
Appeal Decision

Site visit made on 23 November 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/Z0116/W/21/3276417

123 Chesterfield Road, St Andrews, Bristol, BS6 5DU.

- 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 J&Z Investments UK Ltd against the decision of Bristol City Council.
 - The application Ref. 20/05254/F, dated 4 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is the construction of a detached single storey 1 bedroom dwelling within site curtilage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the description of development drafted by the Council as it better sets out the nature of the proposal shown on the submitted plans.
3. The appellant has submitted revised details of the proposed heating system for the dwelling. I have considered these under the principles established in the case of *Wheatcroft* and consider that they do not change the overall nature of the scheme or need further consultation with the local community. The details will be addressed under the third reason for refusal below.

Main Issues

4. The main issues are:
 - The effect of the development proposed on the character and appearance of the area;
 - The effect on the living conditions of the future occupiers of the unit together with those of the existing property at No. 123; and
 - Whether the proposed dwelling would include adequate measures to reduce carbon dioxide emissions

Reasons

5. The appeal site comprises most of the rear garden of a two storey end of terrace property which fronts Chesterfield Road but the garden runs alongside Sommerville Road South. I understand that the property is in use as a House in Multiple Occupation (HMO). The local area is mainly residential in character

and has a 'tight-fit' appearance where the large properties are set in modest plots with relatively small rear gardens.

6. It is proposed to construct a small single bedroom single storey unit the side walls of which would abut the southern, western and eastern boundaries of the land. There would be a small open amenity space of 6 sq.m in area.

Effect on character and appearance

7. In considering this issue I have taken account of a small dwelling, said to be similar to the appeal proposal, at No. 136 on the opposite side of Sommerville Road South, which was approved in 2008. The Council advises that the scheme approved then involved the redevelopment of buildings on the site of a similar scale. Moreover, the age of this decision and the fact that it was made when different local and national policy applied limits the weight that can be given to any precedent set.
8. At present the rear garden of the host property is used as an outdoor amenity space for the occupiers of the HMO. I noted at the visit that there was an area of wooden decking with tables and chairs and children's play equipment. This rear garden area is enclosed by walls and fences of varying height.
9. The proposal would result in an increase in height of the boundary along the Sommerville Road frontage and this coupled with the front door and high level windows would give the impression of development to the rear of the wall. Although only single storey the proposed residential unit would intrude into the visual gap between the host property at No. 123 and No. 137 and be sited materially in front of the established building line. It would result in a more prominent and intensive form of development which would be harmful to the street scene and be at odds with the prevailing pattern of development based on the layout of two storey houses and gardens.
10. At the visit I compared the proposal with the development undertaken at No, 136 opposite the site. Whilst there are some similarities with the proposal, it appeared to me that there was a greater visual gap with mature landscaping between the end of No. 121 Chesterfield Road and the infill plot of No. 136. Consequently, the visual impact of that development in the street-scene is not so visually imposing as I judge that the appeal scheme would be.
11. Overall on this issue, I find that the proposed dwelling would not be consistent with the present grain of development which establishes the character of the area and it would appear cramped and overbearing in the street scene. As such it would not meet the requirements of the development plan to contribute positively to an area's character and not harm is as set out in Core Strategy Policy BCS21 and Policies DM21, and DM26 of the SASMP. The proposal would also not result in good architecture or layout which is sympathetic to local character as described in paragraph 130 of the Framework about achieving well designed places.

Effect on living conditions

12. This issue is concerned with the quality of the living unit for the future residents and the relationship with No.123 in terms of overlooking and privacy. The Council also submits that the new unit would cause mutual overlooking with No.123, however, I am satisfied that this host property would not be

overlooked from the high level windows proposed in the single storey new property.

13. Although the unit would meet internal space standards, I am concerned about the quality of the living space that would result. The kitchen and the lounge/dining area would only be lit by roof lights and small high level windows and the opening French doors would face the amenity area and the boundary enclosure about 3m away. Moreover, the outlook from the north-west facing windows would be towards the building mass of No.123 located only a short distance away.
14. In terms of over-looking, the new house would be sited in a position where the north-west facing windows and the small amenity area would lie directly below the first and second floor windows on the rear elevation of No.123. This would result in overlooking and a lack of privacy and the occupier of the new dwelling would likely have to resort to screening to restrict views into this living accommodation.
15. These restrictions on outlook, together with overlooking and lack of privacy, reflect the cramped format of the appeal scheme dwelling to the rear of No.123 and would result in a poor quality living environment. I find that the proposal does not accord with part (v) of Policy DM29 and (vi) of Policy DM27. The proposal also conflicts with the guidance in paragraph 130(f) of the Framework to ensure that new development should create a high standard of amenity for existing and future residents in order to achieve well designed places.

Sustainable energy

16. Policy BCS14 indicates that new development should include measures to reduce carbon dioxide emissions from heating and cooling systems in accordance with a stated heat hierarchy. The appellant's initial proposal was to use a gas boiler although the revised Sustainability Statement amended this to include an electric boiler. However, the Council advises that this type of system would not be policy compliant as it would not explicitly involve low carbon heating systems. The proposal therefore still conflicts with the policy.
17. If other aspects of the development proposed were acceptable, the specification and implementation of a sustainable energy plan could reasonably be resolved by imposing a condition. However, in this case I have doubt as to how a renewable energy system could be installed, such as ground or air heat exchangers or solar based systems, without intruding into the small outdoor amenity space or onto the roof of the structure. This issue therefore remains unresolved.

Planning balance

18. On the main issues I have found that the proposed single bedroom house would not be consistent with the established pattern of development but would appear cramped and overbearing in the street scene and be harmful to the character and appearance of the area. Further, the close relationship of the new house to the existing property means that it would have restricted outlook and be overlooked resulting in a lack of privacy. As such the new dwelling would result in a poor quality living environment. Finally, it has not been demonstrated that the new dwelling can be served with an appropriate form of

sustainable energy. The proposal therefore conflicts with the relevant provisions of the development plan as stated above.

19. These adverse effects have to be balanced with other considerations. I have taken account of the development permitted in the past at No.136 but do not consider that the circumstances of that site are very similar and the decision to allow it predates the current development plan and national guidance. I also note the appellant's submission that the proposal would deliver a small residential unit which is said to be much needed in the area.
20. However, the harmful local impact of the development and the poor living conditions are clear adverse effects in terms of the guidance in the Framework and I find that the proposal conflicts with this national policy when it is read as a whole. The proposal does not constitute sustainable development.
21. Overall, the other considerations which arise in this case do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR