



Appeal Decision

Site Visit made on 25 May 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/Z0116/W/21/3268893

4 Island Gardens, Stapleton, Bristol BS16 1BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Rebecca Isaac against the decision of Bristol City Council.
 - The application Ref 19/04488/P, dated 12 September 2019, was refused by notice dated 6 August 2020.
 - The development proposed is outline permission for two dwelling houses (approval sought for access, landscaping, layout, scale).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline form with layout, scale, means of access and landscaping to be determined at this stage. Therefore, I have treated the drawings showing the appearance of the dwellings as indicative only.

Main Issue

3. The main issue is the proposal's effect on the character and appearance of the area with particular reference to the long-term effect on trees, important open space, the Stapleton and Frome Valley Conservation Area and the Purdown Local Historic Park and Garden.

Reasons

Trees

4. The appeal site comprises the domestic garden of No 4 Island Gardens. The site is flanked by Barkleys Hill to the east and the M32 Motorway to the west and is located within the wider Purdown Historic Park and Garden (HPG).
5. The site's eastern frontage facing Barkleys Hill comprises a contiguous length of thick shrubs and tall mature trees. These screen the existing domestic garden from view and together with the spacious grassed areas and clusters of trees to the north and east contribute to the immediate locality's attractive natural setting.
6. The proposal would require, according to the addendum to the arboriculture report, the removal of individual trees (T06, T07, and T08) and a small group of trees (G09) close to the site's Barkleys Hill frontage. I note that a number of new trees would be planted along this boundary as part of mitigation and

enhancement proposals that would seek, in-part, to re-establish the verdant boundary, and screen the proposed dwellings. The tree planting schedule shows that these trees could reach heights of between 4m and 12m.

7. Based on the submitted evidence, I have no reason to doubt that the type of replacement trees would provide suitable compensation for those that would be lost. However, they would, along with other replacement species along the site's western, eastern and northern boundaries, be located very close to the elevations of the dwelling at Plot 2. No details of that dwelling's appearance have been submitted for assessment; therefore, the exact position of windows is not known at this stage. Nevertheless, given the proximity of that dwelling to the proposed and existing landscaping, along with the height and scale of those trees, it is likely that they would cast a shadow and limit the amount of light entering habitable rooms. The consequence of this would result in those internal spaces being dark and having a diminished outlook particularly in instances where the windows are orientated to the north, west and east.
8. On this basis, it would be reasonable to expect that future occupiers of the dwelling at Plot 2, would seek to improve the situation through regular pruning or the removal of some of the trees following their establishment. Whilst this may not be the case, I cannot be certain that this eventuality would not occur given the potential effects on light and outlook within that dwelling.
9. The new access, although modest in width would result in an abrupt and discordant break to the soft verdant boundary running along Barkleys Hill. This would expose the hard, engineered appearance of the rising access road. I note the use of traditional materials proposed for the site access, yet these would nonetheless have a detracting presence in contrast to the soft and verdant site boundary.
10. Furthermore, given my findings above, any future removal of the proposed trees could result in additional gaps around the access that would further erode the verdant boundary along Barkleys Hill to the detriment of the areas' character.
11. From Barkleys Hill and the elevated footpath to the east, views through the access, and any gaps created by future tree pruning/removal could partially expose the angular profile of the proposed single storey dwellings, resulting in them having a visually jarring presence upon the verdant boundary along this part of Barkleys Hill. The proposed grassed roofs may help soften the buildings to some extent, however, they would not completely mask their structural form.
12. The photomontages provided show that from long range views the appeal development would be well screened by the surrounding landscaping to the extent that the proposed dwellings would have a very limited visual presence. Notwithstanding this, the effects of the proposal would be more localised from short to medium range views to the east. In this context there would be potential landscape harm.
13. Therefore, based on the uncertainty of the landscape mitigation proposed and whether the verdant frontage established would remain, I cannot rule out potentially harmful impacts to the landscape character of the immediate locality.

Open Space

14. The appeal site is part of a large important open space (IOS) designation that extends north, encompassing the HPG. Local Plan Policy DM17 states that development on part, or all, of an IOS as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use.
15. In this instance the proposed construction of two dwellings would not be ancillary to the open space or meet any of the exceptions outlined in the policy. The removal of trees to create the site access and the threat of further felling along the site's frontage would have a damaging effect on the landscape quality of the wider IOS. The effect of this would be limited given the size of the IOS designation, yet it would nevertheless result in some localised harm that would erode an important natural boundary that makes a valuable contribution to the designation.
16. The appellant indicates that the enclave of dwellings that includes the appeal site were erroneously included within the IOS policy designation and a revised area of 'Reserved Open Space' (ROS) that removes the majority of the appeal site is currently being considered as part of the Local Plan Review (LPR). However, the LPR is at an early stage of preparation thus attracts limited weight. Moreover, even if I was to give more credence to the draft ROS policy, the appeal site's verdant eastern boundary is wholly contained within that designation and would still be afforded a degree of protection.

Heritage Assets

17. The National Planning Policy Framework (the Framework) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. The appeal site is within the Stapleton and Frome Valley Conservation Area (CA) and largely in the Purdown Local HPG designation. I have not been presented with a character appraisal of the CA. Nevertheless, from my site visit I observed that the CA contains a large amount of historic period buildings. The intervening spaces surrounding those buildings comprise extensive areas of open space and parkland defined by pastures and mature trees arranged in groups and along routes through the CA. In the context of the appeal site, those surrounding natural features once formed part of the landscaped grounds of the grade II listed former Purdown Hospital. Those grounds remain in part, and their appearance evokes the typology of an English country estate. Therefore, in so far as it relates to this appeal, the CA derives some of its significance from the hierarchy of spaces as well as the aesthetic value in the quality of intervening landscape features.
19. The appeal site also relates to the local HPG designation, an 18th century landscaped park that comprises extensive areas of trees and green spaces. The HPG is surrounded by roads and predominantly medium density residential housing that has an encroaching presence. Nevertheless, the HPG retains its parkland character given the scale of the remaining undeveloped areas.

