



Appeal Decision

Site visit made on 21 December 2020

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 13 January 2022

Appeal Ref: APP/Z0116/W/21/3282264

1 Bishopthorpe Road, Horfield, Bristol BS10 5AA

- 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 and Mrs D Melksham against the decision of Bristol City Council.
 - The application Ref 20/05327/F, dated 9 November 2020, was refused by notice dated 4 March 2021.
 - The development proposed is 1 no. dwelling (Use Class C3) with associated car parking, private amenity space with space for cycle and refuse storage
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Decision

1. The appeal is allowed, and planning permission is granted for 1 no. dwelling (Use Class C3) with associated car parking, private amenity space with space for cycle and refuse storage at 1 Bishopthorpe Road, Horfield, Bristol BS10 5AA in accordance with the terms of the application, Ref 20/05327/F, dated 9 November 2020, subject to the conditions in the attached Schedule of Conditions.

Preliminary Matters

2. The appellant has recognised that the Block plan/Site layout submitted with the application had an alternative roof design and footprint, which did not match the proposed elevations. An amended Block plan/Site layout, reference 3015-005 Rev C, was submitted with the appeal to remedy this inconsistency. However, it has been noted that there is a minor discrepancy on the plan, which shows a higher ridge height on the side annex roof than that shown on the elevation plans. As such, the appeal has been assessed on the basis of the height of the annex roof as shown on the elevation plans.
3. It is also noted that the Arboricultural report includes a Block Plan/Site Layout plan that has an alternative roof design and footprint. However, as the revision block plan/site layout would not result in a significant change to the footprint of the proposed dwelling and its proximity to the adjacent trees, the tree impact assessment can be relied upon and the discrepancy would not prejudice the determination of the appeal.
4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no party would be prejudiced by me having regard to the 2021 version of the Framework.

Main Issue

5. The effect of the proposal on the character and appearance of the area.

Reasons

6. Bishopthorpe Road is a residential area, generally characterised by two storey red brick dwellings in semi-detached pairs or terraces with regular spacing, finished with pitched or hipped roofs in red clay tiles. Due to the slope of the Road, the terraces are stepped in height, but for the most part, they maintain a consistent building line behind a front garden, with private gardens and parking to the rear. The consistent building line together with the front gardens, spacing between dwellings and coherent materials provides a pleasant character and appearance.
7. The appeal site itself is the side garden area of 1 Bishopthorpe Road, which appears underused and overgrown. The site adjoins Duckett Fields (private access road) to the side with a vehicle lane and public open space to the rear. The side garden area is wider at the front and tapers towards the rear vehicle access lane. The appeal site and street scene are appreciable from wider vantage points at the junction with Wellington Hill West.
8. The proposal is for a single detached dwelling to be located within the side garden. Although the proposed dwelling would only be one of a few detached within the vicinity, the pattern of development is not of such a rigid house type, design and uniformity that it would appear odd in this context. The proposal would have a similar building line, orientation and spacing that would be consistent with the semi-detached and terraced dwellings on the same side of Bishopthorpe Road. Furthermore, the dwelling has a scale, height, and finish, which would be sympathetic to the appearance of the majority of dwellings.
9. It is appreciated that the plot tapers towards the back, resulting in a narrower rear garden shape. However, due to the slope of the road, existing enclosures and trees bordering the site to the side, the narrowing of the plot would not be noticeable from public vantage points on Bishopthorpe Road or Wellington Hill West. Furthermore, while the side elevation and annex would be visible from Wellington Hill West, the appropriate siting, scale and design of the dwelling would ensure the proposal would not be harmful to the character and appearance of the area.
10. I, therefore, conclude that the design and scale of the proposal would be appropriate and the effect upon the character and appearance of the area would not be unacceptable. As such, the scheme complies with Policy BCS21 of the Bristol City Council Core Strategy 2011 as well as Policies DM21, DM26, DM27 and DM29 of the Bristol City Council Site Allocations and Development Management Policies 2014. These policies, in general, require delivery of high-quality design, development contributing positively to an area's character, layout and form as well as reinforcing local distinctiveness. The proposal would also accord with the provisions of the revised Framework which seeks to secure high quality design.

Other Matters

11. I have had regard to the previous scheme dismissed at appeal¹. The changes have resulted in a different scheme, which has been considered on its own merits. However, the alternative siting, orientation and design of the amended proposal ensures it would not appear irregular or cramped, with sufficient space being available for pedestrian access either side of the proposed dwelling.

¹ Decision APP/Z0116/W/18/3218637

Conditions

12. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the National Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording. I have also limited the number of pre-commencement clauses to those where it is essential for the condition to achieve its purpose.
13. In addition to the statutory time limit, it is necessary in the interests of clarity, to define the approved plans for the scheme. Pre commencement conditions relating to tree protection and a construction method statement would be necessary to protect the adjacent trees and the living conditions of neighbours during the construction phase.
14. A condition ensuring samples of the finishes are agreed with the Council prior to their use has been included to safeguard the character and appearance of the area and ensure high quality design finishes. Conditions ensuring the implementation of bin storage, cycle provision, parking and access would also be included to ensure the provision and availability of parking, bin storage and cycle storage to serve any future occupiers. A condition requiring the scheme to be carried out in accordance with the energy strategy and sustainability statement would achieve the aim of reducing emissions from the scheme.
15. The Council has requested the specific details and location of the solar panels proposed to the side roof plane. However, the proposed solar panels are acceptable in scale and location, therefore, no further details of their location are necessary. Accordingly, I have not imposed such a condition.
16. The Council has requested a contamination condition to protect from the risk from land contamination. This condition appears unnecessary, especially given the previous use of the land as a residential garden. There is no evidence before me that indicates that any historical uses would give rise to contamination or the potential need to safeguard against any undetected contamination. Accordingly, I have not imposed such a condition.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3015-001 Rev C, 3015-004, 3015 – 005 Rev C, 3015-007, 3015-010 Rev G, 3015-011 Rev F, 3015-014 Rev F and 3015-015 Rev E.
- 3) No development shall commence, including demolition, until the tree protection measures have been installed in the position and to the specification shown on the approved Tree Protection Plan referenced 200601-1BR-TPP-NB and as detailed in the approved Arboricultural Report prepared by Silver back Arboricultural Consultancy Ltd and dated June 2020. The local planning authority shall be given two weeks prior

written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place prior to work commencing. The approved tree protection measures shall remain in place throughout the demolition and construction stages of the development.

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- 24 hour emergency contact number;
 - Construction Hours
 - Parking of vehicle of site operatives and visitors (including turning and measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic; -
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - wheel washing facilities;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. -
 - Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Control measures for dust and other air-borne pollutants.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

- 5) Prior to their use in the construction of the dwelling, samples of the proposed brick, roof tiles and window materials to be used must be submitted to and approved in writing by the local planning authority. The proposal shall be carried out in accordance with the approved samples.
- 6) Prior to the occupation of the dwelling, the bin and refuse store shall be carried out in accordance with the details shown on the approved plans, and thereafter, be kept free of obstruction and available for the storage of waste.
- 7) Prior to the occupation of the dwelling, the cycle parking provision shall be carried out in accordance with the approved plans, and thereafter, be kept free of obstruction and available for the parking of bicycles only.
- 8) Prior to the occupation of the dwelling, the access and parking area shall be provided in accordance with the details set out on the approved drawings, and thereafter, retained and kept available for vehicle access and parking purposes.
- 9) The development hereby approved shall be carried out in accordance with the approved Sustainability Statement and Energy Strategy prepared by Fenton Energy dated 22nd April 2020.
- 10) The development hereby approved shall be carried out in accordance with the approved Arboricultural Report prepared by Silver back Arboricultural Consultancy Ltd and dated June 2020.