



Appeal Decision

Site Visit made on 20 July 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2021

Appeal Ref: APP/Z0116/W/21/3271623

125 Nibley Road, Shirehampton, Bristol BS11 9XN

- 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 Jack Chatham against the decision of Bristol City Council.
 - The application Ref 20/03055/F, dated 13 July 2020, was refused by notice dated 11 December 2020.
 - The development proposed is creation of a 1 x 2 bedroom property within the side plot of no.125 Nibley Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed access arrangement on the safety of vehicular and pedestrian traffic on Hung Road.

Reasons

Character and Appearance

3. The appeal site comprises the side garden of a modern end of terrace dwelling located at the junction between Hung Road and Nibley Road. The dwellings on those streets, and on nearby Dursley Road form part of a planned estate where careful attention has been given to the design and arrangement of buildings and the spaces between them.
4. Dwellings primarily consist of short terrace blocks of comparable scale while incorporating unifying architectural features such as porches, windows and roofs. Properties are set back from the road with driveways, gardens and landscaping occupying the intervening spaces. Where flank walls of dwellings face the street, they are stepped away from plot boundaries to maintain a spacious and orderly arrangement between public and private space that is an attractive characteristic of the area. This is the case with the appeal site, which is one of several similar spaces in the vicinity.
5. The two-storey flank wall of the proposed development extends right up to the boundary with Hung Road, albeit slightly tapering inward as it extends towards the rear of the plot. Because of this close relationship with the roadside boundary, the proposed development would appear squeezed onto the site in a

manner that would conflict with the prevailing arrangement of dwellings in the area. The proposal would also have an abrupt and incongruous presence in the street in light of the relative absence of similar built development so close to the highway boundary. The proposal would consequently have an unacceptable visual effect that would erode the strong sense of place that the existing spaces between buildings in the vicinity provides.

6. The proposal would be constructed in materials to match the other dwellings in the terrace, while continuing the existing roof, eaves and building lines. Although the other dwellings are marginally wider, the scale of the proposal would be comparable to the other units, and not appear discordant or out of place as a new addition to the terrace. The proposed window openings would also be acceptable as they would have a similar shape and position to the others in the terrace. A modest rear garden would be provided for future occupiers and although small, the space is both functional and adequate for the needs of occupiers of a dwelling of this size. Whilst these aspects of the scheme are acceptable, they do not overcome my concerns.
7. During my site visit I noted a small number of dwellings nearby had side extensions constructed close to the highway boundary with Hung Road. Those were single storey additions and would not have the same effect as the taller and bulkier appeal proposal, which occupies a greater portion of the vertical space to the side of the host terrace. Moreover, those other additions relate to two storey dwellings, which are set in from the roadside boundary, ensuring the taller portion of the structure is set back from the highway edge, thus maintaining a sense of space. Accordingly, I have found that the appeal proposal does not compare to those existing additions.
8. The other examples of similar development, on Hung Road and Woodwell Road, referred to by the appellant are further afield and to the north of the A4 dual carriageway. Here the pattern of development differs in that dwellings are positioned closer to one another and the layout of buildings in the street is less spacious. Consequently, the circumstances that apply to those other developments are not directly comparable to the case before me.
9. Therefore, the proposed development would significantly harm the character and appearance of the area. In doing so it would conflict with Policy BSC21 of the Bristol Development Framework Core Strategy (March 2012) (Core Strategy), Policies DM21, DM26, DM27 and DM30 of the Site Allocations and Development Management Policies (July 2014) (DMP). These require, amongst other things, that proposals contribute positively to an area's character and identity, and respond appropriately to building lines, open spaces and set backs from the street. The proposal also fails to accord with the guidance on design in the National Planning Policy Framework (Framework).

Highway Safety

10. The existing single storey garage at the rear of the site would be removed to create the proposed site access off Hung Road. To the immediate north of this is a rear service lane that relates to properties fronting Dursley Road.
11. The appellant indicates that a reduction in the height of the boundary fence and vegetation at the appeal site would ensure sufficient visibility for vehicles leaving the site as well as oncoming traffic. The 20mph speed limit along Hung Road and its relatively straight alignment would provide oncoming vehicles with

sufficient time to observe vehicles emerging from the proposed access and could either reduce their speed or wait. Likewise, vehicles leaving the site would be able to observe oncoming pedestrians walking along the footway, while those on foot would be able to observe vehicles merging onto the highway above the splayed and lowered boundary treatment proposed. Moreover, the sound from car engines would likely be audible and provide pedestrians with an indication that a vehicle is about to emerge from the access and cross the footway. The required visibility splays and the height of boundary features along the appeal site's Hung Road frontage could be controlled through an appropriately worded planning condition were I to allow this appeal. Accordingly, it is not considered that the safety of pedestrians and vehicular traffic would be materially harmed.

12. The Council has indicated that the proposed visibility splays would not meet the standards in Manual for Streets, whilst it has concerns regarding the maintenance of planting within the splay area. However, from what I observed on the ground and the submitted drawings, the proposal would be acceptable from a safety perspective and that a condition would be able to control any future growth or obstructions that may impede visibility.
13. It is noted from the submitted evidence that there have been vehicle collisions in the vicinity of the site. There is already an access off Hung Road leading to the existing garage. This is in roughly the same location as the access proposed and I have not been made aware of any specific traffic incidents that relate to it. Therefore, notwithstanding any previous incidents in the locality, I am satisfied that the proposed access can be used by vehicular traffic accessing Hung Road without causing any unacceptable highway safety effects.
14. In concluding on this main issue, the proposed access arrangement would not harm vehicular and pedestrian safety on Hung Road. It would accord with Policy BSC10 of the Core Strategy and Policy DM23 of the DMP, which amongst other things, seek to ensure the provision of safe streets and safe and adequate access for all sections of the community. It would also comply with the provisions of the Framework where it relates to highway safety.

Other Matters

15. The appellant contends that the removal of a dilapidated garage at the rear of the site would improve the visual appearance of the area. However, I do not see this as a reason to allow the appeal as the appellant could remove this structure without having to construct the proposed dwelling.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR