
Appeal Decision

Site visit made on 22 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/Z0116/W/20/3252795

37 Ullswater Road, Bristol BS10 6DH

- 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 Tom Wood against the decision of Bristol City Council.
 - The application Ref 19/05082/F, dated 18 October 2019, was refused by notice dated 4 March 2020.
 - The development proposed is described as a “new attached dwelling”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of development has been taken from the submitted application form. This represents the simplest and most accurate description of the development presented. I have therefore determined the appeal on this basis.
3. During the application the appellant submitted an amended set of proposed plans to the Council for consideration. These plans formed the basis for the Council’s decision. To remove any doubt, I have determined the appeal based on the plans of development referenced on the Council’s decision notice.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupants at 13 Gosforth Road, with particular regard for light and sense of enclosure; and
 - the living conditions of future occupants, with particular regard for internal space provision and outlook.

Reasons

Character and appearance

5. The appeal site is located at the corner of Ullswater Road and Gosforth Road. It comprises of a semi-detached dwelling, some attached outbuildings and a garden area to the side and rear of the dwelling. Ullswater Road is characterised by a predominant mix of semi-detached and terraced dwellings which achieve a regular built form pattern throughout the street scene. More

specifically however, the section of Ullswater Road which the appeal site fronts is characterised by a positive pattern of similarly designed semi-detached dwellings which distinctly achieve a balanced and symmetrical appearance along the street scene, particularly between Gosforth Road and Marbeck Road. The spacious qualities of the garden areas at the appeal site and the corresponding property at the corner of Ullswater Road and Marbeck Road also contribute towards this distinct built form pattern by providing a clear break between development fronting Ullswater Road and those along Gosforth Road and Marbeck Road. This represents a pleasant urban design layout that positively contributes towards local distinctiveness and the wider character and appearance of the surrounding area.

6. The proposed dwelling has been designed to match the general mass, height, design and siting of the existing semi-detached dwellings, but would ultimately combine to form a terrace row of three dwellings. As a result, the proposed development would serve to unduly disrupt the positive built form pattern described along this section of Ullswater Road and unbalance the current built form symmetry within the street scene. The proposed dwelling would also appear visually prominent within this corner location by virtue of its two storey height and both individual and combined width with adjoining dwellings, eroding the spacious qualities currently benefiting this corner plot. The proposed rear dormer, with no window, would also appear as an unusual feature within the overall design of the dwelling. Collectively, given the positive contribution of the current built form pattern and spacious corner plot layouts, the proposed development would have a harmful effect on local distinctiveness and the surrounding character and appearance of the area.
7. One of the appellant's key arguments is that the composition of Ullswater Road consists of a significant proportion of terraced dwellings and that there are several examples where existing dwellings have been altered by permitted development rights, as well as throughout the wider area. Whilst terrace dwellings and variations in built form are not uncharacteristic along the full length of Ullswater Road and the wider area, there is a clear pattern of semi-detached dwellings along the described section of Ullswater Road which establishes a distinct and pleasant built form pattern which positively contributes to the character and appearance of the area.
8. The appellant also refers to two planning permissions¹ within the wider area which they suggest are comparable to the appeal proposal and should therefore weigh in favour of the development. However, they have not provided specific details or supporting documentation of these decisions for consideration. As such, I cannot be certain of the circumstances which led to them being granted planning permission and whether they are directly comparable to the appeal proposal. Nevertheless, based on the information provided I have determined the appeal before me on its own merits.
9. I note the close proximity of the appeal site to local services and facilities, including schools, shops, health care facilities and public transport. However, this attracts limited weight given the scale of the proposal and as such would not outweigh the harm identified in this instance. The existing "rundown" condition of the appeal site is also noted. However, the ongoing maintenance and upkeep of the appeal site is the responsibility of the landowner and as such

¹ LPA References: 07/05173/F and 16/06996/F (subsequent Appeal Reference: APP/20116/W/17/3185582)

I give little weight to any suggested betterment resulting from the proposed development compared to the current state of the appeal site. Whilst it has been suggested that there was a historic planning permission over the appeal site for a "two-storey granny-annexe" of a similarly size to the appeal proposal, no such details have been provided to support this claim. Nonetheless, it is highly unlikely in my view that the scale of a granny annexe on the appeal site would have been comparable to the two storey dwelling combining with the host property to form a terrace row as proposed. Nevertheless, I have determined the appeal based on its own merits.

10. Accordingly, the proposed development would harm the character and appearance of the surrounding area. It therefore conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) (adopted June 2011) and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (SADMP) (adopted July 2014). 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.
11. The Council identified conflicts with Policies DM28 and DM30 of the SADMP within their reason for refusal on this subject. Having reviewed the relevant policies it is my view that neither apply to the appeal development. Policy DM28 relates specifically to development which create spaces that the public may access or utilise. As the proposal is for a private residential dwelling and associated garden area this policy is not relevant. Policy DM30 relates specifically to alterations or extensions to existing buildings. While the proposal is attached to No 37 it does not alter or extend the extent of the existing dwelling, instead forming an independent residential unit as part of a new building. As such, it is my view that this policy is also not relevant to the assessment of the appeal proposal.

