



Appeal Decision

Site visit made on 1 February 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/Z0116/W/20/3249714

77 – 83 Church Road, Redfield, Bristol BS5 9JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Diverse Commercial Ltd against the decision of Bristol City Council.
 - The application Ref 19/05876/P, dated 4 December 2019, was refused by notice dated 10 February 2020.
 - The development is outline application for the erection of a four-storey building comprising 2no. ground floor retail units and 9no. self-contained flats at first, second and third floor levels, with matters of scale, layout and access to be considered (landscaping and design reserved).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal seeks outline planning permission with matters relating to landscaping and appearance reserved for future consideration. Accordingly, at this stage, approval is sought for access, layout, and scale, and I have assessed the appeal on this basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the proposal would make suitable provision for affordable housing, having regard to the requirements of local and national policy;
 - iii) the effect of the proposal on the living conditions for future occupants; and
 - iv) whether the proposal makes suitable provision for car parking, and if not, the effect of any under provision on highway safety.

Reasons

Character and appearance

4. The appeal site is currently utilised primarily as a forecourt for the parking of vehicles and therefore it represents a large undeveloped gap in the street scene. To the right of the appeal site, when viewed from the street, there is a

three-storey building with a generous parapet, and intricate detailing on its rendered front façade. To the left is a two-storey building with less visual interest. Opposite the site is a modern development, and diagonally opposite is a tall tower block. Accordingly, the built form within the immediate locality does exhibit variety in the height and scale of buildings.

5. The proposal would introduce a four-storey building on to the site, and it would therefore be taller than its immediate neighbours. Although appearance is reserved for future consideration, the design approach before me is such that the principal bulk of the building would be three storeys in height, with a recessed fourth floor. Due to the generous parapet height of the neighbouring building, the three-storey bulk of the proposal would be comparable to its neighbour. However, the recess to the fourth floor is shown to be very limited and consequently, even if faced in a different material, it would not result in a meaningful setback. Accordingly, rather than taking the appearance of a three-storey building with a subservient top floor, the scale and bulk of the building would be akin to that of a four-storey structure.
6. The neighbouring property does have a pitched roof. However, this is set behind the parapet and primarily visible in oblique views, despite that shown on the proposed street scene. As a consequence, when viewed in the street, the scale and height of the proposal would be substantially greater than its decorative neighbouring building. In addition, despite no longer being valid, the proposal would also be demonstrably taller than the previous approval on the site, and therefore I find that the two proposals are not comparable in this regard.
7. Appearance of the building has been reserved for future consideration. However, based on the evidence before me, I am satisfied that the scale of the proposal would be such that it would dominate the buildings on either side. As a consequence, despite the architectural variety found within the street scene, the proposal would fail to be respectful to its immediate surroundings. Instead, it would cause significant and demonstrable harm to the surrounding area, which is a matter of fundamental concern and to which I attach substantial weight.
8. The front of the site staggers with the line of the adjacent footpath and therefore, although the proposal would front the footpath, the shape of the site would have the effect of creating a stepped front façade to the building. The bulk of the building would therefore be split centrally, following the footpath, with the effect of ensuring that it would not present a wide and unrelieved frontage. I also find that the narrow gap to the neighbouring property would not cause material harm to the street.
9. However, for the reasons identified above, the scale of the proposal would fail to complement the street scene. Accordingly, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS), and Policies DM26 and DM29 of the Site Allocation and Development Management Policies Local Plan (2014) (DMP). Taken together, these seek amongst other things, high quality urban design which responds appropriately to height, scale, massing, shape, form and proportion of existing buildings.

Affordable housing

10. Policy BCS17 of the CS establishes the requirements for affordable housing within Bristol and the context for the policy confirms that the need for affordable housing in Bristol is high. The policy primarily relates to developments of 15 dwellings or more, however, it also states that in residential developments below 15 dwellings, an appropriate contribution may be sought either as a financial contribution or as on site provision, in accordance with any relevant policy in the DMP.
11. Policy DM3 of the DMP requires developments of greater than 10 dwellings to provide 20% of the development as affordable housing within Inner East Bristol. The proposal seeks outline planning permission for 9 dwellings, below the thresholds identified within both the CS and DMP.
12. Based on the evidence before me, the parcel of land to the north of the appeal site is in the same ownership as the appeal site itself. Accordingly, the Council are of the view that, if developed together, it could result in a more efficient and effective use of land. Such an approach is supported by the National Planning Policy Framework (the Framework) at paragraph 117. It could yield a larger number of units than that proposed in this development and could also potentially generate other urban design benefits including residential amenity.
13. Matters in relation to residential amenity will be addressed below. Accordingly, for the purposes of this main issue, the principal driver that would encourage the two sites to be considered as one would be the potential for securing affordable housing. On this point, despite being asked for additional information, the Council have failed to substantiate their concerns in relation to this matter. For example, no specific evidence has been provided to articulate the need for affordable housing in the city, what would be sought from a more comprehensive development, and what benefits it could bring.
14. The appellant is not obliged to develop the sites together and although I agree that a development on a larger site may generate a number of benefits, I have to determine the appeal on the basis of the evidence before me. Without substantive or compelling evidence in relation to the specific need for affordable housing and the benefits that the appeal site could generate, I cannot determine that the sites must be brought forward as one. The evidence before me simply does not justify such an approach.
15. Accordingly, having regard to local and national policy, I conclude that the proposal would make suitable provision for affordable housing. It would therefore accord with Policy BCS17 of the CS and Policy DM3 of the DMP which establish the requirements for affordable housing within the city.

Living conditions

16. Based on the evidence before me, no planning permission currently exists on the adjacent parcel of land. However, the sites are close to each other and will likely directly influence the design and layout of development proposals. The Council make reference to Policy DM26 of the DMP in relation to the development of adjoining land of similar potential, however, this element of the policy directly refers to backland development and therefore I find that it is not directly relevant to the development proposal. Moreover, as identified above, despite the ownership of the appeal site and the site to the north, I have no basis before me on which to conclude that the sites should be considered in a

more comprehensive manner. Accordingly, how the two sites come forward for development will have to be carefully considered.

17. The appeal seeks outline planning permission with matters relating to appearance reserved for future consideration. Accordingly, I am satisfied that the internal arrangement of the proposed apartments could be adequately designed to ensure suitable outlook for future occupiers. Additionally, should the adjacent site come forward for development, I have no reason to consider that proposals could not be designed around any constraints imposed by this site.
18. Such an approach would be an unfortunate way to develop the two sites and would be somewhat at odds with the effective and efficient use of land promoted by the Framework. However, as identified above, the evidence before me is not sufficiently compelling to insist on such an approach, and I have no reason to consider that high-quality proposals could not be brought forward on both sites.
19. Despite the above, although not within the refusal reason, the Council make reference to the level of amenity space proposed for the development. The proposed site plan shows a landscaped courtyard but this is outside of the red line of the appeal site. Accordingly, I cannot factor this space into my assessment of the appeal and therefore the scheme before me fails to provide any amenity space for future occupants. I have no evidence before me in relation to minimum space requirements, however, Policy BCS21 of the CS requires development to create a high-quality environment for future occupiers, and deliver a healthy, attractive and usable built environment. It would appear to be the intention of the appellant to provide such a space. However, due to the division of the site, the space to provide a high-quality environment cannot be factored into this appeal. Accordingly, I find that the proposal would fail to meet the requirements established within the CS.
20. I therefore conclude that the proposal would fail to provide suitable living conditions for future occupants. It would therefore fail to comply with Policies BCS21 of the CS and Policy DM29 of the DMP, which taken together seek high quality urban design which creates a high-quality environment for future occupiers.

Car parking

21. The appeal site is located in a busy environment, close to commercial properties with parking restrictions to prevent long stay parking. Heber Street, much of which runs parallel to Church Road, contains many terraced houses to the rear of the appeal site. Parking restrictions exist on the section closest to Church Road and the same applies to Brook Street. However, the rest of the street has no such restrictions, and at the time of my site visit, I observed car parking on either side of the road, leaving a narrow section of highway for vehicles to travel upon. The proposal would not provide any on-plot parking and as a consequence, it would entirely rely on the existing road network for any parking requirements that it would generate.
22. I note the comments from Transport Development Management in relation to the need for 7 car parking spaces on the site. I also note the comments from neighbouring residents in relation to car parking sensitivities and I do not doubt that parking in Heber Street has little additional capacity. However, no

substantive or compelling evidence has been presented to me to confirm that the parking situation is causing a specific highway safety concern. For example, no parking surveys or accident data has been provided to support the assertions made.

23. The evidence confirms that the appeal site is situated in a sustainable location, with access to the Bristol to Bath cycle route and a number of frequent bus services along Church Road. It is also within a reasonable distance of the city centre. The details before me also confirm that appropriate cycle parking would be provided for future occupants. Accordingly, although the proposal would fail to provide the level of on site car parking required by the Council, I am not satisfied that this level of parking is entirely necessary. Moreover, in the absence of evidence in relation to highway safety concerns, I am unable to conclude that the proposal would result in unsafe or excessive parking on nearby roads.
24. Accordingly, I conclude that the proposal would not harm highway safety. It would therefore comply with Policy DM23 of the DMP which requires development to provide an appropriate level of parking provision, having regard to the level of accessibility by walking, cycling and public transport.

Other Matters

25. My attention has been drawn to the latest Housing Delivery Test results, released in January 2021. This demonstrates that the delivery of housing in the Council area was substantially below the housing requirement over the previous three years. As a consequence, and as confirmed by footnote 7 to Paragraph 11 of the Framework, the presumption in favour of sustainable development is engaged. This states that where the policies which are most important for determining the development are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. In terms of benefits, the proposal would generate 9 dwellings in a sustainable location that would make a small but important contribution to local housing supply. Accordingly, although not explicitly suggested by the appellant, the proposal would bring with it economic benefits including the generation of construction jobs, jobs within the commercial element of the development, and general investment into the local economy. These matters all weigh in favour of the proposal but due to the scale of the development, the weight is limited.
27. As identified above, the proposal would cause significant and demonstrable harm to the character and appearance of the area. It would also fail to provide suitable living conditions for future occupants. These matters are of fundamental concern and accordingly, I am satisfied that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. Consequently, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

28. I have found that the proposal would not be required to provide for affordable housing, and that the lack of car parking provision would not result in a highway safety concern. However, these are not direct benefits of the proposal

and accordingly, they have a neutral impact in my overall assessment of the appeal.

29. I have also found that the proposal would harm the character and appearance of the area, and that it would fail to provide suitable living conditions for future occupants. These matters are of fundamental concern and would significantly and demonstrably outweigh the benefits of the proposal, as identified above.

30. Accordingly, the appeal should be dismissed.

Martin Chandler

INSPECTOR