



Appeal Decision

Site visit made on 18 January 2021 by Ben Phillips Bsc Msc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 9 February 2021

Appeal Ref: APP/F0114/W/20/3261295

31 Torridge Road, Keynsham, Bristol BS31 1QQ

- 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 David Britton against the decision of Bath and North East Somerset Council.
 - The application Ref 20/01119/FUL, dated 17 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is described as the erection of 1 detached bungalow and garages.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Application for Costs

3. An application for costs was made by Mr David Britton against the decision of Bath and North East Somerset Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in this case are the following:
 - the effect of the development on the living conditions of the occupiers of adjacent occupiers along Walden Road having particular regard to outlook;
 - the effect that the proposed dwelling would have on the character and appearance of the surrounding area; and
 - the effect of the proposed dwelling on the local Green Infrastructure Network.

Reasons for Recommendation

Effect on Living Conditions

5. It is agreed by both parties that the proposed bungalow would be sited in an area closest to the rear boundaries of Nos 16 and 18 Walden Road. The Council set out that the new bungalow would be some 12 metres from the rear

elevation of No 16 at the closest point, and approximately 14 metres from No 18.

6. The occupiers of both Nos 16 and 18 currently have a largely open outlook across their rear gardens and that of the appeal property. Although the outlook would change with the development of the appeal proposal, I am satisfied that its single storey design and overall depth relative to Nos 16 and 18 would ensure that it would not be overbearing on the outlook from the rear of these dwellings or from their rear gardens. The proposal would be unlikely to make the rear rooms of these properties less pleasant to use as a result. In addition, I am satisfied that the limited height of the bungalow would ensure that the proposal would not be a prominent or intrusive feature in views from the garden areas of Nos 16 and 18 and would therefore also be unlikely to make the gardens less pleasant to use as a result.
7. Similarly, the two proposed garage buildings, given their limited scale and height, would also not be overbearing on the outlook from the nearest dwellings and gardens, which appear to be Nos 22 and 20.
8. In light of the above, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of adjacent properties on Walden Road. Accordingly, the proposal complies with Policy D6 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan (2017) (PP) which seeks to prevent significant harm to the living conditions of adjoining occupiers. This policy is in broad accordance with the National Planning Policy Framework (Framework).

Character and Appearance

9. Torridge Road is a pleasant suburban residential road within the settlement of Keynsham. The road and surrounding streets are mixed in character in terms of the appearance, form and scale of the dwellings, however the dwellings generally, with limited exceptions, face the highway or pathway.
10. Whilst the scale of the plots varies in the vicinity, the appeal property and its two neighbours to the west enjoy substantial rear gardens. The appeal site comprises the rearmost part of the garden for No 31 Torridge Road.
11. The proposed modest dwelling would be appropriately scaled. It would not be particularly visible from public vantage points and would utilise the existing access to No 31. However, an independent dwelling located directly behind No 31, visible to a number of neighbouring properties, with its access running along the side of the property and adjacent to the side of No 29 would represent development at odds with the linear pattern of highway fronting dwellings along Torridge Road and the surroundings. It would not reflect the form or grain of existing development.
12. It is acknowledged that there are properties to the east, set off Minsmere Road or Walden Road for example which face onto footpaths, however these are not generally representative of the general pattern and prevailing form of development and are not directly comparable to the detached tandem/backland type development proposed.
13. Whilst the appeal site and its two neighbours to the west have lengthier gardens than the surrounding dwellings, and further opportunities for similar

development may be therefore limited, this does not justify development that detracts from the character and appearance of the wider street scene.

14. Other examples of 'backland' development within the wider estate is referred to by the appellant, however these are not identified. Each case is of course, considered on its own merits, particularly in this instance when considering the character of a specific part of a settlement. These other developments are therefore afforded limited weight.
15. In light of the foregoing it is concluded that the proposal would detract from and be harmful to the existing character and appearance of the surrounding area, in conflict with PP Policies D1, D2, D3 and D5 which collectively seek to ensure that, amongst other criteria, proposed housing positively responds to and enriches site context and local character. These policies are consistent with the Framework (paragraph 127), which, amongst other matters, requires development to be sympathetic to local character.
16. The Council also refer to Policy CP6 the Core Strategy (2014) (CS) and PP Policy D4 which seek to protect Bath and North East Somerset's environmental assets and ensure that development proposals are well connected, respectively. These do not strictly relate to the development as proposed and so are not considered relevant in this instance.

Green Infrastructure Network

17. CS Policy CP7 sets out that the '*integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure (GI) network will be maintained, protected and enhanced*'. The Policy refers to the Framework definition of GI as a '*network of multi-functional green space, rural and urban, which is capable of delivering a wide range of environmental and quality of life benefits for local communities*'.
18. Although trees upon the site have been removed, there is no evidence before me to indicate that they were protected. Moreover CS Policy CP7 and PP Policy NE1 appear to relate to strategic Green Infrastructure (GI) rather than private gardens. In the absence of substantive evidence to demonstrate that the appeal site comprises GI, I find that the proposal would not conflict with the aims of these policies which seek to protect the integrity and value of strategic GI corridors, amongst other matters.
19. Furthermore, the submitted plans show that there is sufficient garden space for both the new and host dwellings, with ample opportunities for landscaping planting. A suitable condition would provide new wildlife habitats or features, in accordance with PP Policy D5.

Other Matters

20. It is asserted that the Council is not able to demonstrate an up to date 5-year supply of deliverable housing sites. I note that the Council is silent on this matter. A housing shortfall as alleged engages paragraph 11 of the Framework. In such circumstances, paragraph 11 d) of the Framework indicates that permission should be granted unless certain circumstances apply.
21. The Framework sets out that development should be sympathetic to local character. The harm to local character in this instance and conflict identified with PP Policies D1, D2, D3 and D5 is given significant weight.

22. Set against harm identified there would be limited social and economic benefits associated with the proposal. An additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant. I acknowledge that the development would make an efficient use of land in a location served by facilities and services and would provide a modest dwelling which may be within the affordability of a range of people. I give moderate weight to these benefits.
23. Consequently, the adverse impacts on the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR