



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: 12 March 2021

Appeal Ref: APP/Z0116/W/20/3262576

1 Maidenhead Road, Hartcliffe, Bristol BS13 0PS

- 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 A Briggs against the decision of Bristol City Council.
 - The application Ref 20/03485/F, dated 3 August 2020, was refused by notice dated 5 October 2020.
 - The development proposed is new dwelling to side of existing with removal of garages and outbuildings.
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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.

Preliminary Matter

3. At the time of the site visit, the garages and outbuildings referred to in the description of the proposed development had been removed.
4. A revised plan was submitted with the appeal that would change the first floor internal layout of the proposed dwelling from 3 to 2 bedrooms. The revised plan does not materially alter the nature of the application and it does not prejudice the interests of any parties. I have therefore accepted the revised plan.

Main Issues

5. The main issues are;
 - i) the effect of the proposed development on the character and appearance of the area and,
 - ii) whether the proposal would provide acceptable living conditions for its future occupiers with respect to internal space.

Reasons for the Recommendation

- i) *Character and appearance*
6. The appeal site is located within a formally laid out mid-20th century residential area. It comprises an end of terrace property in a row of four prefabricated
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- 'Cornish units' which have their first floor accommodation distinctively contained within a hipped mansard roof. The site occupies a prominent corner plot position on the south side of Maidenhead Road, adjacent to the junction with Lampton Avenue.
7. Lampton Avenue is the primary access road in the locality and its character is strongly defined by the set backs of the two storey built form of the properties and well-defined building lines. In combination, these give the street a generous sense of spaciousness which is not materially diminished by the wall on the opposite side of Lampton Avenue to the appeal site. The spaciousness is particularly important as it represents a key quality of the area and sets a positive tone for the adjoining secondary residential streets.
 8. The existing eastern flank of the appeal dwelling closely corresponds with the front building line of Nos 10-16 Lampton Avenue, a terrace with its southern gable end located on the opposite side of the Maidenhead Road junction. It also forms a building line with the flank of Nos 55 and 56 Tynte Avenue to the south east.
 9. Although the set back of the appeal dwelling from Lampton Avenue is around twice that of Nos 10-16, this reflects the eastward rising curve in the street and the deeper set back is generally consistent with the layout of the remainder of the avenue. Therefore, while there is no single consistent building line and the built form with differing orientations is broken up by junction intersections and rear gardens, the absence of development to the side of the appeal property nevertheless makes an important positive contribution to the characteristic spaciousness of Lampton Avenue. It also provides a visually pleasing sense of spaciousness to the side of the host terrace.
 10. The proposal is to erect an attached dwelling within the side garden area, thereby increasing the terrace to five properties. It would emulate the two storey hipped roof design of the existing dwelling and have a full width single storey flat roof rear projection.
 11. The development would significantly project beyond and harmfully disrupt the two building lines identified above. Although there would be a strip of side garden remaining between the flank of the new house and the back of the public footway, it would be particularly narrow in comparison to the deep set backs typically found in the street and the more moderate set back of Nos 10-16. Consequently, the development would severely undermine the existing positive contribution made to the spaciousness of Lampton Avenue. It would also have a detrimental impact on the terrace which would appear markedly cramped within the street scene.
 12. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would conflict with Policies DM26 and DM27 of the Council's 2014 Site Allocations and Development Management Policies (SADMP). These expect development to contribute towards local character and distinctiveness by respecting the local pattern of development and responding appropriately to building lines and set-backs.
 13. It would also conflict with Policies BCS20 and BCS21 of the Council's 2011 Core Strategy, as well as Policy DM21 of the SADMP. These more generally expect high quality development that is informed by the local context and which does

not result in harm to the character and appearance of an area. Furthermore, it would conflict with the National Planning Policy Framework which, in promoting the efficient use of land, emphasises the importance of maintaining an area's character and securing attractive places.

14. The Council also referred to Policy DM29 of the SADMP which relates to the design of new buildings in its reason for refusal. However, there is no identifiable direct conflict with that policy in relation to the character and appearance of the area given the proposal seeks to replicate the design of the properties in the existing terrace.

ii) Living accommodation

15. The Council's concern was that the smallest first floor bedroom was of an insufficient size. The appellant's amended plan addresses this matter by removing that small bedroom from the plans.
16. However, neither of the main parties have acknowledged that the original submitted plans (Drawing No: PLN-1), which labels the use of the rooms, includes 3 first floor bedrooms but also a fourth large ground floor bedroom. The combined living and kitchen areas are separately identified towards the rear of the ground floor. The appellant's revised plan also has the same ground floor layout, (Drawing No: PLN-1 Rev A). Notwithstanding the appeal statement indicating the revised plan relates to a 2 bedroom layout, I must determine the appeal in accordance with the plans that have been put before me which shows a 3 bedroom unit. Although the precise measurements of the rooms are not before me, at least two of the rooms would appear to be large enough to be double bedrooms, and hence the dwelling can be considered as, at least, a 3 bedroom 5 person house.
17. Policy BCS18 of the CS states that residential development should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards. The Council have relied upon the Nationally Described Space Standard (NDSS). While the Policy predates the NDSS, the written Ministerial Statement on the application of the NDSS made it clear that existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard, and that decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. As Policy BCS18 is such a policy, compliance with the NDSS is a requirement.
18. The NDSS states that for a two storey, 3 bedroom 5 person house, the minimum internal floor area should be 93sqm. The appellant's Community Infrastructure Levy Form gives the dwelling's floor area as being 90.6sqm. The failure to meet the standard gives some indication of the cramped nature of the proposed accommodation. I therefore consider the development would fail to provide acceptable living conditions for its future occupiers and it would conflict with Policies BCS15, BCS18 and BCS21 of the CS which, amongst other things, seek to ensure a high quality environment for future occupiers.
19. Notwithstanding the above, even if the dwelling were considered as a 3 bedroom 4 person dwelling and so did provide sufficient internal space having regard to the NDSS, this matter could not be a positive consideration to outweigh the harm caused to the character and appearance of the area.

Other Matters

20. It is acknowledged the development would provide an additional family dwelling which has good accessibility to services and facilities by non-car modes. However, given the small contribution it would make to the housing land supply, this benefit only attracts limited weight.
21. The appellant asserts the development would offer a modest enhancement to the plot in comparison with the current situation. While the garages and outbuildings have been removed leaving an open cleared area to the side and rear of the appeal property, the current appearance does not justify the permanent harm to the character and appearance of the area that would arise from the proposed development.
22. In the Design and Access statement the appellant drew attention to the granting of planning permission for three developments in the locality which involved the use of side garden areas. However, they are not directly comparable as they had no significant effect on the set backs and building lines within Lampton Avenue, the primary access road in the locality.

The Planning Balance

23. 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.
24. The development would not be in accordance with the development plan when considered as a whole and the benefit of an additional dwelling only attracts 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