
Appeal Decision

Site visit made on 4 January 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/Z0116/W/21/3280471

235 Ullswater Road, Bristol BS10 6DH

- 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 20/05255/F, dated 4 November 2020, was refused by notice dated 11 February 2021.
 - The development proposed is construction of a detached dwelling.
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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 Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether there would be acceptable living conditions for neighbouring occupiers with regard to outlook, daylight and sunlight;
 - whether there would be acceptable living conditions for future occupiers of the proposed development with regard to the provision of private outdoor garden space and outlook; and
 - whether the proposed development would mitigate its impact on climate change.

Reasons

Character and appearance

4. The appeal site is located in a formally laid out residential area and comprises part of the cleared rear garden to 235 Ullswater Road, a corner plot property positioned alongside the junction of Ravenglass Crescent with Ullswater Road. Within the relevant western part of the Ravenglass Crescent street scene, there is a distinct symmetry in the pattern of development found between Ullswater

Road and Ennerdale Road. Notably, the rear gardens to No 235 and 32 Ennerdale Road each form a gap to the respective sides of 88 and 86 Ravenglass Crescent, two almost centrally positioned semi-detached houses. The symmetry in the pattern of development, and the sense of spaciousness which is derived from the two rear gardens, are important features which make a positive contribution to the character and appearance of the locality.

5. In the proposed scheme, whereby a large proportion of No 235's rear garden would be occupied by a two storey detached house, the aforementioned symmetry in the street scene would be eliminated, and the sense of spaciousness would be significantly eroded. Also, having regard to the fairly generous size of the rear gardens in the area, the new dwelling's small courtyard rear garden and No 235's significantly reduced rear garden would be anomalies, with both properties appearing unduly cramped within their plots. Furthermore, given the area largely consists of semi-detached houses and terraces, the detached form of the property would be incongruous, and the dwelling's discordant appearance would be strongly emphasised by its uncharacteristic Cornish unit roof design, with a ridge level markedly lower than the neighbouring properties.
6. 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 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, respecting the local pattern of development and reinforcing local distinctiveness. It would similarly conflict with the Framework's promotion of good design.

Living conditions of neighbouring occupiers

7. The southern flank of the proposed two storey dwelling would only be around 4m away from the rear elevation of No 235, which is divided into four flats. Consequently, the occupiers of the flats would experience an oppressive poor quality outlook at the rear. Furthermore, the appellant has not submitted any evidence, particularly in the form of a Daylight and Sunlight study, which disputes the findings of the Council that the occupiers of No 235 would experience an unacceptable reduction in daylight. While the Council has also raised concerns about sunlight, the occupiers would not be harmed in this regard as the development would be sited to the north of No 235.
8. Although the new dwelling would be even closer to No 88, due to the relevant neighbouring windows in No 88's flank being secondary windows, the reduction in outlook, daylight and sunlight experienced by the occupiers of that property would not be unduly harmful.
9. In light of the above, there would be unacceptable living conditions for the occupiers of No 235 with regard to outlook and daylight. As such, the development would conflict with Policy BCS21 of the CS, and Policies DM27 and DM29 of the SADMP. Amongst other things, these policies seek to ensure appropriate levels of outlook and daylight for existing occupiers.

Living conditions of future occupiers

10. The rear courtyard garden of the new house would have a shallow depth but given its greater width and regular shape, it would provide an adequate private outdoor amenity area for a one bedroom, two person dwelling.
11. The ground floor would have an open plan lounge, dining and kitchen area which would be served by a large window to the front and a smaller window to the rear. Notwithstanding the fairly close proximity of the latter window to any necessary tall rear boundary treatment, in combination with the larger front window, the ground floor accommodation would have a suitable outlook. Similarly, as the main part of the first floor bedroom would be served by a front window, it would also have a suitable outlook.
12. Accordingly, there would be acceptable living conditions for future occupiers of the proposal with regard to the provision of private outdoor garden space and outlook. As such, it would not conflict with Policy BCS21 of the CS, or Policies DM27 and DM29 of the SADMP in these regards. Amongst other things, these policies seek to ensure the adequate provision of private amenity space and appropriate levels of outlook for future occupiers.

Climate change

13. Policy BCS14 of the CS sets out that development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use by at least 20%. While the Sustainability Statement which accompanied the planning application noted that solar panels could enable this requirement to be met, such solar panels are not shown on the proposed plans. The policy also specifies that new development is expected to demonstrate that the heating system has been selected according to a six level heat hierarchy. However, the gas boiler proposed in the Sustainability Statement would not meet the hierarchy. Given the site constraints in this case, the scheme's ability to be policy compliant in these two respects needs to be clearly demonstrated, and not left as matters for subsequent approval by condition.
14. Consequently, it has not been demonstrated that the proposal would mitigate its impact on climate change, and it would conflict with Policy BCS14 as described above. It would also conflict with the Framework which promotes the transition to a low carbon future in a changing climate.

Other Matters

15. While the appellant highlights there were no objections from members of the public to the proposal, and one representation in support, it nevertheless falls to be duly considered against planning policy.
16. The appellant has also drawn attention to a newspaper article concerning "gap homes" in Bristol. However, it refers to public consultation on potential developments. Moreover, the developments would primarily relate to disused communal garage sites on housing estates. As such, they are not directly comparable and they do not justify the harm that would arise from the proposed scheme which has been considered on its own merits and with regard to its particular location and circumstances.

Planning Balance

17. As the Council's 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.
18. The Framework promotes good design and paragraph 130 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 maintain a strong sense of place. It also promotes a high standard of amenity for existing occupiers, and the transition to a low carbon future. In these regards, it is supportive of Policies BCS14, BCS21, DM21, DM26, DM27 and DM29.
19. 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 delivery situation, the conflict between the proposal and the policies listed above should be afforded significant weight in the determination of the appeal.
20. Set against this, benefits of the development include the provision of a market dwelling in a sustainable location that would add to the housing mix, and where the local hospital is expanding. 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 local housing supply, housing mix, and economy. The cumulative benefits of the proposal are therefore only afforded limited weight.
21. 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, the harm to the living conditions of neighbouring occupiers, and the failure to mitigate the impact on climate change, would significantly and demonstrably outweigh the benefits.

Conclusion

22. 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