Living conditions – neighbouring occupants

12. The appeal site adjoins 13 Gosforth Road at the rear to form an angled boundary between the sites. No 13 is an end of terrace dwelling with a long, but narrow, rear garden area due to this angled boundary. Notwithstanding this, or the boundary treatment between the sites described by the parties, the spacious qualities of the appeal site's garden area currently makes a positive contribution towards the living conditions for occupants at No 13, in particular within the rear garden. The garden area of the appeal site currently provides a relieving break in built form which increases the sense of openness and level of light experienced by the neighbouring occupants at No 13.
13. The proposed dwelling would be located in close proximity to the rear boundary shared with No 13 and adjacent to its rear garden area. Consequently, the proposed dwelling would represent a dominant feature which would erode the spacious qualities of the appeal site which currently benefit No 13. The close proximity of the proposed dwelling to the shared boundary of No 13 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.
14. With respect to light, the appellant contests that no overshadowing would occur as a result of the proposed dwelling being erected, despite its southern position in relation to No 13. They have submitted screenshots from Google Earth

showing shadow patterns over the course of a single day, over a 12 hour period, to evidence this. However, the images do not appear to provide an accurate representation of the likely shadow paths, given the shadow projections do not appear to change as would be expected from the natural orientation and trajectory of the sun. The accuracy of the images has not been verified or prepared by a certified or suitably qualified expert so I cannot be certain these images are appropriate to favourably determine this issue. As such, it is my view that the close proximity of the proposed development and combined height, scale and massing would likely result in the harmful overshadowing of No 13 and its rear garden by virtue of its southern position relative to No 13.

15. Accordingly, the proposed development would result in a harmful sense of enclosure and overshadowing which would harm the living conditions of neighbouring occupants at 13 Gosforth Road. It therefore conflicts with Policy BCS21 of the CS, and Policy DM29 of the SADMP. 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.
16. The Council's reason for refusal on this subject referred to Policy DM30 of the SADMP. However, as previously described it is not in my view relevant to the assessment of the proposed development. I have instead identified Policy DM29 of the SADMP as the relevant policy to assess this issue against and have proceeded to conclude on this basis instead of Policy DM30.

Living conditions – future occupants

17. The Government's nationally described space standards (NDSS) contains minimum internal space requirements for new dwellings based on the number of bedrooms, occupants (bed spaces) and storeys. The Council have utilised the NDSS criteria to determine whether the proposed development would have appropriate internal space provision to meet the varied and adapting needs of future occupants as sought by Policy BCS21 of the CS and Policy DM27 of the SADMP in the local context.
18. The Council's review of the proposed plans suggests that the proposed development would not meet the minimum internal floor area requirement for a three-bedroom, potentially six person (three double beds), two storey dwelling. The appellant suggests that the Council miscalculated the internal floor area and insists that the proposed dwelling meets the minimum requirement and that the reason for refusal should be omitted. Neither party has provided a breakdown of their floor area calculations and as such there is uncertainty over whether the proposed development would meet the required internal space standards or not.
19. Irrespective, having reviewed the proposed plans of development my specific concern relates to the design, size and functional layout of bedroom three within the roof space. The pitched roof design limits the area which would practicably be utilised by future occupants and would also affect the calculations to determine whether the minimum internal space provision would be achieved. It is unclear based on the proposed plans of development what percentage of bedroom three would achieve the required 1.5 metre floor to ceiling height requirement and subsequently the area which would be included as part of the minimum internal space calculations. As such, I am not satisfied

based on the available information that bedroom three would meet the minimum internal space provision under the NDSS and accordingly provide appropriate internal space to meet the flexible and adapting needs of future occupants.

20. I note the Council's concerns over the degree of outlook that would be experienced by future occupants in bedroom three. However, the room does benefit from a window facing towards Gosforth Road which in combination with the Velux windows in the roof would be acceptable. This does not however justify the lack of windows on the proposed rear dormer from a character and appearance perspective as previously described.
21. Accordingly, I am not satisfied that the proposed development would provide appropriate living conditions for future occupiers, with particular regard for internal space provision. It therefore conflicts with Policies BCS18 and BCS21 of the CS, and Policy DM27 of the SADMP. The CS and SADMP policies collectively seek, amongst other things, to ensure development achieves a high quality design which includes flexible and adaptable living environment and appropriate internal living space for future occupants.
22. Policy DM30 of the SADMP was identified by the Council as being relevant to this subject. However, as previously described I do not consider this policy to be relevant to the assessment of this appeal proposal.

Conclusion

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

J Gibson

INSPECTOR