

Appeal Decision

Site visit made on 7 January 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/Z0116/W/20/3260456

61 Cecil Avenue, St George, Bristol, BS5 7SE

- 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 Colin Mackell against the decision of Bristol City Council.
 - The application Ref 20/01012/F, dated 28 February 2020, was refused by notice dated 14 August 2020.
 - The development proposed is the extension of existing house to create 4no. self-contained flats and 1no. single-dwelling house, with associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In their submissions the appellant and Council use an amended description from that on the application form. I consider that it more clearly describes the proposal and have therefore employed the description from the Council's decision notice.
3. The 2020 Housing Delivery Test¹ (HDT) for the City of Bristol was 72%. The Council were invited to comment on this, but no response has been received. I consider the implications of this below.

Main issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area and host building;
 - the living conditions of the occupants of 59 Cecil Avenue, with particular regard to sunlight, daylight and outlook;
 - highway safety;
 - green infrastructure.

Reasons

Character and appearance of the area and host building

5. The host building is a 2-storey, end of terrace house on a large estate. It occupies a substantial corner plot at the junction between Cecil Avenue and

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Holmes Hill Road. The plot also contains a double detached garage to the front side and the rear garden slopes steeply upwards towards a back lane.

6. It is proposed to add a single-storey rear extension to the host house and divide the building into 2 flats. A 2-storey side extension would also be added to provide 2 further flats. The garage would be demolished, and a 2-storey dwelling added to the end of the terrace. The overall impression would be that of 2 additional terraced houses on the end of the row.
7. Green, open areas on street corners provide relief locally from an otherwise tightly grained housing estate. The greenery and sense of openness provided by the appeal site therefore makes a notably positive contribution to the character and appearance of the area in a prominent location. The proposal would result in substantial loss of this, which would lead to a cramped appearance when compared with the prevailing character. I note that there is already a double garage on the plot, but by virtue of this being only one storey high and built into the slope, it does not have an impact on the sense of spaciousness that the appeal site contributes to this corner.
8. The estate is characterised by a regular pattern of long rear gardens. The proposal would result in unusually small and truncated gardens, which would exacerbate the cramped character and appearance of the development.
9. The end building would present a blank face to users of Holmes Hill Road, which would aggravate the sense of enclosure caused by the additional buildings. I acknowledge that this would be similar in form to the host house and others in the area. However, in the examples provided, few are perpendicular to the road, and none are adjacent to the street or in such a prominent position and for this reason I do not consider set a precedent. I acknowledge that the existing garage is marginally closer to the road than the proposed side elevation, but because of the slope it is at pavement level when approached from Holmes Hill Road and therefore not comparable.
10. Dormer windows would be inserted in the rear roof, with a small offset from the ridge. With reference to the Council's Guide for Designing House Alterations and Extensions (SPD)², I consider that the size, dual pitch design and offset of the dormers would ensure that they remain subservient to the main roof. In addition, while extensions would ordinarily need to appear subservient, the SPD suggests that it can be suitable to continue the building line on terraces and I consider that this would be appropriate at this location. I have also not identified harm from the proposed buildings being of marginally different width to the host house. However, these factors are insufficient to overcome the harm to character and appearance identified above.
11. The development would appear cramped in appearance when compared to the prevailing character of the estate. The proposal is therefore in conflict with Policy BCS21 of the Core Strategy (June 2011) (CS) and Policies DM21, DM26 and DM27 of the Site Allocations and Development Management Policies (July 2014) (SADMP), which require that development respects the character and appearance of the area.

² Supplementary Planning Document Number 2: A Guide for Designing House Alterations and Extensions (October 2005)

Living conditions of No 59 Cecil Avenue

12. A 3.2-metre-deep single-storey rear extension would run 0.6 metres from the boundary with neighbouring 59 Cecil Avenue. The extension would not intercept the 45-degree line in a vertical direction when measured from the centre of the neighbour's ground floor window, and in this respect the proposal meets the guideline in the SPD.
13. However, based on diagrams provided by the appellant, the horizontal plane would be interrupted. The rear extension would therefore lead to a loss of outlook and daylight from the back of the neighbouring house. The extent of this may be modest, but I am mindful that the garden at No 59 is small and narrow, and the harm therefore potentially more apparent.
14. The appellant has drawn my attention to the fallback position of a 3-metre single-storey extension immediately adjacent to the boundary, which could be built using permitted development rights. I do not have evidence that this would be equivalent and regardless, this is not the scheme before me.
15. The proposal would therefore cause harm to the living conditions of the neighbours at No 59 through loss of outlook and daylight, in conflict with Policy BCS21 of the CS and Policies DM29 and DM30 of the SADMP, which require that development safeguards the amenity of neighbouring occupiers.

