
Appeal Decision

Site visit made on 8 July 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/Z0116/W/19/3243778

Casa Mia, Bramble Lane, Sneyd Park Bristol BS9 1RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by TMP Developments against Bristol City Council.
 - The application Ref 18/06624/F, is dated 14 December 2018.
 - The development proposed is described as demolition of existing dwelling (Casa Mia) and erection of four detached residential dwellings with associated garages, refuse storage, internal access road and landscaping (resubmission of application 17/07096/F).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. During the course of the planning application, the appellant submitted amended plans which amongst other things removed the garage from Plot 1 including moving it further away from the southern boundary, and increased the separation distances between Plots 2, 3 and 4. Whilst the Council did not formally reconsult on these plans, they considered the amendments would likely fall within the Wheatcroft principles and no party would be prejudiced so accepted these. Having considered these amended plans, I am minded to agree. In addition, a number of parties have submitted further comments during the appeal stage on these amended plans. Accordingly, for the avoidance of doubt my decision is based on the amended plans submitted to the Council which informed their assessment of the scheme as set out in the submitted officer report.
3. During the appeal process, a tree of identified value close to the entrance to the site (Field Maple Tree T5) was confirmed dead following a survey. This tree is identified to be protected from development on the plans. The Council agreed to its subsequent removal, subject to the replanting of a similar tree within 5 metres of its original position. I observed on my visit this tree had been felled.
4. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impact on the character and appearance of the area and the Sneyd Park Conservation Area, the provision of suitable waste, refuse and recycling facilities and provision of

off-site mitigation for loss of trees. These have informed my determination as to the main issues of this appeal.

5. Following the publication of the Ministry of Housing, Communities and Local Government Housing Delivery Test Results 2020 (HDT) on the 19th January 2021, the parties have provided comments as to the implications of these for the appeal.

Application for costs

6. An application for costs was made by TMP Developments against Bristol City Council. This application is the subject of a separate Decision.

Main Issue

7. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Sneyd Park Conservation Area (CA).

Reasons

8. The appeal site is located in a tranquil woodland setting within the CA. The site contains an existing large dwelling set back in the plot amongst extensive grounds. The associated tree cover and vegetation together with the surrounding woodland contribute to a spacious and verdant character. The site is visually detached from the surrounding dwellings along Bramble Lane and Bramble Drive.
9. Due to the public footpaths that surround the site and its wider grounds, this large dwelling set within this extensive plot amongst the surrounding woodland gives it a very individual and unique character. It is a sensitive site and its attractive setting makes a positive contribution to the character of the CA in this location. Given the visibility of the dwelling and the grounds from certain points on the surrounding footpaths, I find the site and the wider open space amongst this wooded area to have considerable interest to the CA in this location.
10. The CA is a verdant residential suburb characterised by its attractive landscape setting with typically large detached dwellings set in generous plots. The existence of individual dwellings set in substantial plots is also reflective of the historic pattern of building in the area and forms part of the character of the CA. In this regard the Sneyd Park Conservation Area Enhancement Statement (CAES) states that the subdivision of large gardens into plots for smaller houses if left unchecked will damage the historic pattern and character of building in the CA and would diminish the open character of the CA. Given the above, I find that the significance of the CA, in so far as it relates to this appeal, to be primarily associated with the existence of large individual spacious plots and their contribution to landscape character.
11. The proposed development would introduce 4 large detached properties in a linear arrangement with the dwellings fronting the north east. Whilst acknowledging the linear arrangement of the urban form along Bramble Drive, the unique character of this site is its spacious character. To my mind, this individual character of the site is read in a different context to the surrounding built form with the long sweeping drive leading to the property. Nevertheless, whilst of individual character, the dwelling is orientated so its front elevation

addresses the street scene. The orientation of the dwellings particularly plots 2,3 and 4 would front the north east and would not lead them to having a positive relationship with the street scene.

12. Whilst the amended plans increase the spacing between properties, the form of development is cramped and is unsatisfactory. Although the spacing between properties would be larger than that exists along Bramble Drive, this site has a completely different character and the form and scale of development needs to harmonise with this spacious woodland setting. The spacing between Plots 2,3 and 4 and the regular linear form would to my mind conflict with the spacious character, introducing a density of development that would fail to integrate successfully into this woodland setting.
13. In addition, given the proposed retaining walls and the level changes between Plots 2-4, the layout does not respond effectively to the existing topography of the site. The proximity of the dwellings and the retaining walls and level changes would only serve to accentuate the dominance of these properties in the landscape at odds with the spacious character. This would lead to a cramped appearance within the site. The sense of spaciousness is contributed to by the separation of development to site boundaries. The close proximity of Plots 1 and 4 to the northern and southern boundaries would interrupt this spacious character.
14. The southern part of the site is part of a designated Important Urban Open Space (IUOS). However, given this is separated by a boundary fence it does not serve a recreation or leisure function as it is not physically accessible to the public. Nevertheless, whilst the land is associated with the existing dwelling, the undeveloped open character and the dense row of vegetation provides screening of the rest of the site and links visually to the surrounding woodland. It provides a pleasant backdrop to the surrounding footpath and therefore serves a visual and landscape function as part of the IUOS and contributes to its open character.
15. Plot 1 would be sited very close to the southern boundary within this IUOS. The proximity of built form so close to the boundary would appear intrusive and disrupt this undeveloped spacious character when viewed from the surrounding footpath. Whilst I acknowledge the proposed replacement landscaping, this would not effectively mitigate the impact of the built form. The proposal would result in the removal of a dense row of Cyprus Lawson which the parties consider a hedge. This would only accentuate views of the proposed plots across the site disrupting the spacious character from this public viewpoint.
16. Given the harm I find to the visual qualities of the area, I do not consider that the introduction of a dwelling so close to the boundary would be acceptable. Given this would result in harm to the visual qualities of this part of the IUOS, I do not therefore consider it to be ancillary to the landscape and visual function of this element of the IUOS.
17. I therefore find that the proposed layout fails to achieve the balance necessary of protecting the spacious verdant character of the site whilst allowing a sympathetic arrangement which contributes positively to the woodland setting. A high number of trees and green infrastructure will be removed from site. I acknowledge a substantial tree replacement and landscaping plan has been submitted. However, this will take time to establish and the removal of the level of vegetation would open up views into the site and in combination with

the cramped layout would result in harm to the character and appearance of the CA.

18. I acknowledge the appellant has submitted a Unilateral Undertaking in respect of securing mitigation for replacement tree planting off site, in line with the Council's request. However, this does not amount to a sufficient benefit that would mitigate the harm identified.
19. I have considered the appeal decision¹ referred to by the parties and I observed this development on my site visit. However, whilst this scheme was in fairly close proximity, I do not consider the schemes are comparable. The appeal decision related to an infill scheme on an area of open space amongst existing houses along Bramble Drive. This urban form along Bramble Drive has a completely different character to the spacious woodland setting of the appeal site. I do not consider the same approach in terms of density would be appropriate on this site.
20. Similarly, the appeal site has significant visual qualities owing to the public access routes which surround the site. Given the visibility of the site from the public access route to the south of the site I conclude in this case, the proposed development would result in harm to the visual qualities of the IUOS. Accordingly, the existence of this decision which is viewed in a different context does not alter my view on the proposal before me.
21. I therefore conclude that the proposal would fail to preserve the character or appearance of the CA. In this instance, I find it would result in harm to the significance of this designated heritage asset that would be on the upper level of the less than substantial spectrum. National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and that great weight should be given to a designated heritage asset's conservation. I return to this in the planning balance section.
22. Consequently, the proposal would be contrary to the design aims of Policies BCS9, BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) and Policies DM17, DM21, DM29 and DM31 of the Bristol Local Plan Site Allocations and Development Management Development Policies (2014) (Local Plan). Amongst other matters, these policies seek that development within a CA will be expected to preserve or enhance those elements which contribute to its special character. In addition, the policies state that development should deliver high quality design and an attractive built environment which is clearly organised in terms of form and context. Finally, they state that development should respond appropriately to historic assets, respect the local pattern of development, and open spaces which are important for landscape and visual amenity should be protected.
23. The proposal would also conflict with Paragraph 127 of the Framework which seeks that developments are visually attractive as a result of good layout and are sympathetic to local character including the surrounding built environment. By virtue of the harm to the Conservation Area the proposal would also conflict with Section 16 of the Framework.

¹ APP/Z0116/W/15/3233034

Other Matters

24. In order to address the Council's concerns regarding the unsuitability of the proposal to be serviced by the Council's waste and recycling arrangements, the appellant proposes a private waste collection arrangement. However, there is a dispute between the parties regarding the effectiveness of the submitted Unilateral Undertaking. This is in respect of the ability to secure the permanency of such an arrangement without the requirement for collection of waste falling back to the Council. Nevertheless, given the harm identified in respect to the character and appearance of the CA, I do not consider it necessary to consider this matter further as the appeal does not turn on this issue.

Planning Balance

25. The HDT results indicate that for Bristol City Council the delivery of housing was substantially below the housing requirement over the previous three years. Paragraph 11 of the Framework is therefore engaged. The Framework advises that in these circumstances the policies which are most important for determining the application are out of date. Having considered the appellant's comments regarding Core Strategy Policy BCS9 and Local Plan Policies DM17 and DM21, I consider that these policies together with Core Strategy Policies BCS21, BCS22 and Local Plan policies DM29 and DM31 are broadly compliant with the Framework and therefore I attach significant weight to these.
26. Having regard to footnote 6 of the Framework, I have found that the proposal would fail to preserve the character or appearance of the Sneyd Park CA resulting in a level of harm to this designated heritage asset which would be on the upper end of the less than substantial spectrum. I give great weight to the asset's conservation and turn now to consider any public benefits of the proposal.
27. The proposal would provide 3 additional dwellings which would assist in contributing to the housing shortfall, although given the small nature of the scheme this contribution would be limited. Nevertheless, the provision of additional housing is a public benefit of the scheme. However, whilst acknowledging this benefit, I have found that the proposal would fail to preserve the character or appearance of the CA resulting in a level of harm that would be on the upper end of the less than substantial spectrum. Therefore, there is a clear reason to refuse permission. The proposal does not therefore benefit from the presumption in favour of sustainable development. The proposal is contrary to the development plan and the Framework. Accordingly, I see no reason to take a decision other than in accordance with the development plan.

Conclusion

28. For the above reasons, the appeal is dismissed, and planning permission is refused.

S Thomas

INSPECTOR