy BCS9 of the CS, Policy DM19 of the SADMP and Paragraph 170 of the Framework. Similar to the CS and SADMP policies, the Framework provisions similarly seek to protect and enhance sites of biodiversity value, amongst other things.

Other Matters

22. The appellant submitted a Sustainability Statement and Energy Strategy detailing the measures incorporated within the proposed development to reduce carbon dioxide emissions from energy use and of the heating system proposed. Policy BCS14 of the CS sets out hierarchies whereby development proposals are expected to consider the incorporation of various energy source options as well as for heating system options. The Council have suggested that the appellant has not sufficiently justified the chosen heating system to be utilised by the proposed development in accordance with the hierarchy under Policy BCS14, therefore conflicting with the policy.

23. While the proposal has not satisfied Policy BCS14 in these strict terms, I note that the proposal incorporates renewable energy measures which would reduce carbon dioxide emissions by over 20%. As such, whilst the proposal may conflict with Policy BCS14 based on the level of justification provided for the proposed heating system, I am not satisfied that this policy conflict amounts to sufficient harm to warrant dismissal of the appeal on this ground, particularly given the scale of the proposal. Nonetheless, my conclusion on this matter does not alter my findings on the main issues previously discussed.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR