



Appeal Decision

Site visit made on 21 December 2020 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: 19 February 2021

Appeal Ref: APP/Z0116/W/20/3260517

6-8 Belgrave Hill, Clifton, Bristol BS8 2UA

- 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 James King against the decision of Bristol City Council.
 - The application Ref 20/00691/F, dated 14 February 2020, was refused by notice dated 16 June 2020.
 - The development is described as proposed development of a single (Use Class C3) dwelling with associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed development of a single (Use Class C3) dwelling with associated external works at 6-8 Belgrave Hill, Clifton, Bristol BS8 2UA in accordance with the terms of the application 20/00691/F dated 14 February 2020, subject to the conditions set out in the schedule below.

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 James King against the decision of Bristol City Council. This application is the subject of a separate Decision.

Procedural Matters

4. The appellant has claimed a self-build exception (CIL form 7) to the Community Infrastructure Levy requirement. The levy is not intended to make individual planning applications acceptable in planning terms and is a separate charge that the Council has set. My consideration of the appeal has not therefore taken the contributions sought into account in my assessment of this case.
5. The appellant submitted a Unilateral Undertaking (UU) which would provide a financial contribution to the introduction/amendment of a Traffic Regulation Order. This is considered further under the first main issue.

Main Issues

6. The main issues are the effect of the proposed development on:
 - highway safety, and

- the living conditions of nearby residents, having regard to on- street car parking provision.

Reasons for Recommendation

Highway Safety

7. The appeal site comprises a currently vacant parcel of land, located on the northern side of Belgrave Hill, a residential street, sited next to a former quarry face, with dwellings set above, facing Upper Belgrave Road. The local area mostly comprises of narrow terraced residential streets with tight urban grain. There is some limited off-street parking, but the majority of parking is on-street, controlled during weekdays to residents. At the time of my site visit the area was busy however there were parking spaces available.
8. The development proposes 1 single residential unit. No off-street parking is proposed. The plans show that the proposed dwelling would not change the existing carriageway or footway widths and would not lead to a reduction in the existing parking spaces available in Belgrave Hill. The pavement in front of the site is currently used for some parking spaces and the plans show that this would be retained.
9. Whilst vehicles associated with the dwelling would be likely to place a demand on the on-street parking spaces in the locality, I have no substantive evidence before me to demonstrate that the area has reached saturation point in terms of on-street parking availability, or that the existing situation causes unpassable congestion within the road or safety issues to users of the highway.
10. The access and doorway to the dwelling, whilst sited near the corner of the road, would be similar to that of a number of nearby dwellings. Given the slow-moving nature of any traffic, the opportunity for any conflict would be limited, even should cars be parked directly outside, as I saw numerous examples of in the vicinity, and would not lead to unsafe highway conditions for users.
11. There is no reason on the basis of the evidence before me therefore to demonstrate that safe and suitable access to the site could not be achieved for all users.
12. I note the concern raised that in the event of parking restrictions being implemented in the locality to allow fire appliances improved access, that the number of on-street parking spaces would be reduced. However, the evidence submitted by the appellant in his Transport Technical Note (by Highgate Transportation) shows tracking diagrams and swept path analyses for a fire engine which demonstrates that satisfactory access for fire appliances within 45 metres of the site could be achieved without the loss of any on-street parking. This accords with the guidance in Manual for Streets in terms of access for Emergency Vehicles. I note the concern that parked vehicles may prevent such access, but such a situation could occur at present, particularly in terms of fire appliances accessing properties close to the appeal site in Belgrave Hill.
13. Given the scale of the proposal and on the evidence before me, I consider that it would be unreasonable for the appellant to fund works to make an existing situation acceptable. Accordingly, whilst the submitted UU could result in the provision of double yellow lines close to the appeal site to make access easier

for fire appliances, I find that such a contribution is neither reasonable nor necessary to make the proposed development acceptable in planning terms as required by paragraph 56 of the National Planning Practice Framework (the Framework). Accordingly, I have taken no account of the obligation contained within the UU in reaching my recommendation.

14. Paragraph 109 of the Framework sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which applies in this case.
15. In light of the foregoing, I conclude that the proposed development would not present an unacceptable risk to highway safety and accords with the highway safety and quality design objectives of Policy BCS10 of the Bristol Development Framework Core Strategy 2011 (CS), Policy DM23 Bristol Local Plan: Site Allocations and Development Management Policies 2014 (SADMP) and the Framework.

Living Conditions

16. I have found that the proposal would not result in a loss of on-street car parking spaces. Moreover, the likely parking demand on on-street parking spaces created by one additional dwelling would be limited and would be unlikely to result in inconvenience to nearby occupiers, to the degree that would be harmful to their living conditions. It is also reasonable to assume that the Council could control whether residents or visitor parking permits were issued to the intended future occupiers of the new dwelling.
17. In light of the foregoing I conclude that the proposal would protect the living conditions of nearby occupiers in terms of the availability of on-street parking provision. Accordingly, the proposal complies with CS Policy BCS10 and SADMP Policy DM23 which collectively require development to provide safe and adequate access for all sections of the community, with safe, secure, accessible and usable parking provision and be designed and located to ensure the provision of safe streets, amongst other matters.

Other Matters

18. The appeal site is located within the Clifton Conservation Area (CA). No detail is provided regarding this designation; however, it is evident that its significance lies with its special architectural and historic interest with tight-knit development and modestly sized properties a characteristic of the area with the former quarry wall to the rear of the appeal site forming an imposing feature in this part of the CA.
19. Given the limited scale of the dwelling in the context of the quarry face it abuts, subject to conditions securing appropriate materials and details, I find that the proposed development would preserve the character and appearance of the CA, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It would also preserve the setting of the nearby Whiteladies CA, in accordance with paragraph 194 of the Framework. It is noteworthy that the Council did not raise the proposal's impact on these designated heritage assets as a reason for refusing the planning application.
20. The proposed dwelling would be sited close to the Grade II listed Mission House building at 15-21 Richmond Dale, which has a frontage onto Belgrave Hill. This

is a tall, imposing red brick building dating from around 1860, with contrasting brick detailing, formerly a Mission House and Reading Room, set between residential properties. The new dwelling would form part of the mixed urban form which provides the wider context of this listed building, and whilst it would be visible from this building, it would be unlikely to affect the appreciation of this designated heritage asset. Accordingly, there would be no conflict with the statutory test in this regard.

21. The proposal would result in a changed outlook from the ground and first floor windows of properties facing onto Belgrave Hill. However, I am satisfied that the scale and design of the new dwelling would ensure that acceptable levels of outlook from nearby dwellings would be provided.
22. Whilst the proposed dwelling would have a number of windows facing Belgrave Hill, their design, glazing and relationship to properties on the opposite side of the road would ensure that any overlooking from them would be limited. Accordingly, there would be no harm to nearby occupiers' living conditions in terms of loss of privacy.
23. The proposal would be located in a northerly direction to nearby properties in Belgrave Hill and in the absence of substantive evidence to demonstrate otherwise, I find that light would not be reduced to neighbouring dwellings to the degree that would be harmful to their occupiers' living conditions.
24. Concern is raised regarding the quality of accommodation proposed. Whilst the internal spaces are constrained by the design and location of the dwelling, the rooms would be of a sufficient size to accommodate items of furniture suitable for this family sized dwelling. There would also be sufficient windows and rooflights to provide a suitable standard of accommodation. It is noted that the Council have no objection in this regard.
25. I have no substantive evidence before me to demonstrate that the site could not be suitably drained, and a condition could be imposed requiring details to be submitted and implemented in this regard. The submitted bat survey sets out that the site is considered 'not important' for bats due to the urban location and lack of vegetation. The granting of planning permission does not negate a developer's duty to ensure that protected species and their habitats are protected, and conditions will ensure that biodiversity enhancements are incorporated into the design and that clearance works are suitably controlled. A condition requiring a detailed Written Scheme of Investigation to be submitted will ensure that the archaeological qualities of the site are protected.
26. Planning policies and decisions should, amongst other matters achieve healthy and safe places. I note the concern raised regarding the stability of the quarry wall and safety concerns during construction. The appellant has commissioned several reports in respect of this matter and would undertake stabilisation work including using rock anchors before constructing the proposed development, in addition to detailing a method and sequence of working. The Council consider that these matters could be suitably addressed and secured by planning conditions. Details of the construction of the development could be managed through compliance with a Construction Method Statement to ensure that nearby occupiers are not unduly affected by the proposed development of the new dwelling.

27. Concern is also raised regarding the intentions of the appellant with regards to the property and a possible future conversion into 2 dwellings. This would require further planning permission and I have determined the proposal on the basis of the scheme before me. Any inconsistency in the appellant's submissions do not prevent the scheme being considered fully and carefully.
28. The limited benefits of one dwelling both in terms of the local economy and housing stock is accepted, however this does not affect my conclusions on the main issues.

Conditions

29. A number of conditions have been suggested by the Council. Firstly, conditions relating to the approved plans is necessary for clarity.
30. Given the constrained location of the development and in the interests of safety it is also considered that a number of conditions are necessary and appropriate regarding the demolition and construction process, the stability of the quarry face, along with adherence to a Construction Environmental Management Plan (CEMP). Given the age (2016) of the submitted CEMP a new/updated plan is considered necessary.
31. In the interests of biodiversity and protected species conditions are necessary controlling the clearance of vegetation and the provision of bird and bat boxes. To enhance biodiversity a condition controlling the green roof is also necessary. The previous bat survey was carried out in September 2019 and given the delay since this time an updated desk study and/or survey work is required. Given the previous bat surveys on the site all consistently found no evidence of bats due to the urban location and lack of vegetation, a pre commencement condition requiring updated bat survey report is appropriate in this instance.
32. Given the history of the site and wider area, conditions relating to archaeology are also necessary and reasonable, specifically requiring a written scheme of investigation, which includes, amongst other required details, a programme and methodology of site investigation and recording.
33. A condition requiring details of a sustainable drainage strategy is considered necessary in the interest of preventing flooding. A condition requiring the immediate reporting of any land contamination is also necessary to minimise risk to nearby occupiers and the general environment.
34. Conditions controlling the refuse and cycle storage areas prior to the occupation of the development are necessary, along with ensuring that the development is carried out and completed in accordance with the submitted Sustainability and Energy Statement, to safeguard the amenities of the occupiers and to protect the general environment. A separate condition relating to solar panels is not necessary.
35. A condition controlling the details of windows and doors, roof junctions and corner detailing and other matters is considered necessary given the location of the dwelling within a conservation area and to protect the character and appearance of the area. Similarly, a condition requiring a sample panel of the rubble stone wall, render and timber cladding to be provided is also necessary for the same reason.

36. Conditions restricting the use of the roof areas of the property and removing certain permitted development rights are necessary to protect the living conditions of nearby occupiers and in the interests of the character and appearance of the area.
37. A suggested condition relating to sprinklers is not considered necessary as such measures are covered by separate legislation. A condition relating to remedial works to the highway and footway is also not considered reasonable as it would not in this instance relate directly to the development. Similarly, a condition is recommended relating to details of appropriate insurance measures, however, this is not considered reasonable given that this is a private matter and not relevant to planning.
38. In accordance with the Planning Practice Guidance (PPG), the appellant has confirmed that they are happy for the suggested pre-commencement conditions to be imposed. I have altered the wording of some of the suggested conditions to reflect the guidance in the PPG and the Framework.

Recommendation

39. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to the conditions outlined above.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

40. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, the appeal is allowed, with the suggested conditions.

