
Appeal Decision

Site visit made on 6 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/Z0116/D/21/3269959

95 Gorse Hill, Speedwell, Bristol BS16 4PL

- 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 Nicholas Flood against the decision of Bristol City Council.
 - The application Ref 20/05882/H, dated 6 December 2020, was refused by notice dated 3 February 2021.
 - The development is described as 'Replacement of an existing garage with annex for elderly visitors'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of the site visit the garage had been demolished and the blockwork of the outer walls of the annex had almost been completed. However, the development undertaken differs from the submitted plans as there are openings for two windows in the western flank, and the doorway in the south elevation is positioned further towards the west. The detailing also differs with partially completed decorative brick dressings around the doorways in the north and south elevations. In the interests of clarity, the appeal has been determined on the basis of the scheme as shown in the submitted application plans, and not the development as found on the site. This was the scheme that was considered by the Council.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the wider area; and
 - whether acceptable living conditions would be provided for occupants of the host property with regard to private outdoor space.

Reasons

Character and appearance

4. The appeal site is located in a residential area and accommodates a two storey semi-detached house. It is sited amongst other formally laid out semi-detached properties, some of which feature sizeable single storey outbuildings in the rear garden areas. However, like the recently demolished garage at the appeal site, these are generally located towards the end of the gardens. Consequently, a

sense of spaciousness is retained between the outbuildings and the rear elevation of the respective house. This sense of spaciousness and the layout of the buildings are important elements of the character and appearance of the locality.

5. In the appeal development, the annex would almost be centrally positioned in the rear garden. Due to the garden effectively being divided, with two relatively small residual open areas to the front and rear of the outbuilding, the distinctive sense of spaciousness would be significantly undermined. Furthermore, with limited space between the rear of the house and the outbuilding, the host property would appear unduly cramped within its plot. The incongruous siting of the outbuilding and its detrimental impact on the characteristic layout of the locality would be prominently visible in public views from the footpath which runs alongside the eastern boundary of the site.
6. The proposed development would therefore have an unacceptably harmful effect on the character and appearance of the host property and the wider area. As such, it would conflict with Policy BCS21 of the 2011 adopted Bristol Development Framework Core Strategy (CS), and Policies DM21, DM26, DM27 and DM30 of the 2014 adopted Bristol Local Plan Site Allocations and Development Management Policies (SADMP). Amongst other things, these policies expect development to contribute positively to an area's character and identity, reinforcing local distinctiveness. They also seek to ensure development respects the siting and character of the host building and its curtilage, and that any development of garden land does not result in harm to the character and appearance of an area. It would also conflict with the Council's 2005 'A Guide for Designing House Alterations and Extensions' Supplementary Planning Document Number 2 (SPD), which sets out that extensions which involve the loss of garden space should reflect the established character of the area.

Living conditions

7. While the two residual open areas that would remain on either side of the proposed development would be relatively small in the context of the rear garden areas in the locality, both would be of a usable shape and linked by a path which would run alongside the western elevation of the annex. In combination, they would maintain an adequate area of functional garden area at the property.
8. Accordingly, acceptable living conditions would be provided for occupants of the host property with regard to private outdoor space. Therefore, in this respect, the proposed development would not conflict with Policy BCS21 of the CS, or Policies DM21, DM27 or DM30 of the SADMP. Amongst other things, these policies expect development to safeguard existing amenity, and to leave sufficient usable external private space for occupants of the property. Similarly, it would not conflict with the SPD which sets out that a usable garden area to allow practical use should be maintained.

Other Matters

9. The annex would provide additional accommodation for the appellant's visiting relatives, with some being elderly. However, as the appellant has the fallback

of an approved scheme¹ for an annex of a similar size that would be appropriately sited towards the end of the rear garden, this positive benefit may be afforded very limited weight in the determination of the appeal.

Conclusion

10. Notwithstanding the finding on living conditions and the benefit of the development, the identified harm to the character and appearance of the host property and the wider area, and the subsequent conflict with the development plan, are matters which are afforded substantial weight. There are no material considerations of sufficient weight which would indicate that the decision should be made otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

C J Ford

INSPECTOR

¹ Council Ref: 18/05658/H