

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: 25 November 2021

Appeal Ref: APP/Z0116/W/21/3277921

Land adjacent to 52 Brighton Crescent, Bedminster, Bristol BS3 3PR

- 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 D Thatcher against the decision of Bristol City Council.
 - The application Ref 20/05084/F, dated 26 October 2020, was refused by notice dated 18 March 2021.
 - The development proposed is erection of a detached single dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the application form the proposed development is described as ‘Erection of an attached single dwelling and associated works’. However, during the Council’s consideration of the application the proposal was changed to a detached dwelling. This description is therefore used in the banner heading above.
3. A revised plan was submitted with the appeal which proposes two secure cycle storage boxes instead of a single cycle stand. The revised plan does not materially alter the nature of the proposed development and interested parties had the opportunity to comment at the appeal stage. Therefore, taking into account the amended plan would not prejudice any of the parties in the appeal, or their respective case in relation to it.
4. 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 Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether suitable provision would be made for cycle parking.

Reasons

Character and appearance

6. The appeal site is located in a predominantly residential area and comprises unused garden land to the side of 52 Brighton Crescent, a three storey end of terrace property. Consistent with the rest of the terrace, No 52 has a shallow front garden area. To the north east of the site is 48 Brighton Crescent, a recently constructed one and a half storey detached mews style house which, unlike the terrace, stands directly adjacent to the back edge of the public footway.
7. While the proposed detached dwelling would incorporate a two storey front gable projection which is not a characteristic feature of the adjacent properties or the wider street scene, it would provide a positive transition in the building line between the set back of the neighbouring terrace and the prominent forward position of No 48. Moreover, the gable itself would have a strong visual correlation with the front twin gable roof design of No 48. Although the house would exceed the width of No 52, the difference would not be significant, and it would broadly accord with the width of No 48. Consequently, in these respects, it would not appear unduly cramped or out of keeping with the adjacent properties.
8. Nevertheless, a distinctive part of the character of the terrace is the floor levels of each constituent property step up as they progress towards the north east, reflecting the rising nature of the street. The floor levels within each property are also consistent, and this similarly applies at No 48.
9. In the proposed scheme, rather than an immediate step up, the floor levels would align with those at No 52. They would thereafter step up to the accommodation within the front gable portion of the building. Consequently, there would be a significant departure from the established pattern of development within this part of the street, with the new dwelling having a contrived sunken appearance between the two neighbouring properties, and an incongruous split level character.
10. While the appellant has drawn attention to the planning permission for No 48¹, the proposed scheme is significantly different in its design from No 48. Therefore, any direct comparisons cannot be drawn that would weigh in the appeal proposal's favour.
11. 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 (CS) and Policies DM21, DM26, DM27, DM28 and DM29 of the 2014 adopted Bristol Local Plan Site Allocations and Development Management Policies (SADMP). 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. While the Council also referred to Policy DM30 of the SADMP in its reason for refusal, it is not directly applicable in this case because it relates to extensions and alterations to existing buildings.

¹ Council Ref: 18/01498/F

Cycle parking

12. Policy DM23 of the SADMP requires the provision of secure, accessible and usable parking provision for two cycles at the new dwelling. While a single cycle stand was proposed at the application stage, a revised plan submitted with the appeal proposes two secure cycle storage boxes, (Plan 13B).
13. However, the occupants of No 48 questioned the viability of the proposed cycle stand with regard to the set back of their house from the side boundary. The appellant has provided a copy of the approved plans for No 48 and they confirm a set back which increases towards the front of the site. This exceeds the fairly narrow and consistent set back shown in the plans for the proposed scheme. Therefore, on the basis of the evidence provided, it appears the cycle storage boxes could not be installed in accordance with the revised plan, without encroaching onto the neighbouring site. Moreover, given this constraint, there is no clear evidence that imposing a condition requiring details of the cycle parking to be provided could be complied with.
14. Accordingly, it has not been demonstrated that suitable provision would be made for cycle parking. As such, the development would conflict with Policy DM23 as described above, and Policy BCS10 of the CS which seeks to maximise opportunities for cycling. It would also conflict with the Framework's promotion of sustainable transport and opportunities for cycling. While the Council also referred to Policy DM32 of the SADMP in its reason for refusal, it is not applicable to the issue under consideration as it relates to recycling and refuse in new development.

Other Matters

15. As the Council confirms it cannot demonstrate a 5 year supply of deliverable housing sites, paragraph 11 d) of the Framework is engaged. This sets out that planning permission should be granted, subject to two tests. The first test is whether the application of policies in the Framework which protect areas of particular importance provides a clear reason for refusing the development. However, the defined protected areas are not relevant in this case.
16. The second test 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.
17. The Framework promotes good design and seeks to ensure development is sympathetic to local character and the surrounding built environment, maintaining a strong sense of place. It also promotes sustainable transport and opportunities for cycling. In these regards, it is supportive of Policies BCS10, BCS21, DM21, DM23, DM26, DM27, DM28 and DM29.
18. Therefore, even when taking account of the Framework's objective of significantly boosting the supply of homes, its promotion of the development of under-utilised land, the acknowledged important contribution that small windfall sites can make to meeting the housing requirement of an area, and the Council's housing land supply situation, the conflict between the proposal and

the policies listed above should be afforded significant weight in the determination of the appeal.

19. Set against this, benefits of the development include the provision of a market dwelling in a sustainable location. There would also be economic benefits associated with its construction and subsequent occupation, including spending at local shops and services. However, as the proposal is for just one house, it would make a very limited contribution to the housing supply and the local economy. The cumulative benefits of the proposal are therefore only afforded very limited weight.
20. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission, namely the harm to the character and appearance of the area, and the failure to support sustainable transport, would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

21. 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