The Planning Inspectorate

Appeal Decision

Site visit made on 9 February 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/Z0116/W/20/3262518
10 Probyn Close, Stapleton, Bristol BS16 1JR

- 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 Hazis Kalisi against the decision of Bristol City Council.
- The application Ref 20/01917/F, dated 28 April 2020, was refused by notice dated 29 July 2020.
- The development proposed is erection of 2 Bedroom Dwelling (Self Build).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the decision notice. While different to that on the application form, the plans show a 2-bedroom property rather than 3 as described on the application form. The 2-bedroom description is also given on the appeal form.

3. At my site visit, I saw that an extension to 10 Probyn Close (No 10) was being constructed. I do not have details of the extension and it is not shown on the plans submitted with the appeal. I have therefore dealt with the proposal on the basis of the plans before me.

Main Issues

4. The main issues of the appeal are the effect of the proposed development on:

   - The character and appearance of the area;
   - Highway safety, with particular regard to parking provision, pedestrian access, bin and cycle storage; and
   - The living conditions of the occupiers of nearby dwellings, with particular regard to outlook, privacy, daylight and sunlight.

Reasons

Character and Appearance

5. The appeal site is located in one of several cul-de-sac streets with a distinct and regular pattern and appearance to the built form. The space between properties at the head of the cul-de-sac represents an important visual gap between the rows of properties in the street. This gap along with others in similar positions in the surrounding streets allows longer range views and

provides an openness to the street scene. While some properties in nearby streets appear to have been altered and extended, the gaps are relatively even at the corners of the roads and contribute positively to the character and appearance of the area.

6. The proposed property would be set back from the highway and the property it would be attached to. Nevertheless, given the width, scale and mass of the proposed dwelling it would fill much of the existing gap between 9 and 10 Probyn Close. While the proposed dwelling would not fill the whole of this space, it's presence and siting close to the site boundaries would greatly diminish the existing openness in this part of the street. This would harm the character and appearance of the area and appear cramped in comparison to the existing streetscene.

7. The building takes architectural hints from the surrounding development including the roof form, scale and external materials. Nevertheless, the set back of the property from No 10 would be incongruous with the consistent front building line of this row and others in the street. Moreover, the dwelling would not replicate the appearance of the existing properties in the street. The scheme would unfavourably contrast with the building line, orientation and symmetry of design within each row of properties. The dwelling would also not directly front the road. Although this reduces the prominence of the proposed dwelling, it jars with the orientation of properties in the same streetscene.

8. While the proposed bin and bike storage would be to the rear of the property, a gap in the boundary treatment is shown close to them. Therefore, access to the front of the property could be achieved along the path linking the street to the garages behind.

9. Nonetheless, the proposal would significantly harm the character and appearance of the area. It would fail to accord with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) and Policies DM26-29 and DM21 of the Site Allocations and Development Management Policies Local Plan (SADMP). These in part aim to protect and reinforce local distinctiveness and the character and appearance of the area.

Highway Safety

10. As with many of the existing properties in Probyn Close and surroundings streets, there would be no off-street parking for the proposed dwelling. The SADMP sets out the maximum parking provision standards stating that for individual or small-scale developments these standards will be applied flexibly.

11. There are some public transport facilities and services in the area. Although distances to these have not been provided, they would be within a reasonable walking distance of the site. Notwithstanding this, the bus timetable provided indicates services, while frequent at times, buses do not run at all times of the day and other services and facilities would be beyond convenient walking distance. Consequently, there would likely be some reliance on private transport by occupiers of the dwelling leading to a need to park vehicles nearby.

12. At my site visit, which I appreciate is only a snapshot in time, there was a considerable amount of on street parking taking place in the nearby streets and very limited on street space within Probyn Close itself. While there were some

on-street parking spaces available near the site, their number was small. There were also instances of parking taking place on the pavements and on double yellow lines at junctions close by.

13. Cars associated with the proposed property would need to park on the street. Given the limited on-street spaces available, I consider this would lead to instances of dangerous and obstructive parking such as on yellow lines, at road junctions or on footways. This would contribute to highway congestion and as a result would compromise highway safety for road and pavement users.

14. The appeal property would be accessed by pedestrians off the path leading to the garages behind rather than directly from the pavement. The path was uneven and narrow. However, it is only a short distance and I saw that the condition of the path did not prevent it being used.

15. The Council raise no concern over the quantity of the bin and cycle storage, and I have reached the same finding. The pedestrian path would allow access to the bins and cycles from the front of the house without them needing to be taken through the property itself. As such, there would be no need for them to be stored on the pavement and the location of the storage facilities would not discourage the use of cycles. It would therefore accord with PolicyDM32 of the SADMP.

16. Notwithstanding this, the proposal would result in unacceptable harm to highway safety with regard to parking provision. The scheme would fail to accord with Policy BCS10 of the CS and Policy DM23 of the SADMP where they, in part, require developments to provide safe and adequate access and encouraging sustainable travel patterns.

Living Conditions

17. The proposed dwelling is stepped back from No 10 and would partly face towards the gable end of 9 Probyn Close (No 9). Although there are no windows in the side elevation of No 9, a large part of its garden is to the side adjacent to the appeal site. While there are some views over the boundary treatments along the lane between No 9 and No 10, this area is currently relatively private. Though angled to some degree, the first-floor bedroom window would have close range views into the side garden of No 9. While some overlooking is expected and tolerable in residential areas, the appeal scheme would considerably reduce the level of privacy that the occupiers of No 9 currently enjoy.

18. While the proposed dwelling would feature prominently in the outlook from the garden of No 9 in views towards the site, the existing property already does so. Although the proposed dwelling would not be a significant distance from the garden, there would be alternative outlooks away from it. The setting back of the proposed property would also reduce its impact. There are no windows in the gable end of No 9 with its front and rear windows affording views away from the site. As such, although the proposed dwelling would be clearly visible from No 9 and its garden, it would not be overbearing.

19. There would be some impact on sunlight and daylight from the proposed dwelling. However, at No 9 this would be limited to the early morning, given the course of the sun, orientation of the buildings and therefore the direction of

shadowing. Therefore, the proposal would maintain a reasonable relationship with No 9 and would not result in excessive loss of daylight or sunlight.

20. The SPD[1] refers to 45° rules of thumb from habitable room windows to protect the living conditions of neighbouring occupiers. Nonetheless, the SPD is directed primarily at householder development rather than new dwellings as this scheme would be. The new dwelling would not extend significantly beyond the rear building line of No 10. The rear windows of No 10 are orientated towards its rear garden rather than towards the proposed dwelling. As such, while it would feature in the outlook from the rear rooms of No 10, the proposed property would not be oppressive or overbearing in these views.

21. There would be some reduction in sunlight and daylight reaching the rear windows of No 10 from the scheme. Nonetheless, any reduction in sunlight would not be significant and be limited given the position of the building in relation to the direction of travel of the sun. The size and position of the openings on the rear elevation of No 10 and their direction towards the garden would ensure sufficient natural light would be able to reach the rooms they serve.

22. Notwithstanding this, the proposed development would significantly harm the living conditions of the occupiers of 9 Probyn Close with regard to overlooking. The scheme would fail to accord with Policy BCS21 of the CS where it, in part, seek to safeguard the amenity of existing development.

23. The SPD and Policy DM30 of the SADMP relate to alterations to existing buildings and in light of the nature of the proposal carry less weight. Policy DM21 of the SADMP is not concerned with living conditions of neighbouring occupiers and weighs neither for nor against the proposal.

Planning Balance

24. Footnote 7 of the National Planning Policy Framework (Framework) sets out that paragraph 11d) is triggered in circumstances where the Housing Delivery Test indicates that the delivery of housing has been substantially below the housing requirement over the previous 3 years. The Housing Delivery Test measure for 2020 shows that the Council's has fallen below 75%.

25. The proposal would contribute to the supply of housing. However, being for a single dwelling, the contribution would be small, and I give this factor limited weight. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Nevertheless, as construction benefits would be short term, and given the scale of the proposal, these factors attract little weight.

26. The proposal would harm the character and appearance of the area, living conditions of the occupiers of an adjacent property and highway safety. It would conflict with several policies within the development plan and it as a whole. I give the conflict with these policies substantial weight.

27. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the

[1] A Guide for Designing House Alterations and Extensions Supplementary Planning Document

presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.

28. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale developments can make an important contribution to meeting the housing requirement and different types of need (paragraphs 59 and 68). As a single dwelling proposal there would be limited benefit.

29. There is positive support for the provision of self-build properties in in the Framework (paragraph 61) and this weighs in favour of the scheme. Nonetheless, there is limited evidence presented with regard to the self-build aspect of the scheme or the level of need in this area. Consequently, this attracts little weight.

30. There would be economic and social benefits from the build and occupation of the dwelling as well as support for local services, facilities and the community. There would be environmental benefits from energy efficiency. Such benefits would be minimal given the size of the development, and I give each limited weight.

31. The proposal would be contrary to the Framework where it seeks to ensure proposals provide a high standard of amenity for existing users, are sympathetic to local character (paragraph 127), and minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 110).

32. Having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

33. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

34. I have found that the appeal scheme would conflict with policies in the development plan. Even when taken cumulatively, the other material considerations do not outweigh this.

35. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR