

Appeal Decision

Site Visit made on 9 August 2021 by B Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2021

Appeal Ref: APP/Z0116/W/21/3276017

48 Tavistock Road, Bristol, BS4 1DN

- 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 Alex Fry against the decision of Bristol City Council.
 - The application Ref 20/05845/F, dated 4 January 2021, was refused by notice dated 2 March 2021.
 - The development proposed is a proposed two bedroom 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.

Procedural Matter

3. On 16 December 2020 the Secretary of State published a Written Ministerial Statement which, amongst other things, proposed a new standard method for assessing local housing need in certain circumstances, and including a 35% uplift for certain urban areas, including Bristol. The transitional arrangements ended on 16 June 2021 and the new standard method, including the urban centre uplift, now applies for relevant decision-making purposes. The Council was therefore given the opportunity to provide an update regarding its 5-year housing land supply position in light of this, however no response was received.
4. 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. No substantive comments have been received.

Main Issue

5. The main issue in this case is the effect of the proposed dwelling on the character and appearance of the area.

Reasons for the Recommendation

6. Tavistock Road is a lengthy suburban residential road, mostly characterised by similarly designed, pitched roofed, terraced or semi-detached dwellings set back from the road behind gardens and parking areas. It has a consistent building line and largely open corner plots, including the appeal site, which

contribute positively to the area's open, spacious character. Tavistock Walk is a short cul-de-sac, carefully and symmetrically designed, consisting of three terraces set around a turning circle with a consistent set back and open frontages providing a spacious character. The appeal site is relatively prominent due to its position at the cross-roads formed with Cossington Road opposite, where the four corner plots have largely open side gardens, giving the junction a particularly spacious appearance. Whilst the surrounding area is not designated as a Conservation Area, it nevertheless has a distinctive character and appearance.

7. The development of the side garden of the host property as proposed would significantly erode the open appearance of the appeal site by extending two-storey built development closer to Tavistock Walk. The siting of the proposed dwelling would conflict with the planned layout and symmetrical design of the entrance to this cul-de-sac and wider junction. The new dwelling would therefore appear as a prominent, incongruous addition in the street scene when viewed from both Tavistock Road and Tavistock Walk and would harmfully erode the spacious character of this junction.
8. The appellant refers to an appeal allowed at No 35 Kingshill Road¹ at the corner with Newlyn Walk, within the same wider suburban estate as the appeal site. The Inspector in that case set out that the wider estate derives its character *'from its overall planned layout and the retention of spacious and open corner plots on significant junctions in the area'*, which is true of this part of the estate as well. However, the previous Inspector noted the inconsistent building lines of Newlyn Walk and the lack of prominence of the appeal site they were dealing with. This is not the case here, where building lines are highly consistent and the appeal site is more prominently located. Therefore, the context and impact of that scheme was materially different, and not directly comparable to the scheme before me.
9. The appellant has also referred me to developments at the entrances to Instow Walk, Green Walk, Hurst Walk and Corsley Walk. These are however single storey extensions or detached garages, which are smaller in scale than the proposed two-storey dwelling. Therefore, while they project beyond the building line of neighbouring dwellings at ground floor, these corner plots still retain a degree of openness around the junction and the developments do not have the same visual impact as the appeal scheme would.
10. I have also been made aware of a development of two flats at the corner of Daventry Road and two-storey side extensions at Tyrone Walk, however I have not been provided with details of how these came to be built. In any event, No 47 backs onto a school parking area rather than a cul-de-sac, so is seen in a very different context to the appeal site. The extensions at Tyrone Walk are of materially different design to the appeal proposal, and I have no details of what the sites looked like prior to those developments. Therefore, they are not comparable to this appeal scheme, which I have considered on its individual merits.
11. Accordingly, the proposed dwelling would harm the character and appearance of the area, in conflict with Policies DM21, DM26, DM27 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014, and Policies BCS20 and BCS21 of the Bristol Development Framework:

¹ Appeal decision APP/Z0116/W/18/3199404

Core Strategy (2011). These collectively set out that development and density 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. It would also conflict with the design policies of the Framework.

Planning Balance, Conclusion and Recommendation

12. While the Council has not provided an up-to-date position on its 5-year housing land supply, the 2020 Housing Delivery Test figures show that it delivered only 72% of required housing numbers over the past 3 years. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
13. The proposal would represent an efficient use of land and, as a 2-bed unit, would contribute to the housing mix and supply in a location with good access to services and facilities. It would also incorporate sustainable design features. Given the shortfall in housing delivery, I afford the benefits of one additional dwelling modest weight.
14. The appellant suggests that a detached garage and a 2m high boundary treatment could be erected as permitted development. While there may be a realistic prospect that such development would be carried out if the appeal were dismissed, it would be smaller in scale than the appeal proposal and therefore would not have a comparable impact on the character and appearance of the area. Consequently, this carries very limited weight.
15. The construction of the proposed property to building regulations requirements is expected from any new development and is not a matter in favour of the proposal.
16. The proposal would harm the character and appearance of the area. Given the importance attached to design in national and local policies, I therefore find that it conflicts with the development plan taken as a whole. The relevant local policies are consistent with the Framework, therefore I give this conflict very substantial weight.
17. The proposal would boost housing supply and make effective use of land in an existing settlement. However, it would conflict with the Framework requirement to achieve high quality design, a key aspect of sustainable development and fundamental to what the planning and development process should achieve. I find therefore that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Framework as a whole.
18. There are no material considerations, including the benefits of the proposal and the Framework, that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. 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