



Appeal Decision

Site visit made on 1 June 2021 by Ben Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

An appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/Z0116/W/21/3267898

57 West Town Lane, Brislington, Bristol BS4 5DD

- 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 H England against the decision of Bristol City Council.
 - The application Ref 20/04091/F dated 8 October 2020, was refused by notice dated 3 December 2020.
 - The development proposed is described as a new single storey dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. The comments received have been taken into account within the appeal decision.

Main Issue

4. The main issues in this case are the effect of the proposed dwelling on the character and appearance of the area and on highway safety; and whether the proposal makes adequate provision for storage and collection of refuse and recycling.

Reasons for the Recommendation

Character and appearance

5. West Town Lane is a lengthy, typically suburban residential road characterised by mostly two-storey semi-detached or terraced properties of similar appearance, which front onto the road. Most have driveways and parking to the front giving a spacious character, and the appeal property and its neighbours have lengthy rear gardens. This contrasts with the smaller plot sizes evident further along West Town Lane and to the rear along Grace Park Road.

6. The proposed dwelling would be sited in line with two new dwellings at the rear of Nos 61 and 63, all accessed off Prestwick Close. The siting of the proposed dwelling would sit in contrast to the predominant linear pattern of street facing dwellings in the surrounding area. While there is other backland development nearby at 41 and 43 Prestwick Close, those dwellings are seen in the context of the Close, and as such form part of that group of tight-knit development. Given its siting some distance from Prestwick Close, the proposed dwelling would not be seen in the same context and would have a conspicuously backland appearance at the end of a long access. It would be larger than the existing outbuilding and clearly of residential appearance, and as such would stand out as noticeably different to the other outbuildings at the end of neighbouring gardens.
7. The proposal would also result in both the existing and proposed dwellings having much smaller gardens than other properties along this part of West Town Lane, with the garden of the proposed dwelling being significantly smaller even than those of Nos 41 and 43. While small gardens are found elsewhere nearby, those serve higher density housing developments of different character to the appeal site and its surroundings and are not therefore comparable to the scheme before me.
8. Consequently, the proposed dwelling would appear cramped within its constrained plot and out of keeping with the prevailing pattern of development. As such, it would significantly and harmfully alter the spacious character of the immediate area.
9. Therefore, the proposal would harm the character and appearance of the area, in conflict with Policy BCS21 of the Core Strategy 2011 (CS) and Policies DM21, DM26 and DM27 of the Local Plan: Site Allocations and Development Management Policies 2014 (LP), which collectively set out that development should be appropriate to the immediate context, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area.

Highway Safety

10. The proposed access varies in width between the appeal site and where it connects to Prestwick Close, and only a short section has any footway, verge or lighting alongside it. While the appellant identifies that the access is 4m wide in front of Nos 41 and 43, it is not clear whether this includes any part of their front forecourts. Furthermore, they do not dispute that parts are below 3.5m wide, which the Manual for Streets requires for private accesses of this length. Consequently, it has not been demonstrated that the proposal would provide access of suitable width to ensure safe access for vehicles, and as the sole access to an independent dwelling, it would be unlit and unattractive to use, particularly for pedestrians.
11. While adequate parking can be achieved on the site frontage, there would be very limited room for turning due to the narrow width of the plot and the planting at the rear of No 59. A lack of turning space within the site would lead to a probability of drivers needing to reverse a lengthy distance, or attempt to use the forecourts of Nos 41 and 43. Such manoeuvres would lead to conflict between vehicles entering and trying to leave the lane as well as with any pedestrians using it. Furthermore, for a considerable length of the lane

pedestrians would have nowhere to go to avoid vehicles other than onto the forecourts of Nos 41 and 43, which is private property.

12. In addition, given the distance from an adopted highway and the width of the access, it has not been demonstrated that the proposal would provide suitable access for an emergency vehicle such as a fire engine to access the proposed dwelling.
13. Consequently, the proposal would not provide suitable, safe access for all users and would have an unacceptable impact on highway safety. Therefore, it would conflict with the highway safety and quality design objectives of CS Policy BCS10 and LP Policy DM23; and with Paragraphs 109 and 110 of the National Planning Policy Framework (the Framework).

Refuse/Recycling provision

14. No provision for storage of refuse or recycling for the proposed dwelling is shown on the submitted plan, however there may be space for such storage within the garden. Notwithstanding this, the site is 65m from the adopted highway which is more than double the 30m maximum distance that occupiers would be expected to carry or wheel their waste. Therefore, waste would not be collected by the Council's service.
15. Although the appellant suggests that bins would be taken to a collection point used by Nos 41 and 43, no details of its location have been provided. Nor has it been demonstrated that it would be accessible or available for future occupiers of the proposed dwelling to use. Therefore, it would not be reasonable to attempt to secure a collection point by condition. No other options have been put forward to ensure refuse and recycling would be collected from the site.
16. Consequently, the proposal would not make adequate provision for storage and collection of refuse and recycling, in conflict with LP Policy DM32.

Planning Balance, Conclusion and Recommendation

17. The proposal would represent an efficient use of land and, as a 2 bed unit, contribute positively to the housing mix and supply in a location with reasonable access to services and facilities. I note the appellant's contention that the Council has not met its housing requirement for 2020, however the evidence before me is that it can demonstrate a 5-year supply of deliverable housing land. Therefore, the benefits of one additional dwelling attract modest weight.
18. The submitted plan shows space for cycle storage within the site, which could be secured by condition. As such, the proposal would support use of sustainable transport modes, however this is a requirement for all new housing and as such is of minimal benefit.
19. The proposal would comply with other development plan policies in relation to parking, the appearance of the building and the living conditions of existing and future occupiers. However, this to be expected in any development and does not weigh in favour of the proposal. Furthermore, I acknowledge that the planning application attracted a letter of support, however the issues raised regarding pollution are not matters in dispute. The suggestion that the development improves security is not substantiated and this limits the weight that I can attach to this matter.

20. The proposal would harm the character and appearance of the area and highway safety and would not provide adequate provision for refuse/recycling storage and collection. Given the important attached to design and highway safety in national and local policy, it therefore conflicts with the development plan taken as a whole and I give this conflict very substantial weight. There are no material considerations, including the benefits of the scheme and the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR