



Appeal Decision

Site Visit made on 3 August 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/Z0116/W/21/3275479

23 St. Lucia Crescent, Horfield, Bristol BS7 0XR

- 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 Mrs Jeanette and Michelle Arnold and Teasdale against the decision of Bristol City Council.
 - The application Ref 20/04902/F, dated 15 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is the demolition of existing bungalow and construction of a pair of semi-detached bungalows, (one 2 bedroom and one 1 bedroom).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and construction of a pair of semi-detached bungalows, (one 2 bedroom and one 1 bedroom) at 23 St. Lucia Crescent, Horfield, Bristol BS7 0XR in accordance with the terms of the application, Ref 20/04902/F, dated 15 October 2020, subject to conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Jeanette and Michelle Arnold and Teasdale against Bristol City Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the description of development from the Council's decision notice as this better describes the proposed development.
4. A revised version of the National Planning Policy Framework (Framework) was published on 20 July 2021. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is a single storey pre-fabricated bungalow located on a corner plot. The existing dwelling fronts on to Windward Walk and is bound by St. Lucia Crescent and St. Lucia Close, to the south and east/north east respectively, and a neighbouring property to the north. The area is predominantly residential characterised by a mix of single storey and two

storey dwellings finished in red brick and render. Dwellings front on to the highway in a uniformed building line with parking bays provided to the front; areas of low level planting and hedgerows break up the built development and contribute positively to the character and appearance of the area.

7. From reviewing the plans it appears that the proposed development, including boundary treatment, would continue the building line created by the dwellings to the west of the site along St. Lucia Crescent. Whilst the proposed development would sit forward of the dwellings to the east/north east, these already sit further back due to the curve of the road. When travelling along nearby highways the proposed development would be seen in the context of the dwellings to the east and would appear as a continuation of that established building line. This combined with the use of matching materials ensures that the proposed development does not appear discordant with the surrounding area.
8. I note the Council's concern that the proposed development would breach the building line along St. Lucia Close, however during my site visit I noted that there did not appear to be a uniformed building line along this road. The dwellings of Windward Walk back on to St. Lucia Close and whilst their rear gardens are visible, the dwellings have been altered over time and there is no definitive building line. Built development will be brought closer to St. Lucia Close, however its location adjacent to existing dwellings, its single storey nature, use of matching materials and landscaping ensures that the proposed development will not appear as unduly prominent in the street scene.
9. As part of the proposed development a landscaping scheme has been proposed which details native hedgerow planting around the perimeter and the introduction of three trees. Whilst the concerns of the Council are noted, I consider that the addition of the landscaping would be in keeping with the low level planting and hedgerows characterising the immediate area. Whilst the Council are concerned that should the landscaping grow too tall that this could impact on the living conditions of future occupiers, the maintenance of the landscaping would be a matter for any future occupiers.
10. For the reasons set out above I consider that the proposed development would not be overly prominent or harm the character and appearance of the street scene or wider area. Accordingly, I find no conflict with Policy BCS21 of the Core Strategy¹ (2011) (CS), Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies² (2014) nor the guidance contained within the Policy Advice Note³ (PAN) which seek, amongst other things, to ensure that development contributes positively to an area's character and identity and the broader street scene. The proposal also complies with paragraph 130 of the National Planning Policy Framework which seeks good design sympathetic to local character.

Other Considerations

11. Third parties have raised concern regarding the effect of the proposed development on highway safety and parking problems. During my site visit I noted that most of the kerbside parking areas were full and there was little

¹ Bristol City Council Development Framework Core Strategy (June 2011)

² Bristol City Council Site Allocations and Development Management Policies – Local Plan (June 2014)

³ Responding to Local Character – A Design Guide: Bristol Local Plan Policy Advice Note 15 (March 1998)

opportunity to park in the immediate area due to parking restrictions. However, a parking space is proposed as part of the proposed development, along with cycle parking. The site is also located in close proximity to a number of services and the public transport network which will reduce the reliance on private vehicles. As such, in light of the above, I do not consider that the proposed development would harm highway safety.

12. I note the concerns raised by the appellant regarding the handling of the application, however this is an administrative matter between the appellant and the Council and has no bearing on the determination of the appeal.

Conditions

13. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider that conditions regarding a construction management plan and the completion and maintenance of car and cycle parking necessary in order to ensure that there are no harmful effects on highway safety during the construction and lifetime of the development. A condition regarding sustainable drainage required in order to ensure that adequate drainage is provided. A landscaping condition will be attached in order to ensure the proposed landscaping is completed and maintained. I have altered the wording of some conditions in order to ensure they comply with the PPG.
14. I have given careful consideration to the inclusion of the condition removing permitted development rights, having had regard to the PPG's advice on the inclusion of such restrictive conditions in specific circumstances. In this instance, the proposed development, whilst currently providing sufficient amenity space, if extended would impact on the living conditions of future occupiers in terms of outdoor space. As such, I consider the condition to be necessary.
15. With regards to the Council's request for a condition requiring further plans to be provided, I consider that the submitted plans sufficiently demonstrate the detail and do not consider that such a condition is necessary. With regards to the condition relating to alternative energy, I note that the Council have stated within their delegated report that whilst the use of gas is not a preferred choice, a 20% reduction in CO₂ emissions is met via the provision of solar panels. The Council has provided a copy of their Practice Note – Climate Change and Sustainability (July 2020) which details that new development should incorporate an element of renewable energy to reduce CO₂ emissions by 20%. As the submission details such a reduction through the use of solar panels I see no policy reason that a condition requiring an alternative to the use of fossil fuels should be included. With regards to the condition regarding potential contamination, no evidence has been provided to demonstrate that the site may suffer from contamination as such I see no reason that this condition should be included.

Conclusion

16. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 – Site location plan; PL06 – Proposed site plan; PL07 – Proposed drainage plan; PL08 – Proposed floor plans; PL09 – Proposed elevations; and PL10 – Proposed elevations.
- 3) No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - a. Parking of vehicles of site operatives and visitors
 - b. Routes for construction traffic
 - c. Hours of operation
 - d. Method of prevention of mud being carried onto the highway
 - e. Pedestrian and cycling protection
 - f. Proposed temporary traffic restrictions
 - g. Arrangements for turning vehicles
- 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and

- c. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 6) No building or use hereby permitted shall be occupied or the use commenced until the car parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of vehicles only.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping (PL06 – Proposed site plan) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.