The Planning Inspectorate

Appeal Decision

Site visit made on 23 February 2021 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/Z0116/W/20/3261843
181 Highridge Green, Bristol, BS13 8AA

- 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 Nigel Eckersall against the decision of Bristol City Council.
- The application Ref 19/06203/F, dated 20 December 2019, was refused by notice dated 28 July 2020.
- The development proposed is a new family dwelling house within the existing plot of 181 Highridge Green, with a ground floor, first floor and an attic dormer.

Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues are;

   i) the effect of the proposed development on the character and appearance of the area, which is within the Bishopsworth and Malago Conservation Area and,

   ii) the effect on the living conditions of the occupiers of 181 Highridge Green with particular reference to outlook and light.

Reasons for the Recommendation

i) Character and appearance

4. As the site is located within the Bishopsworth and Malago Conservation Area (CA), it is necessary in determining the appeal to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is largely in accordance with the Council's 1993 Consultation Draft Enhancement Statement, in that it is mostly derived from low density, two storey development of mixed ages and the inclusion of several major areas of open space.

5. One of the open spaces is Highridge Common and 181 Highridge Green is part of a row of four dwellings which face the eastern side of the common. It is a two storey semi detached house with a hipped roof form. Unlike No 183, the

attached neighbouring property to the south east, it has a sizeable two storey side extension of an integrated design. To the north west of the site is No 179, a two storey detached house and beyond that No 177, a bungalow with further accommodation in the roof space.

6. There is currently a wide gap between the flanks of No 181 and No 179. The majority of the gap forms a parking area for No 181 with a single storey garage and part of a conservatory located behind. From the higher parts of the common, the development to the side of No 181 is visible but the gap largely provides views of the residential development on Wyatt Close, located immediately to the rear of the appeal site. The importance of the gap in terms of wider views over the city is therefore limited. However, it does make a significant contribution to the low density character of the area.

7. The proposal is to erect what is described as a two storey detached house within the gap, with a dual pitched roof. It would have an almost full width flat roof rear dormer and two front rooflights.

8. As the new dwelling would be positioned less than 1m from No 181, both the properties would appear cramped within their respective plots and the low density character of the locality would be significantly undermined. The resultant gap would also be narrower than the gaps generally found between the dwellings on the south side of the common. The extremely close and awkward relationship between the south east gable end of the new dwelling and the hipped roof of No 181 would also be visually jarring.

9. While Nos 181 and No 179 both have fairly wide front elevations, the proposed dwelling would be considerably narrower and have a strong vertical emphasis, adding to its cramped appearance. Its form and mass would therefore appear incongruous alongside the neighbouring properties. The discordant nature of the development would also be emphasised by the proposed use of zinc and timber look panelling when it is brick, render and stone which are the characteristic facing materials within the row of properties.

10. Owing to its excessive bulk, the dormer would unduly dominate the rear roofscape of the proposed dwelling and as noted by the Council, it would give the rear elevation the appearance of a three storey dwelling. Also, due to its visible flanks, the large dormer would be appreciable in some public views from the common. Furthermore, the height difference with No 179 would be greater than shown in the proposed front street elevation drawing because the ground floor level of that property is lower than the appeal site. Consequently, when observed alongside the lower two storey built form of No 179, the new dwelling would inevitably have a three storey appearance which would be inconsistent with the character of the area.

11. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area and it would fail to preserve or enhance the character or appearance of the CA. It would conflict with Policy BCS21 of the Council's 2011 Core Strategy (CS) and Policies DM21, DM26, DM27 and DM29 of the Council's 2014 Site Allocations and Development Management Policies (SADMP). The policies generally seek to ensure development positively contributes to an area's local character and distinctiveness through, amongst other things, respecting the local pattern of development and responding appropriately to the height, scale, massing, form, and materials of existing buildings. It would likewise conflict with Sections 11

and 12 of the National Planning Policy Framework (`the Framework') which, in promoting the efficient use of land, emphasises the importance of maintaining an area's character and securing attractive places.

12. Furthermore, it would conflict with Policy BCS22 of the CS, Policy DM31 of the SADMP and Section 16 of the Framework which seek to ensure development conserves or enhances the special character or appearance of heritage assets.

ii) Living conditions

13. There are four side windows on the north west flank of No 181, two on the ground floor and two on the first floor. One of the ground floor windows is opaque glazed, indicating it does not serve a habitable room. The other ground floor window serves a kitchen but the room has further windows overlooking the rear garden area. As such, the impact on the rooms served by these windows would not be unacceptably harmful.

14. The Council suggest the two first floor windows serve bedrooms, which the appellant disputes. Nonetheless, even if they do serve habitable rooms, one of them is clearly a secondary window serving a room which also benefits from a front facing window. The other does appear to be the only window serving a rear room, but the plans show a new first floor window would be inserted on the rear elevation of the existing house to serve this room. Consequently, subject to a condition requiring the provision of the new window, the proposed dwelling would not have an unacceptably harmful effect on the rooms served by these first floor windows either. Overall, the development would not have an unacceptably adverse effect on the living conditions of the occupiers of No 181 with particular reference to outlook and light.

15. It would therefore not conflict with Policy BCS21 of the CS which generally seeks to safeguard the amenity of existing development or Policies DM27 and DM29 of the SADMP which specifically seek to ensure appropriate levels of outlook and daylight. Similarly, it would not conflict with Sections 11 and 12 of the Framework which promote healthy living conditions and high standards of amenity. While the Council also referred to Policy DM21 of the SADMP in its related reason for refusal, the policy does not appear to be directly relevant to the consideration of living conditions.

Other Matters

16. Paragraph 196 of the Framework specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, the harm should be weighed against the public benefits of the proposal. Paragraph 193 also specifies that great weight should be given to the asset's conservation, irrespective of whether the harm is less than substantial. The appellant has put forward several suggested public benefits of the proposed development which are considered below.

17. The development would not maximise the use of a brownfield site because such residential land within built up areas is excluded from the Framework's definition of previously developed land. Furthermore, it would not improve the visual appearance of the appeal site because the existing garage and conservatory are not untidy or unsightly.

18. While the proposal would retain the existing building line, this would be a design requirement to achieve a satisfactory layout to the development. It would therefore be a neutral consideration.

19. It is acknowledged the development would provide an additional family dwelling with suitable space provision and which has good accessibility to services and facilities by non-car modes. There would also be some economic benefits during the construction phase of the development. However, given the small scale of the development, these benefits only attract limited weight and they do not outweigh the great weight that the Framework specifies should be given to the conservation of the designated heritage asset.

20. There is no published character appraisal for the CA and the aforementioned conservation area Enhancement Statement is unadopted. However, this does not diminish the weight to be afforded to the harm to the significance of the CA because, as noted above, I agree with its characterisation of the CA.

21. The appellant has drawn attention to the granting of planning permission in 2006 for a detached dwelling at No 183, (Council Ref: 05/04408/F and referred to as 183a Highridge Green). However, it has not been constructed and it would largely have been a backland development with the majority of the dwelling sited outside of the CA. It was also considered against a different planning policy framework. The historic permission is therefore of little relevance to this case.

The Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

23. Notwithstanding the finding on living conditions, the harm in respect of the character and appearance of the area is an overriding consideration and the development would not be in accordance with the development plan when considered as a whole.

24. As outlined above, the development would provide some positive planning benefits. However, given the small scale of the development, the benefits only attract limited weight. Consequently, it is found that material considerations would not outweigh the identified conflict with the development plan.

Overall Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR