
Appeal Decision

Site Visit made on 21 September 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/Z0116/W/21/3276560

1-21 Grange Court, Grange Court Road, Bristol, BS9 4DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by ERE LLP against the decision of Bristol City Council.
 - The application Ref 20/03831/ND, dated 20 August 2020, was refused by notice dated 16 December 2020.
 - The development proposed is an application to determine if prior approval is required for proposed two storey upward extension to comprise 14 new dwellings on detached block of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.
3. The principle of the development is already established by the provisions of the Order. There is no scope to reconsider this as part of the application for prior approval. The provisions of the National Planning Policy Framework are required to be considered.
4. Included with the appellants final comments was an additional Statement of Case in relation to highways matters, including updated parking surveys. In order to ensure fairness to all of the appeal parties, the opportunity to provide comments on this information was provided to the Council and interested parties.
5. It has been contended that the proposal does not benefit from the permitted development right because it does not comprise a detached building, in that there is a party wall between two parts of the structure. However, it would appear from the evidence before me that planning permission was granted for the construction of the building as a whole and was referred to at this time as a single building. Furthermore, while there is a step in the front and rear elevations, between which internally a wall runs, the structure at the site has a single address and appears externally to be a single contiguous and coherent building. Therefore, no party wall is shared with a neighbouring building. On

this basis, I find that the building as a whole is a detached building and thus it would fall within the scope of the permitted development right.

Main Issues

6. From the evidence before me, I consider that the main issues are the effect of the proposal on the external appearance of the building, the transport and highways impacts of the development, as well as the impact on the amenity of the existing building and neighbouring premises.

Reasons

External appearance

7. The existing building is a three-storey block of flats with brick elevations and a flat roof. The longest elevations are dominated by large expanses of glazing arranged in a linear pattern, reinforcing a distinctly horizontal emphasis, which imparts a residential scale to the building. The eaves of the building is defined by a wide strip of white cladding. The building is located within an area that is generally characterised by low-rise development, including dwellings and other buildings that are two-storey in height.
8. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) requires that the prior approval as to the external appearance of the building be applied for. The appellant asserts that this necessitates a narrow interpretation of the matter, excluding matters such as any difference in scale between the appeal building and its surrounding context. I am conscious that the appellant has sought legal opinion which also contends that a narrow interpretation is appropriate. Notwithstanding, I find that this would be an overly restrictive interpretation.
9. I find that it is a matter of planning judgement as to whether consideration is given to the effect of the proposal on the intrinsic design and/or to the effect with regard to the relationship with nearby buildings. In this case, the existing building is located within, and most closely related to, an area which is chiefly low-rise in nature. In this context, I find that it would not be appropriate to consider the building in isolation, without regard to its appearance in the street or to its relationship with nearby features. Accordingly, the relationship between the appeal site and the nearby buildings is a relevant component when considering the effect of the proposal on the external appearance of the building.
10. The additional storeys would match those below in terms of their extent and depth, with the fenestration pattern and alignment also mimicking that of the lower floors, albeit with a reduced number of windowpanes. However, the additional storeys would increase the height of the proposal by a considerable degree. In this respect, the existing low-rise, horizontal emphasis would be substantially diminished, and the proportions of the existing building would be overwhelmed by the additional height.
11. Additionally, the substantial increase in the height of the building would result in the development having an unduly dominant and intrusive appearance compared to the surrounding development, in the context of which the resultant building would be viewed.

12. I accept that the permitted development rights to allow for upward extensions will inevitably have an effect on the appearance of the host building. Nonetheless, in my view, this does not negate or discount the requirement to address the matters that are subject to prior approval.
13. While, as I outline above, that the detailing of the additional storeys would seek to replicate the design of the lower storeys, this is not sufficient to ameliorate the harmful effect that I identify above.
14. Therefore, for the reasons that I have set out, I find that the proposal would have a substantial harmful effect on the external appearance of the building, and it would be contrary to the design aims of the Framework, particularly but not limited to the requirement for upward extensions to be consistent with the prevailing height and form of neighbouring properties and the overall streetscene.

Transport and highways impacts

15. The development would result in the addition of 14 new residential units, each comprising three bedrooms. There is no provision made for additional off-street parking within the site. As a consequence, the residents of the new units would be reliant on finding on-street parking within the surrounding area. The submitted transport information contends that for the 14 new units there would be a demand for 13 additional parking spaces. The Council within its committee report contends that it would be a reasonable estimate that a demand for 16 parking spaces will be generated.
16. The initial application was accompanied by a parking survey which concluded that there was sufficient on-street parking capacity to accommodate the likely parking demand. On the basis of this information, there was no objection to the proposals from the Council's Transport Development Management Section, which stated that a refusal reason contending an under-provision of parking could not be sustained on road safety grounds. Members of the Planning Committee however disagreed with this advice, determining that the submitted information in respect of parking was not sufficiently robust.
17. Following the refusal of the application, the appellant has undertaken revised parking surveys which have been submitted. The additional surveys conclude that there is sufficient on-street parking capacity to accommodate the likely demand that would result from the additional units. Two surveys were undertaken on a Sunday morning to coincide with services at the nearby church, and during a bowls fixture at the nearby bowls club, which identified capacity for 41 and 24 vehicles.
18. Surveys were also undertaken during the week, at peak times for school drop off, when the nearby schools were undertaking full days, with no Covid-19 related limitations and during these times there was capacity for between 45 and 65 vehicles. Other surveys undertaken identified a minimum capacity of 30 spaces, with some identifying more than double this number.
19. Therefore, while I am mindful of the comments made by interested parties over the problems sometimes experienced at this location, the evidence before me shows that there is sufficient on-street parking capacity to accommodate the parking needs of the proposal. I acknowledge that there may at times be localised and short-lived examples of congestion in the area, but I am not

convinced that the appeal scheme would materially worsen these. I am conscious that some of the surveys took place the week after a school break, which the Council's guidance advises against. However, I do not consider that this renders the submitted information unreliable.

20. In light of the above, I am also not convinced that the scheme would lead to excessive congestion in the area. In terms of traffic movements, given the number of dwellings, as well as other facilities such as schools, church and the bowling club in the vicinity, any increase in traffic movements would not be likely to result in any adverse effect on road safety, either for vehicular traffic or pedestrians.
21. Accordingly, I find that there would be no adverse transport and highways impacts arising from the development. The proposal therefore accords with the relevant section of the Framework in this respect.
22. Reference is made to matters of accessibility, however as the prior approval matter is limited to transport and highways impacts of the development, in my view this does not extend to wider matters of accessibility. I have therefore not had regard to such matters when making my decision.

Amenity

23. The scheme would introduce additional storeys of accommodation, which would include additional windows. The existing building already rises to three storeys in height and as such a level of overlooking of nearby properties is already possible.
24. There is a dwelling to the south of the appeal site. However, between this dwelling and the appeal building is a large area of garden associated with the flats at Grange Court which provides for a good degree of separation and ensures that any overlooking from the proposal towards this property would be at a distance. Furthermore, there are a number of large tree specimens which would aid in the screening of some views.
25. There are further properties to the east of the proposal. Yet, the only windows to the side elevation of the additional storeys would be narrow, slit-like windows. The size of these would physically limit the degree of overlooking that would take place towards the neighbouring properties, which again are located some distance from the windows themselves.
26. Therefore, in light of the existing degree of overlooking that is possible, together with the size of the windows and the distance to neighbouring properties, the proposal would not have any unacceptable effect on the amenity of nearby occupiers through overlooking.
27. The increase in the number of units at the site would increase the number of occupants that would need to access the building and utilise the staircases. The submitted floorplans show that there are four staircases within the building and that three of these would serve an additional four units each, with the remainder serving two units. Acknowledging that there would be an increased usage of the staircases, there is nothing before me that convinces me that such an increase would result in harmful levels of noise and disturbance that would unacceptably affect the amenity of existing residents.

28. Therefore, I find that the proposal would not have an unacceptable effect on amenity, be that of nearby occupiers or occupiers of the existing building. Accordingly, the proposals would comply with the living condition protection aims of the Framework.

Other Matters

29. I acknowledge that the scheme would deliver additional units of housing at this location, however this does not alter my findings above in respect of the matters of prior approval.

Conclusion

30. While I find that the transport and highways impacts, as well as effect on amenity would be acceptable, I find that there would a harmful and unacceptable impact on the external appearance of the building.

31. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR