



# Appeal Decision

Site Visit made on 27 April 2021

**by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2021**

**Appeal Ref: APP/Z0116/W/21/3267066**

**1 Glebe House, McLaren Road, Avonmouth, Bristol, BS11 9FE**

- 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 Neil Jenkins of Aztech Building Services Ltd against the decision of Bristol City Council.
- The application Ref 20/00359/F, dated 24 January 2020, was refused by notice dated 19 August 2020.
- The development proposed is demolition of The Glebe House and the erection of five townhouses and three self-contained flats (Use Class C3) with associated car parking, cycle storage, refuse storage and private amenity space.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. I have limited information regarding the progress of the Bristol Local Plan review, its policies or any unresolved objections. Therefore, it carries little weight.

## Main Issues

3. The main issues of the appeal are the effect of the proposed development on;
  - The character and appearance of the area; and
  - The living conditions of the occupiers of 49 and 51 St Andrews Road (No 49 and No 51), with particular regard to outlook, privacy, noise and disturbance.

## Reasons

### *Character and Appearance*

4. There is no particular local vernacular to the appearance of the buildings in the area and the site is not subject to any designation. There is some traffic and employment uses in the wider area. However, other than the close proximity of The Glebe House and No 51, there is a distinct spaciousness to this part of McLaren Road and St Andrew's Road. This is different to the tighter grain of nearby terraces. The spaciousness is created, in part, from greenery and gaps between as well as behind frontage properties. These breaks allow views

- beyond blocks of development and gives some breathing space between the built form.
5. When I visited, the building itself was in a dilapidated condition and the garden largely overgrown. Nonetheless, the absence of development at the rear of the existing building contributes positively to the spaciousness of the streetscene.
  6. I note that the City Design Group raised no objection to the proposal. The appearance, height and external materials of the proposed building would not be incongruous with the varied built form near the appeal site. The roofline would fluctuate, and the townhouses would be stepped down from the frontage element that by itself would have a similar mass to the existing dwelling and follow the building line of No 51.
  7. Notwithstanding this, the proposal is for a single block of built form that would have a substantial footprint and overall mass. Unlike individual dwellings or rows of properties in the area, the appeal scheme would uncharacteristically have a far greater depth than width and would fill a considerable amount of the plot. The overall bulk and plot coverage at the site would result in an abrupt and imposing building that would reduce the feeling of space in the area.
  8. Some existing trees would be removed. New planting is proposed and although not all, some existing trees would be retained. An Arboricultural Report has been provided detailing the position and size of trees along with protection measures. Despite the plot coverage, I have not been convinced that the remaining space would be insufficient to provide compensatory planting within garden areas, near boundaries and to the front of the building. Were the appeal to be allowed conditions could be imposed requiring further details of a landscape scheme.
  9. However, even with heavy standard planting the scale of the building would still be evident. Large parts would still be clearly visible from St Andrew's Road, the adjacent park and nearby properties. The bulk of the appeal building would result in it becoming a dominant feature from nearby views.
  10. The existing site may not be the most efficient use of land and the proposed density of development is in line with the levels set out in local policy. However, Policy BCS20 of the Core Strategy<sup>1</sup> and the Urban Living SPD state that the appropriate density for individual schemes should be informed by the characteristics of the site. Moreover, the concern relates to the bulk and mass of the proposed development rather than the number of units proposed.
  11. Consequently, the proposed development would significantly harm the character and appearance of the area. It would fail to accord with Policies BCS20 and BCS21 of the Core Strategy, and Policies DM21, DM26, DM27 and DM29 of the Allocations Plan<sup>2</sup>. These, in part, require development, including garden development, to reflect local distinctiveness and context and contribute positively to an area's character. It would also be contrary to the Framework where it states developments should be sympathetic to local character.
  12. The scheme would accord with Policy BCS9 of the Core Strategy, Policy DM17 of the Allocations Plan and the Bristol Tree Replacement Standard where they

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<sup>1</sup> Bristol Development Framework: Core Strategy

<sup>2</sup> Bristol Local Plan: Site Allocations and Development Management Policies

require green assets to be retained where possible and appropriate replacement made where they are lost.