20. Upon entering the designation from the B4058 and onto Barkleys Hill, there is the perception from the immediate absence of urban development that you are entering an attractive parkland setting that provides relief from the surrounding built environment.
21. The appeal site's frontage has a dense covering of shrubs and mature trees which form part of a longer natural corridor extending north through the HPG. In the context of the CA and the HPG, the appeal site's eastern boundary, is a small, albeit important component of the area's wider landscape character, and accordingly makes a valuable contribution to the special interest of the heritage assets.
22. The gap created by the proposed access would cause a discordant break in the site's landscaped frontage. Furthermore, given my earlier findings there would be potential for further gaps along the boundary, as I cannot be certain that all the replacement planting adjacent to the access would be maintained. Consequently, the potential diminution of what is currently a thick, verdant interface between the appeal site and Barkleys Hill, would diminish the appeal site's contribution to the landscape qualities of the CA and HPG. Moreover, in this event, the proposed dwellings, along with attendant parking and domestic paraphernalia, could become more visible from Barkleys Hill and the footpath to the east. Collectively, I cannot be certain that they would not have an encroaching presence upon this part of the CA and HPG that would visually harm the qualities that contribute to their significance.
23. The appellant refers to there being existing breaks and gaps along the Barkleys Hill frontage created by access roads to other built development. Although these have likely diminished the CA and HPG's verdant qualities their presence does not justify further erosion of the Barkleys Hill frontage along the appeal site's eastern boundary.

Heritage Findings

24. Therefore, insofar as it relates to local heritage designations the proposal would fail to preserve or enhance the character or appearance of the Stapleton and Frome Valley CA and the Purdown Local HPG. This would result in some minor harm to those heritage assets, although in terms of the Framework the scale of that harm would be less than substantial. Any such harm to a heritage asset nonetheless is a matter of considerable importance and weight. As part of my assessment, the Framework requires me to weigh the harm to the heritage asset against the public benefits of the scheme.
25. In this regard, the proposal would provide two dwellings making a small contribution to the housing supply in the city. I therefore attribute moderate weight to this benefit. There would also be some local economic uplift resulting from the scheme's construction and an increase in local expenditure. I attach minor weight to these economic benefits.
26. The appellant indicates that the proposed dwellings would be built to a very good or excellent rating in terms of energy efficiency while also incorporating water harvesting measures. In addition, it is proposed to remove some diseased trees along the site boundary. Together these would result in scheme benefits that attract moderate weight.

27. The additional planting proposed within the site and along its boundaries and within the site would result in additional landscaping which may bring about biodiversity gains. Yet I have given this matter limited weight in favour of the proposal as I cannot be certain whether the planting proposed would remain given my findings above.
28. In terms of the grassed roofs proposed, I acknowledge that these could also result in environmental benefits, yet I only give modest weight to this, as there is insufficient information before me in terms of the net ecological gain that would be provided in this instance. Similarly, I have given modest weight to the environmental benefits of the solar panels proposed to be placed on the dwellings.
29. Collectively, the public benefits of the appeal scheme are of no more than moderate weight. As a consequence, the public benefits arising from the proposed development would not outweigh the considerable harm I have identified.

Conclusions on Character and Appearance

30. Drawing these threads together, the proposed development would have a harmful effect on the character and appearance of the area with particular reference to the long term effect on trees, important open space, and the Stapleton and Frome Valley Conservation Area and the Purdown Local Historic Park and Garden.
31. As such, it would conflict with Policies BSC9, BSC11 and BSC22 of the Bristol Development Plan: Core Strategy, adopted 2011 and Policies DM17, DM21 DM26 and DM31 of the Bristol Development Plan: Site Allocation and Development Management Policies, adopted July 2014. These require, in part, that proposals respond appropriately to an areas' character; preserve and protect existing green infrastructure and Important Open Spaces; and to preserve or enhance the character, appearance or setting of heritage assets ensuring their significance is not harmed. The proposal would also be contrary to the advice of the Framework to conserve heritage assets in a manner appropriate to their significance.

Other Matters

32. The appellant refers to a recent appeal decision at the site¹ which allowed an incidental building within the garden of the host property. I have not received the full details of that case, and therefore it is not clear whether the construction of that building would require the removal of trees along the eastern boundary or the creation of a new access. Moreover, I note from that appeal decision that the incidental building would have a floor area of around 124m², which would occupy a much smaller development area than the two proposed dwellings being considered in this appeal. Accordingly, from the information before me the two schemes are not comparable, and limited weight is given to the consented scheme in favour of this appeal. In any event I have considered the current appeal scheme on its own planning merits.
33. The appellant has stated that the Council's recent poor performance in the delivery of new housing renders the policies of the local plan out of date and

¹ APP/Z0116/X/20/3265151 - Certificate of lawful use or development for a proposed outbuilding under Class E of the GPDO 2015, approved on 9 April 2021

engages Paragraph 11 of the Framework. Paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 6, this includes instances of harm to designated heritage assets, such as Conservation Areas. The Framework therefore provides a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.

Conclusion

34. For the reasons given above, the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework and the public benefits referred to, that outweigh this conflict. Given such, and having considered all other relevant matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR