



Appeal Decision

Site Visit made on 16 March 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/Z0116/W/20/3262581

215 North Street, Bedminster, Bristol BS3 1JH

- 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 Amplan Developments against the decision of Bristol City Council.
- The application Ref 20/01950/F, dated 4 May 2020, was refused by notice dated 5 August 2020.
- The development proposed is Demolishing existing single storey building and replacement with new two storey residential unit.

Decision

1. The appeal is allowed and planning permission is granted for demolishing existing single storey building and replacement with new two storey residential unit at 215 North Street, Bedminster, Bristol BS3 1JH in accordance with the terms of the application, Ref 20/01950/F, dated 4 May 2020, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The 2020 Housing Delivery Test results were published on 19 January 2021. The results indicate that, when applying footnote 7 of the National Planning Policy Framework (Framework), the presumption in favour of sustainable development contained within paragraph 11d) of the Framework will apply. However, as I have found that the proposed development accords with the development plan, it is not necessary for me to assess the appeal proposal against the approach to decision-taking set out in paragraph 11d).

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of adjoining occupiers, with particular regard to outlook and overshadowing of the rear amenity space of 213 North Street.

Reasons

Character and appearance

4. The appeal site contains a building facing Truro Road and forming the rear projection of 215 North Street. Last in use as a store, the vacant building is effectively one and a half storeys high at the front and presents to the public realm an unused and somewhat neglected appearance which does not contribute positively to the surrounding area. Amongst other aspects, the built-

up locality contains two-storey terraced residential properties stepping down in line with the sloping nature of Truro Road and generally larger buildings with a mix of uses on North Street, some with associated rear projections such as at the site and No 217 opposite. Although those rear projections are lower than the larger buildings they adjoin and help to transition between the larger scale of North Street to the smaller scale of Truro Road, the locality nevertheless has a relatively tightly knit, built-up and varied appearance and an urban character.

5. The proposed development would replace the existing building on the site with a similar but taller property. However, with the existing lower rear element being reinstated with a similar single-storey feature adjoining the side path than runs between the site and the neighbouring terraced property, the break and space between the buildings would be retained. With a flat roof and not being significantly higher than the existing building, the proposed two-storey development would not read as an incongruous, bulky or unacceptably prominent feature in the streetscene. It would provide a suitable and more graduated transition between the taller built form of No 215 and the smaller-scale terraced properties on Truro Road. The increased height of built form on the site would also reduce the extent of existing blank rear wall on the taller part of No 215, while the design and appearance of the replacement building – reflecting the main building it would adjoin – would be an improvement on the existing situation. In coming to this view, I have considered the appeal scheme on its own merits and the site's immediate context.
6. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) and Policies DM26 and DM27 of the Site Allocations and Development Management Policies Local Plan (LP). Amongst other aspects, these require development to contribute towards local character, identity and distinctiveness and the creation of quality urban design.
7. The Council alleges a conflict with LP Policy DM21. However, that policy relates to development of private gardens and the proposal does not involve the development or loss of garden land. It is therefore not particularly relevant to the acceptability of the proposal and the development does not conflict with it.

Living conditions

8. The proposed development would result in a taller wall running along the shared boundary that bounds the rear amenity courtyard space of 213 North Street. However, with the hipped roof design, the additional height of the wall immediately adjacent to the boundary and courtyard would not be significant. In addition, the site is set down below the rear amenity space of No 213. On this basis, the overall height, bulk and mass of the proposed development would also appear less when viewed from the courtyard than from Truro Road.
9. The appeal scheme would therefore not read as an overbearing, intrusive or significantly dominant feature and would not unacceptably harm the level of outlook available from the rear amenity space of No 213. Given the position and orientation of the site and the relatively limited additional height of the proposed wall running along the shared boundary, neither would it result in significant overshadowing or loss of sunlight and daylight to the courtyard. This is also a relatively tight knit, built-up area where some restriction on outlook, daylight and sunlight from surrounding built form would not be unusual.

Accordingly, I am satisfied that the appeal proposal would not result in unreasonable overshadowing or loss of outlook, sunlight and daylight to the adjoining courtyard.

10. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers, with particular regard to outlook and overshadowing of the rear amenity space of 213 North Street. I therefore find that it accords with CS Policy BCS21 and LP Policies DM29 and DM30. Amongst other aspects, these require development to ensure that appropriate levels of outlook and daylight are achieved and to safeguard the amenity of existing development and neighbouring occupiers.

Other matters

11. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: overlooking/loss of privacy; construction works creating noise disturbance and hindering access via the side path and the collection of waste from adjoining properties; the effect of the development on the rear amenity space of No 211 and the levels of daylight in adjoining buildings; and the living conditions of future occupiers of the proposed development. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. A planning condition can also be secured to cover construction-related matters.

Conditions

12. I have had regard to the various planning conditions suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
13. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions covering means of access and the provision of refuse/recycling and cycle storage are necessary in the interests of highway safety, to ensure suitable access to the development and the provision of adequate facilities for the storage of refuse/recycling and cycles.
14. A condition securing further details of externally facing materials and boundary treatment is necessary in the interests of the character and appearance of the surrounding area and the living conditions of adjoining occupiers. Conditions relating to the provision of solar photovoltaic panels and securing compliance with the submitted Sustainability Statement and a reduction in carbon dioxide emissions are necessary to ensure that the development minimises its impact on and is resilient to climate change. Given the location of the site adjacent to a side path serving various properties, near to a junction and on a relatively narrow residential street which is heavily parked, a condition requiring the submission of a construction management plan/method statement prior to the commencement of development is also necessary and reasonable in this instance in the interests of highway safety, maintaining access for nearby properties and the living conditions of adjoining occupiers.

15. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. However, given the south-east elevation of the proposed development would be adjacent to No 213's amenity space, a condition removing permitted development rights for the installation of windows and dormers in that elevation is, in this case, necessary and reasonable in order to protect the living conditions of adjoining occupiers.

Conclusion

16. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Block Plan (Drawing No 2961.001, Rev A); Existing Plans & Elevation (Drawing No 2961.100, Rev B); and Proposed Plans & Section (Drawing No 2961.102, Rev J).
- 3) No development shall take place, including any demolition works, until a construction management plan/construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for: 24 hour emergency contact number; hours of operation; parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction); routes for construction traffic; locations for loading/unloading and storage of plant, waste and construction materials; method of preventing mud being carried onto the highway; measures to protect vulnerable road users (cyclists and pedestrians); any necessary temporary traffic management measures; arrangements for turning vehicles; arrangements to receive abnormal loads or unusually large vehicles; and methods of communicating the construction management plan/statement to staff, visitors and neighbouring residents and businesses.
- 4) Detailed drawings and/or manufacturers details of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of the work is begun: a) All boundary treatments; b) Windows and external doors; and c) External finishes and decorative details. The detail thereby approved shall be carried out in accordance with that approval.
- 5) Prior to occupation of the development hereby permitted, details of the photovoltaic panels (including the exact location, dimensions, design/technical specification) together with calculation of energy generation and associated carbon dioxide emissions to achieve 20% reduction on residual emissions from renewable energy in line with the approved Energy Strategy

shall be submitted to and approved in writing by the Local Planning Authority. The renewable energy technology and solar photovoltaic panels shall be installed prior to occupation of the development hereby permitted and thereafter retained and maintained in full working order.

- 6) Prior to occupation of the development hereby permitted, the energy efficiency measures, renewable energy (photovoltaics), sustainable design principles and climate change adaptation measures shall have been incorporated into the design and construction of the development in full accordance with the submitted Sustainability Statement by Fenton Energy (dated 5 May 2020). A total 20% reduction in carbon dioxide emissions below residual emissions through submitted renewable technologies shall be achieved.
- 7) Prior to occupation of the development hereby permitted, the means of access for pedestrians and cyclists shall have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.
- 8) Prior to occupation of the development hereby permitted, the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans, shall have been provided in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building that forms part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.
- 9) Prior to occupation of the development hereby permitted, the cycle parking provision shall be provided in accordance with the approved plans and thereafter be kept free of obstruction and available for the parking of cycles only.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no windows or roof dormers other than those shown on the approved plans shall at any time be placed in the rear (south-east) elevation of the development hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

END OF SCHEDULE