Highway safety

16. It is proposed to provide 2 parking spaces at the back of the garden and introduce a new access with dropped curb onto Holmes Hill Road, a short distance above the junction with Cecil Avenue.
17. The Council recommends that a small splay is required for the purpose of protecting pedestrians. The plan provided in the appellant's statement appears to show this splay intercepting a 1.2 metre close board fence, which is above the recommended height, but I am satisfied that this could easily be modified and that the required visibility is attainable. The appellant has also demonstrated that the larger visibility splay required for vehicles to enter the road is achievable.
18. The appellant estimates that 4 vehicles would be generated by the development, which would result in 2 vehicles requiring on-street parking. The appellant's parking survey indicates that there is negligible capacity along Cecil Avenue, but that spaces can remain adjacent to the site on Holmes Hill Road. I note that parking along this short stretch of road could potentially interfere with the proposed access and dropped curb, which may preclude its use. However, the parking survey indicates that there would be approximately 15 spare spaces within 150 metres. The Council have confirmed that this is satisfactory and, although it is clear from third party correspondence that parking is limited in the area, I have no evidence to suggest that the additional demand for parking cannot be found within a reasonable distance of the site.
19. Based on the information provided there would not be an increase in risk to highway safety and I therefore do not find conflict with Policies BCS10 of the CS and DM23 of the SADMP, which ensure the provision of safe streets.

Green infrastructure

20. Trees around the boundary of the appeal site have been removed recently and the Council requires 3 replacement trees and hedging. Notwithstanding that the appellant disputes this, the proposal includes 9 trees and a long screening hedge and therefore meets these requirements. Details of the trees are not provided on the submitted drawings, but I am satisfied that they could be secured using a condition.
21. There would be a reduction in green space at the site through removal of part of the garden. However, appropriate development of gardens is allowed in the local plan, and in these cases some loss is inevitable. In this event, Policy BCS9 requires that appropriate mitigation is provided. It is proposed that the front driveway would be replaced with a garden, the boundaries would be hedged and there would be a net gain in the number of trees, which I consider fulfils this requirement.
22. For this reason, I do not find conflict with BCS9 of the CS, or Policies DM15 and DM17 of the SADMP, which require protection of green infrastructure, including trees.

Other considerations

23. The proposal would contribute to the housing supply by increasing building density in a highly accessible location, for which there is support in Policy DM21 of the SADMP. A range of 1 and 2 bedroom dwellings would be provided, which may add to the housing mix in the area in line with national policy, although I note no evidence is provided that there is a particular need for this type of housing locally. There would also be a contribution to the local economy during construction and future use of local public services. Photovoltaic panels on the roof would result in an energy saving, for which there is support in the Core Strategy. However, the benefits from these are limited by the small scale of the development.

Planning balance and conclusions

24. The HDT is below 75% and paragraph 11 of the National Planning Policy Framework (2019)(the Framework) states that policies are therefore considered to be out of date and the development must be assessed against the policies in the Framework.
25. The adverse impacts relate to significant harm to character and appearance of the area, in conflict with paragraphs 122 and 127 of the Framework, and moderate harm to the living conditions of neighbours, in conflict with paragraph 127. These factors contribute to the overall poor design, which forms a reason for refusal under paragraph 130. Paragraph 59 provides support for additional housing, but the benefits from 4 additional dwellings would be modest when compared to a deficit of approximately 1800 houses. I conclude that the adverse impacts would significantly outweigh the benefits when assessed against the policies in the Framework taken as a whole.
26. I conclude that the proposal conflicts with the development plan when read as a whole and the appeal is dismissed.

B Davies, INSPECTOR