
Appeal Decision

Site visit made on 23 February 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/P0119/W/20/3263790

**Rear of 40 Broad Street, Staple Hill, Bristol, South Gloucestershire
BS16 5NS**

- 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 Bristol Rise Developments Ltd against the decision of South Gloucestershire Council.
 - The application Ref P20/04425/F, dated 9 March 2020, was refused by notice dated 13 October 2020.
 - The development proposed is the erection of 1 no. 2 bed detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description and site address are taken from the appeal form.
3. Revised plans have been submitted subsequent to the Council's decision notice. However, these have not been the subject of proper public consultation and the responses of interested parties cannot be assumed. Consequently, to be fair to all possible parties, I am unable to accept them and have considered the appeal proposal on the basis of the plans submitted at the time of the application as determined above.

Main Issues

4. The main issues are:
 - the adequacy of outdoor amenity space and the effect of the proposal on the living conditions of flat No.1, 40 Broad Street;
 - the effects on the character and appearance of the area and;
 - the effects on parking and highway safety.

Reasons

Living conditions

5. The appeal site is to the rear of a frontage of dwellings on Broad Street and the immediate neighbour is No.1, is a ground floor flat. In the other direction, the

- appeal site overlooks an open tarmacked public car park, with a pair of steel doors marking this boundary.
6. The appeal site is a yard, enclosed on both sides by boundary walls. It is largely open except for a single garage.
 7. The proposed dwelling is termed a maisonette on the submitted plans. It would have two floors and sited towards the car park end of the appeal site. However, the maisonette would have a wholly open aspect towards the ground floor (living room window) of flat No.1, and due to its height and proximity would result in a pronounced sense of overbearing enclosure. It would therefore harm the everyday living conditions of flat No.1.
 8. There would not be overlooking due to the proposed sensitively detailed fenestration and similarly there would be some overshadowing but not to a significant level.
 9. The proposal would provide some outdoor amenity space for the occupants of the proposal as well as the intended new occupants. This would be large enough to meet everyday needs. However, the submitted plans show the space would be left open, which would result in overlooking from the facing windows of both properties. The use of the outdoor space would be impaired as well as the perception of privacy within the dwellings.
 10. I note the appellants comments about the proximity of Page Park, but this would not meet the immediate needs of the occupants.
 11. Due to the overbearing enclosure from the proposal and the inadequate arrangements for outdoor amenity space, the proposal would not provide satisfactory living conditions for the new occupants and those at flat No.1. The proposal is therefore contrary to Policies CS1 of the South Gloucestershire Local Plan Core Strategy and Policies PSP8 and PSP38 of South Gloucestershire Local Plan Policies, Sites and Places Plan (LP) which require provision of waste storage space, prevent overbearing development, and consideration of the impact within a residential curtilage. PSP43 of the LP requires outdoor amenity space and whilst sufficient amount would be provided it would not be appropriately sub-divided and privacy would not be established.

Character and appearance

12. The boundary of the appeal site is prominent from the public car park, formed by steel doors and is not attractive. The proposal is for a fenestrated and contemporary style elevation here which would be visually an improvement. It would create softer appearance and interest rather than the abrupt nature of the gates.
13. There are several outbuildings to the adjacent residential properties on this boundary and a two storey warehouse style building. The maisonette would appear in keeping being between these buildings.
14. Furthermore, the maisonette would be modest in footprint in relation to the site and would appear subservient compared to the taller buildings of Broad Street.
15. I therefore conclude that the proposal would not harm the character and appearance of the area. It would comply with Policies CS1 of the CS and PSP1 of the LP which require high quality design reflecting the distinctiveness of the

site and surroundings. Paragraph 127 of the National Planning Policy Framework (the Framework) also requires sympathetic design and the National Design Guide provides more detailed criteria to the same effect.

Parking/accessing

16. The proposal would result in the hard surfaced yard and the garage being unavailable for parking. It would also create potentially additional demand from the 2 bedroom maisonette.
17. However, there is a large public car park immediately opposite, and unrestricted on street parking is very close. Moreover, the site is in a very sustainable location with an excellent range of shops and facilities in the immediate environs and public transport.
18. I therefore conclude that the proposal would not create a parking shortfall or accessing problems which would impair highway safety. Policies PSP11 of the LP seeks parking provision of 1.5 spaces. Whilst the proposal would be in conflict, the site is well served by a public car park and on street parking and is in a wholly sustainable area. Indeed paragraph 110 of the Framework recognises the importance of walking to facilities. PSP16 of the LP protects highway safety and paragraph 109 of the Framework advocates a refusal if there would be an unacceptable impact on highway safety. The proposal would not be in conflict with the Framework and the material circumstances would not warrant a dismissal on this ground.

Other matters

19. The proposal would provide a new dwelling which would contribute to housing land supply and have social and economic benefits. However, this would not outweigh the harm to living conditions.

Conclusion

20. I therefore conclude that the appeal should be dismissed

John Longmuir

INSPECTOR