
Appeal Decision

Site visit made on 29 September 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/Z0116/W/20/3255418
110 Oldbury Court Road, Bristol, BS16 2JQ

- 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 Amish Bakrania against the decision of Bristol City Council.
 - The application Ref 19/04771/F, dated 19 September 2019, was refused by notice dated 17 April 2020.
 - The development proposed is the demolition of an existing garage and erection of 3 new houses within the garden of an existing end of terrace property at 110 Oldbury Court Road, Bristol.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have determined the appeal on the plans submitted.
3. During the course of the appeal a separate application concerning a proposal at the site was granted approval by the Council ref 20/02549/H. I have dealt with this matter below.
4. The Council's appeal statement was disregarded as evidence as it was received significantly late after the submission deadline, this is in line with the procedures for planning appeals¹. No party's interests were prejudiced by this approach given the availability of the Council's decision notice and associated Officer's report. Representations from other interested parties were considered and forwarded to the appellant and Council for comment.

Main Issues

5. The main issues are the effect of the proposed development on;
 - The character and appearance of the area and;
 - The living conditions of neighbours and future occupiers, with particular regard to sunlight, outlook and privacy.

Reasons

Character and appearance

6. The appeal site forms part of the gardens and garaging at 110 Oldbury Court Road, which occupies a spacious corner plot in a largely residential area not of

¹ The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations, 2009 Part 2

any special designation. The nature of the site is such that it forms a valuable relief in the built form, contributing positively to the character and appearance of the area. The uniformity of the existing buildings surrounding and incorporating the donor dwelling, further adds to the character and appearance of the area.

7. The proposed end terrace property would adjoin No 110 and be around 5m in width, markedly different from the existing property that is almost 7m in width. Therefore, despite the use of matching materials, the proposed end terrace would appear as an incongruous addition to the plot, unbalanced in its setting, irrespective of the fact that it would create a terrace of three properties. The separation distance between the proposed end terrace and the boundary with Oldbury Court Drive would be harmfully eroded to around 1m, which would not reflect the established building line of Oldbury Court Drive. Given the plot's prominent corner positioning, this would exacerbate the harmful effect of the gap in built form being largely lost.
8. The proposed semi-detached pair of two-storey dwellings, incorporating accommodation in the roof space and a long run of dormers to the north elevation would replace single storey garaging and garden space fronting Oldbury Court Drive, further harming the generous space in built form which the site provides. The proposed buildings would be positioned close to the footway, appearing cramped in their setting by virtue of their intended footprint and at odds with that nearby, where buildings are generally set back from the footway. The proposal incorporates recessed frontage resulting in L-shaped buildings to provide for off-street parking. Such arrangements did not appear common in the area. Furthermore, the established building line would be significantly breached, harming the uniform appearance of the area.
9. The proposed semi-detached dwellings would also not reflect the appearance of the host property, including the materials proposed and intended roof arrangement. This would further compound the harm of the buildings, rather than add visual interest to the area, albeit I did note similar materials were utilised on newer dwellings nearby.
10. I acknowledge that the appellant has provided examples of perceived precedent and has adapted the proposals as a result of pre-application advice. However, I must consider the proposal on its own merits and the examples appear to include previously planned development rather than infill development as proposed. With regard the extension at 115 Vassall Road, located to the rear of the existing property, the Council have stated that it is unauthorised development and I therefore have no certainty it will remain.
11. The appellant has provided a previous inspector's Decision² which allowed a proposal to create a new dwelling in a corner plot. However, only the footprints have been provided and it would appear to relate to a single dwelling in an area where similarly positioned buildings are apparent, in wholly different area of the City. Also, the development was only marginally narrower than that which it would adjoin, not resulting in any significant unbalancing effect. As such I afford it limited weight in the decision.
12. The appellant has provided detail regarding a recently approved extension to the existing property which would be recessed, arranged over two floors and

² APP/Z0116/W/18/3205965

incorporate a rear single storey extension. In my view the two proposals differ significantly, the appeal proposal is for a new housing development, that which has been approved is a subservient side and rear extension. That the Council have approved the extension does not lead me to consider that they have approached the decision inconsistently. Notwithstanding that the approved extension would erode some of the valuable corner plot and be recessed, it would not appear to be as wide as the proposed end terrace or as harmful as the proposal before me when considered as a whole.

13. For the reasons above, the scheme would significantly harm the character and appearance of the area. Therefore, the proposal would not accord with Bristol Core Strategy Policy BCS21, 2011, (BCS) which seeks to ensure development proposals provide quality urban design. Likewise, the proposal would not accord with Policy DM21 which seeks to manage garden development. Similarly, it would not accord with policies DM26, DM29 and DM30 of the Site Allocations and Development Management Policies, 2014 (SADMP) which all broadly seek to ensure that development respects the character and appearance of the area in which it would be located.
14. For the reasons above the proposal would also not accord with the National Planning Policy Framework, 2019 (the Framework) objective of achieving well designed places.

Living conditions of neighbours and future occupiers

15. The proposed dwellings would have separation distances of approximately 17m between their windows and those opposite on Oldbury Court Drive. The proposed semi-detached pairing would be located less than 9m from the rear habitable room windows of 110 Oldbury Court Rd and the intended attached dwelling.
16. The windows of the two proposed semi-detached dwellings would be at all levels in the north elevation, including the projecting dormers in the roof space. This would afford direct lines of sight between the semi-detached pairing and habitable rooms of the properties opposite, harming the privacy of neighbours compared to that which currently exists. For the same reasons it would be harmful to future occupiers of the pairing. I do though consider this harm to be minor given the apparent separation distance, which I understand to be greater than other previously allowed development nearby. I do not consider that this harm could be offset through the use of conditions relating to obscured glazing without compromising the living conditions of future occupants of the semi-detached pairing.
17. The proposed dwelling adjoining No 110 would incorporate first floor side windows facing 1 Oldbury Court Drive. To ensure no harm to privacy, if required, the appellant has proposed to utilise obscured glazing, through the use of a condition. I concur that this would ensure no harm to privacy came to the occupants of No 1 or future occupiers of the proposed dwelling, albeit this is of neutral weight.
18. The apparent depth and height of the proposed pairing, incorporating an expansive west elevation, would in my view result in an unacceptable effect of enclosure for No 110 and the proposed end terrace. This would significantly and harmfully diminish the enjoyment of the properties for current and future occupiers. Irrespective of the separation distance, further to the width and

height of the proposed pairing, positioned close to the footway, replacing existing garaging and garden space, there would also be a harmful effect on outlook from properties opposite in Oldbury Court Drive.

19. The appellant has provided an analysis of the effect of the proposal on shadowing of neighbouring properties. The imagery shows that the proposal would have no adverse effect of shadowing to the properties on Oldbury Court Drive and a negligible effect on the donor dwelling. As such I do not consider the proposal would result in material harm to the living conditions of neighbours in this regard. However, this is of neutral weight, as too that the proposed dwellings meet necessary technical standards regarding living space and that No 110 would retain a garden.
20. Therefore, whilst I find no harm to the living conditions of neighbours with regard sunlight I do find harm to the living conditions of neighbours and future occupiers with regard privacy and outlook. For the reasons above the proposed development would not accord with policies BCS21 of the BCS and policies DM7 and DM30 of the SADMP, which collectively seek to ensure development proposals do not adversely effect the living conditions of neighbours.
21. For the same reasons the proposal would not accord with the Framework's objectives of achieving well designed places.

Other matters and planning balance

22. That the Council have not objected to the proposal on other grounds identified by the appellant is of neutral weight.
23. The proposal would make more efficient use of the land available and provide three additional, adaptable, energy efficient homes to the local housing mix in an accessible location. There would also be some likely economic benefit as a result of their construction. However, the harm to the character and appearance of the area, coupled with the harm to the living conditions of neighbours and future occupiers, would significantly outweigh the benefits of the proposal before me.

Conclusion

24. Therefore, having considered the Development Plan and Framework as a whole, and having considered all other matters raised, for the reasons above the appeal is dismissed.

M Scriven

INSPECTOR