



Appeal Decision

Site visit made on 19 October 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/Z0116/W/21/3274889

26 Murford Avenue, Hartcliffe, Bristol BS13 9JY

- 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 Parsons against the decision of Bristol City Council.
 - The application Ref 20/05269/F, dated 29 October 2020, was refused by notice dated 17 December 2020.
 - The development proposed is described as '2 No. 2 bedroom dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issue

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

Reasons

4. The proposed development site is located in a predominantly residential area and forms the side garden area of 26 Murford Avenue, a two storey end of terrace property. The garden stands alongside the junction of Heyron Walk with Murford Avenue, with the former comprising a cul-de-sac spur to Murford Avenue. At the opposite end of the terrace is the entrance to Halswell Gardens, a similar cul-de-sac spur. The original properties within the terrace have fairly deep rear gardens and their rear elevations are aligned above the ground floor level. As such, this pattern of development is an important part of the character and appearance of the locality.
5. The appellant has previously been permitted a scheme to erect a two storey, four bedroom dwelling in the side garden area which would be attached to No 26¹. Although the new dwelling's rear garden would be a lot shallower than the original properties in the terrace due to the shape of the cul-de-sac behind, the alignment of its rear first floor elevation with the rest of the terrace would otherwise maintain the established pattern of development. Moreover, the building would have a modest set back from the public footway on Heyron

¹ Council Ref: 21/00439/F

Walk, thereby retaining a degree of spaciousness alongside the entrance to the cul-de-sac.

6. In contrast, the pair of two bedroom dwellings in the appeal proposal would have a larger combined footprint and each would feature two storey gable ended rear projections. The rear gardens would therefore be shallower than in the approved scheme, and the first floor rear elevations would extend beyond the rest of the terrace. Consequently, the pattern of development at the rear of the terrace would be significantly disrupted. Furthermore, the larger footprint relative to the very shallow depth of the rear gardens would result in the development having an unduly cramped appearance, which would be emphasised by the minor set back from the public footway on Heyron Walk. Although the two dwellings would be stepped down from No 26, which would accord with the stepped nature of the wider terrace, and matching external materials would be used, those considerations alone would be insufficient to render the development acceptable in design terms.
7. While the appellant has drawn attention to other developments in Kilmersdon Road and Binmead Gardens, they form part of different street scenes with their own pattern of development and character. Furthermore, it appears the site alongside the junction of Binmead Gardens with Kilmersdon Road, which was under construction at the time of the site visit, is not directly comparable given it is wider than the appeal site and retains a more sizeable open area to the side.
8. The appellant has also referred to the existence of similar developments in Murford Avenue. 40A and 42A Murford Avenue have been erected on either side of the entrance to Halswell Gardens, with No 40A forming the new southern property in the appeal terrace. However, as they are both sizeable single dwellings, they reinforce the finding that the proposal for two small properties would result in a cramped and incongruous form of development in the locality.
9. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policy BCS21 of the 2011 adopted Bristol Core Strategy and Policies DM21, DM26, DM27 and DM29 of the 2014 adopted Bristol Local Plan Site Allocations and Development Management Policies. Amongst other things, these policies seek to ensure new development delivers high quality urban design which contributes positively to an area's character and identity, reinforcing local distinctiveness. It would similarly conflict with the Framework's promotion of good design.

Other Matters

10. The two proposed dwellings would be acceptable in terms of their internal space and parking provision, and would meet other on site provision requirements. Nevertheless, this would not justify the harm of the proposed scheme.
11. The appellant has referred to the need for low cost housing in the area and the construction of a new primary school within walking distance of the site. However, no specific evidence has been provided to confirm whether there is a particular need for smaller units in the area over family sized dwellings, and the new primary school would indicate there is a local population with a

reasonably high proportion of families. Consequently, the provision of two small units over the fallback of a four bedroom family sized property is afforded very limited weight.

12. As the Council confirms the most recent Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years, paragraph 11 d) of the Framework is engaged. This sets out that planning permission should be granted, subject to two tests. The relevant test in this case is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 219 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
13. Paragraph 130 of the Framework states that planning decisions should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and establish a strong sense of place. In these regards, it is supportive of Policies BCS21, DM21, DM26, DM27 and DM29.
14. While the scheme would provide two dwellings which would offer social and economic benefits, such benefits would be significantly and demonstrably outweighed by the harm outlined above that the proposal would cause to the character and appearance of the area.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR