
Appeal Decision

Site visit made on 20 October 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020

Appeal Ref: APP/P0119/W/20/3252198
25 Broncksea Road, Bristol BS7 0SE

- 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 Hassan Nematpour against the decision of South Gloucestershire Council.
 - The application Ref P19/11381/F, dated 15 August 2019, was refused by notice dated 20 February 2020.
 - The development proposed is erection of 1no. detached dwelling with access and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has been amended from the application forms and has been taken from the appeal forms and the decision notice. The appellant has agreed to this change and the appeal is dealt with accordingly.
3. The appellant has submitted new evidence relating to protected trees at the site, in the form of an Arboricultural Report. The Council will have received the new evidence as part of the appellant's appeal submission and notified other interested parties about the appeal. Consequently, all interested parties will have had the opportunity to provide comments about the new evidence under the appeal. On this basis, I will accept the new evidence and no party will be prejudiced as a result.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area in relation to a non-designated heritage asset and protected trees.

Reasons

5. The site is located in the rear garden area of 25 Broncksea Road, which is a locally listed non-designated heritage asset pursuant to Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017. Its significance is derived from being a semi-detached villa built in the early 20th century, part of a wider group of similar properties that can be differentiated from the other suburban housing designs in the locality. In this context, an important differentiating component of these villas is their elongated and leafy rear garden areas, which contribute to the wider setting of the locality.

6. The elongated form of the rear garden area associated with 25 Broncksea Road, has been eroded by contemporary development along Rannoch Road. Consequently, there is only a small proportion of the original rear garden area remaining, but nonetheless it is still populated by mature trees that are covered by a tree preservation order, due to their significance to the locality. In this regard, they are an intrinsic part of the heritage significance associated with the villa as a whole and make a positive contribution to the character and appearance of the area.
7. The Arboriculture Report demonstrates that the southernmost trees are in lower quality category C and U, as defined in accordance with the relevant British Standard. However, notwithstanding their individual categorisation, the trees form part of a wider grouping, that make a positive contribution to the locality as a collective entity. This is in essence what the tree preservation order is concerned with. Consequently, irrespective of their individual quality, it is their collective contribution to the locality that is of material importance.
8. The proposal would deliver a new dwelling within the rear garden area of the villa and would all but completely erode what remains of its original form. Even though it has already been substantially truncated by other contemporary development, further erosion would still harm the heritage significance of the villa.
9. This is because it would appear even more out of kilter with other villas in the locality, causing harm to its heritage significance, which is revealed in part by its mutual relationship with these other villas. Removing a number of protected trees, which are collectively important, would further dilute the character and appearance of the rear garden area, compounding the harm to the heritage significance of the villa.
10. There is a newly constructed fence delineating the rear garden area as it stands today. However, this structure is incomparable to a new dwelling in terms of its effect on the rear garden area. This is because the structures vary substantially in their scale, the amount of rear garden area that would be lost and the permanence of the change. Consequently, the existing fence carries limited weight in favour of a new dwelling.
11. It is true that removing some of the trees would help draw attention to the appearance of the villa from the side and the rear. However, the trees are a fundamental part of the character and appearance of the site and the area, and creating more opportunities to view the villa from different perspectives, which is already sufficiently visible from the frontage, would not generate a benefit that would justify the loss of the trees.
12. The proposal granted planning permission¹ is a much smaller extension than those proposed at the same site under previous applications². The smaller scheme would lead to less erosion of the rear garden area, but in a similar context to what I have already reasoned previously, would not be comparable in scale to a new dwelling in its own right. It would not therefore lead to the same loss of rear garden area or undermine any remaining association with other villas in the locality.

¹ P19/0615/F

² PT18/0113/F and PT18/4235/F

13. The existing trees and vegetation may be somewhat unkempt at the present time, but it is not impossible that these could be maintained at some point in the future. Even in their unkempt state, they still contribute to the leafy character and appearance of the area. The siting and design of the building is not disputed by the Council in principle, and its orientation would be in keeping with those adjacent dwellings along Rannoch Road, but this fact would not mitigate the harm resultant from the proposal.
14. Overall, the proposal would erode the rear garden area of 25 Broncksea Road to a significant degree, and it would also result in the loss of trees that make a collective contribution to the locality. Together, these issues would amount to a harmful effect on the significance of the non-designated heritage asset and the wider character and appearance of the area.
15. Consequently, the proposal would conflict with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2013 and Policies PSP1, PSP2, PSP3 and PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017. Among other things, these seek to protect, and where appropriate, enhance or better reveal the significance of heritage assets.

Conclusion

16. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR