



Appeal Decision

Site visit made on 10 June 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/Z0116/W/21/3269203

13 Avon Grove, Sneyd Park, Bristol, BS9 1PJ

- 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 Miss R Sims against the decision of Bristol City Council.
 - The application Ref 20/04778/H is dated 12 October 2020
 - The development proposed is a detached garage.
-

Decision

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

Main issues

2. The Council has provided the reasons on which it would have based its refusal had it determined the applications within the statutory period. Based on these and the evidence before me, I consider the main issues to be the effect of the development on the character and appearance of the area and Sneyd Park Conservation Area (the 'CA').

Reasons

3. The appeal site is in a prominent position on the corner of Avon Grove and Seawalls Road. The house is detached and surrounded by a large garden and high hedges. It is proposed to build a single, detached garage on an existing driveway, parallel and adjacent to Seawalls Road.
4. This follows an earlier scheme, which was revised to ensure that the proposed garage was not in front of the building line along Avon Grove. It has been amended to have a flat roof to reduce visibility of the structure, a proposed wooden fence has been omitted and a new, high hedge has been established along the boundary with Seawalls Road.
5. The Council does not object to the scale and design of the structure, and I can see no reason to come to a different conclusion. The Council's concerns relate to the proposed location of the garage and my assessment of the case therefore concentrates on this aspect.
6. The Sneyd Park Conservation Area Character Enhancement Statement¹ describes the area as a gently undulating verdant residential suburb and I

¹ Part of the Bristol Local Plan (date unknown)

observed that it is characterised by a variety of architectural styles. Houses along Seawalls Road were set back from the road behind high hedges and gardens, which gives an impression of a wide, open and green space along the road, beyond which are large, detached secluded houses. The enhancement objectives for the CA include a requirement to respect the character and pattern of development.

7. The houses along this section of Seawalls Road follow an approximate building line and all respect the fact that there is space to the front of each house. The appeal site follows the established pattern and in this contributes to this positive characteristic of the CA.
8. The proposed garage would be significantly in front of the building line along Seawalls Road and this would result in the loss of the characteristic open space in front of the house. The sense of openness resulting from a lack of built form along this line would be diminished in a prominent location, and in not reflecting the defining pattern of development, the proposal would cause harm to the CA.
9. I acknowledge that the hedge would largely screen the garage from public view. However, although the hedge along Seawalls Road is currently high and substantial, hedges can die or thin. Although I accept it likely that a hedge would remain around the site given that it is a characteristic of the area, and that the height could potentially be controlled using a condition, it would not be possible to guarantee that the garage could not be seen through the hedge in the future. In addition, the large gated entrance associated with the driveway and the pedestrian gate on Avon Grove would allow glimpses of the proposed garage. I conclude that even if the hedge was maintained, the public would have an awareness of the garage and the harm to the CA would be tangible.
10. The appellant's heritage statement² recognises that garages are characteristic of the properties within the setting and I concur with this. However, I did not observe that any of the nearby garages are detached or adjacent to the side of the road. It has been brought to my attention that the neighbouring house has a double garage to the front of the property. However, this is of different character because it is attached to the house and away from Seawalls Road, preserving the openness to the front of the building. In addition, I did not find it to be noticeably in front of the overall building line.
11. I have viewed the other sites on Julian Road and Sneed Park brought to my attention by the appellant that have garages to the front of the house. In these cases, a strong building line is not as evident in maintaining the distinctive character and appearance of the area, and I am satisfied these sites do not set any form of precedent. In any event, I have determined the appeal on its individual planning merits.
12. I appreciate that all of the other detached houses in the area have garages. However, it was the appellant's choice to demolish the original attached garage and building a new one at the proposed location would cause harm to the character and appearance of the area. In addition, the private benefit of having a garage cannot offset the harm to the CA.

² *Heritage Statement and Impact Assessment*, Silverlake Design Limited (November 2020)

13. The proposal would cause a harmful reduction in the characteristic openness and pattern of development along the street in this part of the CA. I conclude that the proposal does not meet the requirements of Policy BCS22 of the Bristol Development Framework Core Strategy (June 2011) (the 'CS') or DM31 of the Site Allocations and Development Management Policies (July 2014) (the 'SADMP'), which state that development within a CA should preserve or, where appropriate, enhance the elements which contribute to its special character or appearance.
14. In coming to this conclusion, I have considered the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For the reasons above, I do not consider that the character and appearance of the CA would be preserved.
15. Paragraph 196 of the National Planning Policy Framework (2019) requires that if any harm is less than substantial, as it would be in this case, then the harm should be weighed against the public benefits. There would be a benefit to the economy from construction of the garage, but the limited scale of the development means that this is negligible. This would be outweighed by the harm to the heritage asset, which, although small, is a matter of considerable importance and weight.
16. Taken together, Policies BCS21 of the CS, and DM26, DM27 and DM30 of the SADMP require that development should contribute positively to an area's character and identity, respecting local patterns and responding to building lines. For the reasons above, I conclude that there would be harm to the character and appearance of the area, and the proposal therefore also conflicts with these policies.

Conclusion

17. The proposal is an improvement on that previously refused. However, I have found that character and appearance of the Sneyd Park Conservation Area would still not be preserved and this harm would not be outweighed by public benefits. There would be harm to the character and appearance of the area from the development and I conclude that the proposal would conflict with the local development plan when read as a whole. For these reasons, the appeal is dismissed and planning permission is refused.

B Davies

INSPECTOR