RC Kirby

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development shall be carried out in accordance with the approved plans numbered, 1506(L)00 Location plan, 1506(L)31 Proposed elevation, 1506(L)32 REV B Proposed plans, 1506(L)33 Proposed sections, 1506(L)34 Proposed section G-G, 1506(L)36 REV A Proposed bird boxes and bat tubes, 1506(L)37 Sedum roof.
3. The development hereby approved shall be carried out only in full accordance with the approach and methodologies set out within the approved Geotechnical Report on Rock Face Formation Including Structural Addendum, Rock Slope Stability Considerations and Proposed Anchor Schedule' Report No. 9221/C. The development enabling works (including all site investigation, stabilisation works, clearance of base rock/ walls and foundation works) hereby approved shall be carried out only under the full-time supervision of the approved geotechnical engineer/ engineering geologist for the full duration of the enabling works. In the event that any stability degradation is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority and further investigative work and mitigation measures necessary shall be submitted to the Local Planning Authority and agreed in writing, and implemented in accordance with the approved detail and timetable.
4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
5. No development (including alteration to existing base rock/ wall structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors, to be agreed in writing by the Local Planning Authority prior to being carried out) shall take place until an updated Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include:

- * An assessment of significance and research questions;
- * The programme and methodology of site investigation and recording- including timetable;
- * The programme for post investigation assessment- including timetable;
- * Provision to be made for analysis of the site investigation and recording
- * Provision to be made for publication and dissemination of the analysis and records of the site investigation including timetable;
- * Provision to be made for archive deposition of the analysis and records of the site investigation including timetable;
- * Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

6. Prior to the commencement of development hereby approved an updated Bat Survey report shall be submitted to and approved in writing by the Local Planning Authority. The development (including alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) shall be carried out in accordance with a method of working set out in the approved Bat Survey during all enabling works and construction and shall take place only in accordance with the approved method at all times.
7. The clearance of vegetation where birds may nest, shall be undertaken outside of the bird-nesting season (March - August inclusive) or if clearance works during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist must check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
8. The dwelling hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
9. Prior to the commencement of the relevant part of work, large scale detailed drawings (1:25 or 1:50) of the following elements shall be submitted to and be approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved detail.
 - a) Typical details of each new window and door type, including set-back window features, cills, heads, reveals and surrounds;
 - b) Typical roof junctions including parapets, copings and eaves;
 - c) Typical corner detailing at junctions;
 - d) Junction with retaining wall;
 - e) Rainwater goods;

f) Courtyard screening.

10. No development of the dwelling shall take place until a sample panel of the rubble stone wall, render and timber cladding; demonstrating the colour, texture, face bond and pointing materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved detail.
11. Prior to the commencement of the roof of the property a strategy for the implementation of the green living roof shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include details relating to the extent, specification, installation method and the management and maintenance of the green roof. The approved scheme shall be implemented prior to the occupation of the dwelling and shall be maintained in perpetuity.
12. In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
13. The dwelling shall not be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials has been laid out (in accordance with drawing no. 1506(L)32 REV B) and that space shall thereafter be kept available for this use.
14. The approved bird boxes and bat tubes shall be installed prior to the first occupation of the dwelling hereby approved and retained at all times thereafter.
15. The dwelling shall not be occupied until space has been laid out within the site, in accordance with drawing no. 1506(L)32 REV B for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
16. The development hereby approved shall be carried out in accordance with the measures contained within the approved Sustainability and Energy Statement prior to the first occupation of the development hereby approved and shall be maintained in accordance with these details in perpetuity.

17. The roof of the dwelling hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roof) shall be made to the dwellinghouse hereby permitted (including refuse/cycle storage courtyard), and no windows, other than those shown on the approved plans shall at any time be placed in any elevation of the dwelling hereby approved and none of the windows hereby permitted shall be enlarged or altered (other than like for like replacement of the window frames).