The Planning Inspectorate

Appeal Decision

Site Visit made on 4 August 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/Z0116/W/20/3251231
67 Symington Road, Fishponds, BRISTOL, BS16 2LN

- 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 John Arnold against the decision of Bristol City Council.
- The application Ref 19/06078/F, dated 16 December 2019, was refused by notice dated 26 February 2020.
- The development proposed is described as 'a one bedroom single storey dwelling in the rear garden of the existing property at 67 Symington Road, Bristol. Access to the dwelling will be taken via an existing side entrance to the host dwelling. The side entranceway currently includes a reasonably sized utility room, which would be donated to the new dwelling as part of this proposal, with access from the existing dwelling blocked up internally.'

Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the recent publication of the Ministry of Housing, Communities and Local Government 2020 Housing Delivery Test (HDT), the parties have been given the opportunity to consider this in relation to the appeal. I deal with this matter in the body of my decision.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers with regards to internal living space and privacy.

Reasons

4. The appeal site comprises an end of terrace dwelling with a single storey side addition. Planning permission has previously been granted for an annex in the rear garden to serve the needs of the existing household[1]. This permission was subject to a condition stating that the building should be used for purposes ancillary to the main dwelling and not as a self-contained dwelling.

5. This appeal proposal now proposes a separate new dwelling that would be accessed via the side addition of the host dwelling. Although the principle of a building in the

[1] 19/02782/H granted August 2019

rear garden has already been established, the nature of occupation would change, as it would now be occupied as a self-contained dwelling rather than ancillary to the main dwelling house.

6. Policy BCS18 of the Bristol Core Strategy 2011 ('the Core Strategy') states that residential developments should provide sufficient space for everyday activities by meeting appropriate space standards. This policy does not specifically define the appropriate space standards, although both parties refer to the Nationally Described Space Standard[2] ('the National Standards') as the appropriate standards.

7. The proposed new dwelling would have an internal floor area of approximately 40 sqm. A separate utility space of approximately 10.8 sqm, attached to the host dwelling, would also be 'donated' to the new dwelling. Therefore, the combined floor area of both elements would just meet the minimum internal living space of 50 sqm for a 2-person 1-bedroom dwelling set out in the National Standards. It would also exceed the requirement for a 1 person 1-bedroom dwelling of 39 sqm within the National Standards.

8. However, the living arrangement and accommodation proposed over two separate buildings would be impractical, requiring that future occupiers walk outside, and across the garden between these two elements. It represents a poor and contrived design and emphasises the cramped nature of the proposal. The need for a separate detached element to provide adequate living space highlights the unsatisfactory nature of the proposal.

9. The new dwelling and its amenity space would also be heavily overlooked by neighbouring properties, which would be intrusive, resulting in a lack of privacy for future occupiers. Although the appellant has suggested measures to minimise overlooking, these do not alter my concerns, particularly given the proximity of existing dwellings.

10. For the above reasons, I conclude that the proposal would not provide acceptable living conditions for future occupiers with regard to internal living space and privacy. Accordingly, the proposal would conflict with Policies BCS18 and BCS21 of the Core Strategy; and Policies DM27 and DM29 of the Site Allocations and Development Management Policies 2014. Amongst other things, these policies require that residential development should be of a high quality design, provide sufficient space for everyday activities, create a high-quality environment for future occupiers and ensure future development achieves adequate levels of privacy.

Planning Balance

11. 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 National Planning Policy Framework (the Framework) is therefore engaged requiring a 'presumption in favour of sustainable development'. Whilst the proposal would make a small contribution to the area's housing stock and mix of housing, it would provide just one dwelling and the associated economic and social benefits would be small.

[2] Department for Communities and Local Government– Technical housing standards-nationally described designated space standard (March 2015).

12. I have had regard to Paragraph 127 of the Framework which seeks that developments create places with a high standard of amenity for existing and future users. Given the high level of harm I have found to the living conditions of future occupiers this attracts substantial weight in this appeal.

13. Therefore, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I find the conflict with the development plan is not outweighed by other considerations in this case.

14. The appellant has mentioned other examples of developments in support of this appeal[3], but I do not have full details of those schemes. The appellant also draws attention to the lack of neighbour objections to the proposed development. However, these matters do not alter my view on the unacceptability of this proposal.

Conclusion

15. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR

[3] 18/04579/F & 09/00828/F