### *Living Conditions*

13. The existing outlook from No 49 towards the site is relatively open with occasional landscaping and only angled views towards the existing dwelling. The proposed townhouses would not be greatly taller than No 49 and would be orientated to not directly face it.
14. Notwithstanding this, due to the proximity of the townhouses to No 49 and their height, they would dominate the outlook from the rear of the property. While there would be alternative outlooks from the side garden of No 49, as the townhouses would extend across almost all of its rear boundary there would be no relief from the development in the outlook from within the rear rooms of the property or the rear garden. From the details before me landscaping along the boundary would not be sufficient to prevent unacceptable effects on the outlook of the occupiers of No 49. The resulting outlook would be restricted and uninviting.
15. The existing dwelling at the appeal site is already partly behind No 51 and therefore already features heavily in the outlook from its rear rooms and garden. The proposed building would be set further away from the boundary with No 51 than the closest part of the existing dwelling and be of a comparable height. Views of the townhouse element of the scheme from the rear of No 51 would be angled reducing any sense of enclosure. Therefore, the appeal scheme would not have an unacceptable effect on the outlook of the occupiers of No 51.
16. The angled views from windows at The Glebe House to No 49 limits the degree of overlooking that currently takes place. Consequently, the rear rooms and rear garden of No 49 are relatively secluded at present providing a high degree of privacy. The proposed front elevation windows for the townhouses would not face directly towards No 49 and No 51. Fitting WC, en-suite and side panels of the oriel windows with obscure glazing would prevent overlooking from them.
17. Nevertheless, there would be first-floor kitchen windows at the townhouses. The angle of the windows would not be sufficient to prevent almost unobstructed close-range views into the No 49 from several townhouses. From the details before me I am not persuaded that landscaping along the boundary or the use of the rooms would be sufficient to address the increased overlooking. The scheme would significantly reduce the levels of privacy currently experienced by occupiers of No 49.
18. The proposed first floor kitchen windows of the townhouses would overlook No 51. However, there are existing first floor windows at the appeal site orientated directly towards it and its rear garden at a closer range. As such, the proposal would not give rise to significant additional overlooking at No 51.
19. No noise assessment was requested by the Council and no objection was received from the Environmental Health Officer to the scheme. Vehicle movements would not currently be experienced to the rear of No 49, although there would be at No 51 given the position of the existing driveway. At my visit, which I appreciate is only a snapshot in time, traffic noise was audible in the rear gardens.

20. In the proposed scheme vehicles would be likely to be traveling at low speeds when passing No 49 and No 51. This would reduce the level of noise created and parking for the frontage flats is away from the adjacent properties. Comings and goings would not be significant given the number of properties and their main garden area, where most outdoor activities would take place, would be away from No 49 and No 51. Were the appeal to be allowed conditions could be imposed regarding the boundary treatments to reduce noise impacts.
21. Nevertheless, the proposed development would have a significantly harmful effect on the living conditions of the occupiers of 49 St Andrews Road, with regard to outlook and privacy. It would be contrary to Policy BCS21 of the Core Strategy, and Policies DM26 and DM29 of the Allocations Plan where they, aim to safeguard the amenity of existing development and appropriate levels of privacy and outlook. It would also fail to accord with the Framework where it states development should provide a high standard of amenity for existing users.
22. Policy BCS20 of the Core Strategy along with Policies DM21 and DM27 of the Allocations Plan do not relate directly to living conditions. Therefore, they weigh neither for nor against the scheme in relation to this issue.

### **Other Matters**

23. My attention has been drawn to other schemes granted planning permission by the Council<sup>3</sup>. As I have not been provided with details such as plans, reports or decision notices I cannot be sure that the schemes are directly comparable to the one before me or that the characteristics of the built form is the same. Moreover, subservience to adjacent buildings is not a matter that led to my concerns with the appeal scheme.
24. The appellant has sought to overcome concerns from the previously withdrawn application and sought pre-application advice. However, I have found harm arising from the scheme before me that I have assessed on its own merits.
25. While I note comments in favour of the proposal, support for a proposal in itself, or the timing of any objections, is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.

### **Planning Balance**

26. As a result of the latest Housing Delivery Test results the Council are currently unable to demonstrate a 5-year supply of housing land. The proposal would contribute to the supply of housing, provide a range of housing types and sizes and be in a location accessible to services and public transport. Given the number of units proposed, from the information before me, I give these matters moderate weight.
27. There would be benefits arising from the construction period and future spend of occupants giving support to the local services and facilities. It would also assist with local regeneration. However, as construction benefits would be short term, and due to the scale of the proposal, these factors attract limited weight.

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<sup>3</sup> 18/04946/X, 16/05399/F and 19/01404/F

28. The proposal would involve the demolition of the existing building which is in a poor condition. I am also aware that there have been issues at the site regarding anti-social behaviour, hygiene and fly tipping. It has not been demonstrated that the appeal scheme is the only resolution to these issues. Nonetheless, I give these factors moderate weight.
29. The proposal would be contrary to policies relating to the character and appearance of the area and those seeking to protect living conditions of existing occupiers. While these policies pre-date the Framework, they are generally in conformity with it. I give the conflict with these policies significant weight. Consequently, the proposal would be in conflict with the development plan as a whole.
30. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is engaged.
31. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. As a result of the scale of the proposal this attracts moderate weight.
32. The Framework seeks to support economic growth and to focus development where it can offer a genuine choice of transport modes. There would be economic and social benefits from the build and occupation of the units providing support for local services, facilities and the community. These benefits would not be great and their weight in favour of the scheme is limited.
33. The scheme would accord with the Framework where it aims to create safe places and reduce the risk of crime. This attracts moderate weight. The Framework excludes land in built-up areas such as residential gardens from its definition of previously developed land. Even if I were to consider the site as such and that the more efficient use of land makes optimal use of the site, the associated benefits would be small.
34. The proposed development would be contrary to the Framework where it aims to ensure developments are sympathetic to local character, including the surrounding built environment. I give this significant weight. Furthermore, I give significant weight to the harm that would occur to the living conditions of adjacent occupiers and this would be contrary to the Framework where it seeks to provide a high standard of amenity for existing users.
35. Having considered the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

37. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

**Conclusion**

38. Therefore, for the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR