



Appeal Decision

Site visit made on 1 February 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2022.

Appeal Ref: APP/Z0116/W/21/3285120

6 Clyde Park, Redland, Bristol BS6 6RR

- 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 Rob Flanagan against the decision of Bristol City Council.
 - The application Ref 21/00746/F, dated 9 February 2021, was refused by notice dated 8 September 2021.
 - The development proposed is demolition of existing residential garage and erection of 2 bed 2 storey mews house with front and rear courtyards.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing residential garage and erection of 2 bed 2 storey mews house, with front and rear courtyards, at 6 Clyde Park, Redland, Bristol BS6 6RR, in accordance with the terms of the application, Ref 21/00746/F, dated 9 February 2021, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area, with particular regard to the extent to which it would preserve or enhance the character or appearance of the Cotham and Redland Conservation Area and key views of St Saviours Church.

Reasons

3. The site is located within the Cotham and Redland Conservation Area (the Conservation Area). The Cotham and Redland Character Appraisal and Management Proposals 2011 (CHMP) sets out that this Conservation Area is large, principally residential and is characterised by leafy, individually developed streets, dominated by a high-quality Victorian townscape. The CHMP notes that occasionally, intimate streets of mews or cul-de-sacs are set behind the principal Victorian streets within the Conservation Area and identifies Clyde Lane, set behind Clyde Park, as an example of this.
4. 6 Clyde Park is a large semi-detached property of a traditional design, set within a large plot. The appeal site is at the end of the rear garden and consists of a small section of garden and a modest garage fronting onto Clyde Lane. The site is set well back from the Clyde Park frontage, is at a lower level and is screened by the existing dwelling. As a result, visibility of the proposed development within the context of the Clyde Park frontage would be minimal.

The context within which the proposed development would be viewed is along Clyde Lane rather than Clyde Park.

5. Clyde Lane is narrow with a number of modest scale mews style dwellings fronting directly onto it, along with a range of garages and outbuildings and the side of dwellings at the end of Elliston Road. The dwellings are finished in either natural rubblestone or render, with stone and brick detailing and red tile roofs. The garage at the appeal site has a dual pitched roof and is of a modest scale, similar to other garages along Clyde Lane. The garage is of no particular visual merit and is in a poor state of repair. As such, the site currently makes a neutral contribution to the character and appearance of the Conservation Area.
6. The proposed development would replace the garage with a two bedroom, two storey dwelling, with a gable end facing the lane, finished in natural rubblestone and red clay roof tiles. It would also have a single storey element, clad in timber, with a flat green roof, but this would largely be screened from view by the boundary wall. The proposed dwelling would be in a section of Clyde Lane that does not currently contain dwellings. Despite this, the modest scale and height of the proposed dwelling, along with the materials and simple form and design, mean that it would be in keeping with the existing mews style dwellings along Clyde Lane.
7. The CHMP, having identified Clyde Lane as an example of the intimate mews style streets in the Conservation Area, goes on to note that such streets are characterised by their smaller scale of development, with properties accessed via narrow routes and directly addressing the street, never higher than two storeys. The proposed development would reflect these characteristics. Therefore, the design, scale, form and layout of the proposed dwelling would respond well to the mews style dwellings along Clyde Lane, and would respect the local distinctiveness, as well as preserving the character and appearance of the Cotham and Redland Conservation Area.
8. The proposal would result in the loss of a modest section of a large garden. However, given the highly sustainable location of the site, and that higher density development is characteristic of Clyde Lane, this is acceptable and represents an efficient use of land.
9. The former St Saviours Church is mentioned in the CHMP as an unlisted building of merit and a landmark, owing to its size and distinctive materials compared to the surroundings. The proposed dwelling would be visible from some perspectives when looking towards the Church. Despite this, the scale and height of the proposed dwelling would be modest and any views would be seen within the context of a range of built form which already sits between the site and the Church. Consequently, the proposal would have a limited impact on key views towards St Saviours Church.
10. I conclude that the proposed development would not cause harm to the character and appearance of the site and the surrounding area and would preserve the character and appearance of the Cotham and Redland Conservation Area, and key views of St Saviours Church. As such, the proposed development would comply with Policies BCS21 and BSC22 of the Bristol Development Framework Core Strategy 2011 and Policies DM21, DM26, DM27, DM29 and DM31 of the Bristol Site Allocations and Development Management Policies Local Plan 2014. Together, amongst other things, these policies seek to ensure that development is well designed, contributes positively to local

character and distinctiveness, prevents inappropriate development of private gardens, and preserves or enhances heritage assets. Furthermore, it would accord with the Framework which seeks to protect heritage assets.

Other Matters

11. Interested parties have raised concerns regarding overlooking and overshadowing of neighbouring dwellings, insufficient amenity space for future occupants, parking issues, and pressure on local services. These have all been considered but I have no substantive evidence which would lead me to conclude that the proposed development is unacceptable in relation to these matters.
12. I acknowledge that the appellant provided a brief Design, Access and Heritage Statement rather than a comprehensive Heritage Impact Assessment (HIA). However, as set out in Planning Practice Guidance, the level of detail provided should be proportionate to the importance of a heritage asset and no more than is sufficient to understand the potential impact of the proposal on its significance. In addition to my site visit, I have considered the HIA commissioned and provided by interested parties.
13. Concerns have been raised that the development would set a precedent for future development along Clyde Lane. As I have found that the proposed dwelling would not cause harm to the character and appearance of the area, it would not create a precedent for development that would cause harmful effects in these regards. In any event, each case must be considered on its own merits and impacts.

Conditions

14. The Council have suggested a range of conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance. I have also limited the use of pre-commencement clauses to where they are essential for the condition to achieve its purpose.
15. A condition specifying the approved plans is necessary to provide certainty. In the interests of the character and appearance of the site and surrounding area, conditions are necessary to ensure that appropriate detailing and materials are used in the external fixtures, fittings and surfaces of the development. Character and appearance are also maintained through conditions which protect retained trees in an area recognised for its verdant nature; secure the implementation and maintenance of hard and soft landscaping; and secure suitable storage for bicycles and management of refuse and recycling.
16. To safeguard the privacy and living conditions of neighbouring occupants, conditions have been attached to ensure that appropriate construction management arrangements are put in place; the approved privacy screening is implemented and retained; and the flat roof is not used as amenity space. Conditions have also been used to ensure that the development has a suitable pedestrian and cycle access; is carried out in a way that protects the structural integrity and safety of the highway; provides for an appropriate response if contamination is found; and secures an adequate green roof in terms of ecology and drainage.

17. The implementation and retention of suitable renewable energy provision and compliance with the submitted energy statement has been secured by conditions. These are considered reasonable and necessary to contribute to carbon reduction targets, whilst protecting neighbouring amenity.
18. Finally, permitted development rights have been removed for additional windows, extensions and outbuildings. Due to the proximity of neighbouring dwellings and the modest size of the amenity space for the proposed dwelling, this is both necessary and reasonable, to protect the privacy of neighbouring occupants and to retain sufficient outside amenity space to meet the needs of future occupants of the dwelling.
19. The Council suggested a condition to restrict noise from plant and equipment. This is not necessary as noise during construction and noise from equipment such as the air source heat pump is covered under other conditions.
20. The existing garage is in close proximity to the highway and to trees which are to be retained, and the site and access are constrained. Therefore, conditions to secure protection of the trees, ensure highway safety, and implement an agreed construction method statement, need to be pre-commencement conditions.

Conclusion

21. For the reasons given above and taking into account the development plan as a whole and all other matters raised, the appeal should be allowed.

Helen Davies

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 and documents: 092-LP-01; 092 DD-01; 092-EX-01; 092-EX-02; 92-GA-01 Rev C; 92-GA-02 Rev B; 92-GA-03 Rev B; 92-GA-04 Rev B; 92-GA-05 Rev B; 92-GA-06 Rev B; 92-GA-07 Rev B; 92-GA-08 Rev B; 92-GA-09 Rev A; 92-GA-10; 92-GA-11; 201204-6CP-TPP-Rev A-NB; Energy Statement v2 dated 01/03/2021; Arboricultural Impact Assessment v1 dated 5/12/2020; Waste Management Statement.
- 3) No work of any kind shall take place on the site until the ground protection has been installed in the position and to the specification shown on the approved Tree Protection Plan referenced 201204-6CP-TPP-Rev A-NB and as detailed in the approved Arboricultural Impact Assessment and Arboricultural Method Statement v1 dated 5/12/2020. The Local Planning Authority shall be given not less than 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 when the work commences.

- 4) No development shall take place, including any demolition works, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition and construction period. The statement shall demonstrate the adoption and use of the best practicable means to reduce the effects of traffic, noise, vibration, dust and site lighting, and must provide for the following:
- 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including 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;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians);
 - Any necessary temporary traffic management measures; Arrangements for turning vehicles;
 - 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.
- 5) No development shall take place until general arrangement plans to a scale of 1:200 showing works to extend the existing kerb to delineate the extent of the adopted highway have been submitted to and approved in writing by the Local Planning Authority. Where applicable the plans should indicate existing levels of the finished highway tying into building threshold levels; alterations to waiting restrictions or other Traffic Regulation Orders to enable the works; structures on or adjacent to the highway; the extent of any stopping up, diversion or dedication of new highway. Prior to occupation of the dwelling the approved works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.
- 6) No development shall take place until an Approval In Principle (AiP) Structural Report has been submitted to and approved in writing by the Local Planning Authority. It shall set out how any structures within 6 metres of the edge of the adopted highway, or outside of this limit where the failure of any structures would affect the safety of road users, will be assessed, excavated, constructed, strengthened or demolished.

- 7) Prior to the occupation of the dwelling hereby approved, details of the Air Source Heat Pump, including details of the method of construction, appearance, noise levels and any noise mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The approved air source heat pump shall be installed prior to the occupation of the dwelling hereby approved and thereafter retained in perpetuity.
- 8) Prior to the occupation of the dwelling hereby approved, details of the renewable energy technology (including the exact location, dimensions, design, technical specification), together with calculation of energy generation and associated CO2 emissions to achieve the reduction on residual emissions from renewable energy in line with the approved Energy Statement v 2 should be submitted to the Local Planning Authority and approved in writing. The approved renewable energy technology shall be installed prior to the occupation of the dwelling and thereafter retained in perpetuity.
- 9) Prior to the commencement of works above damp proof course level, the external materials to be used in the development are to be submitted to and approved in writing by the Local Planning Authority. This shall include samples of clay roof tiles, bricks, and timber for the privacy screen, as well as the provision on site of 1m square sample panels of natural rubblestone for the main dwelling, natural rubblestone for the boundary wall, and Cedar cladding, detailing their intended colour, texture, and workmanship. The samples panels shall be retained on site during construction to act as a reference. The development shall be carried out in accordance with the approved details.
- 10) Prior to the commencement of works above damp proof course level, drawings to a minimum 1:10 scale (also indicating materials, treatments, and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - Windows, doors, rooflights and privacy screening, including sectional profiles, cills, surrounds and depth of external reveals;
 - Roof eaves, soffits, verges, parapets and all other walling junctions including rainwater goods and flues;
 - Boundary wall, including sectional profile.The development shall be carried out in accordance with the approved details.
- 11) Prior to the commencement of works above damp proof course level, details of the green roof as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a section across the whole roof at a minimum scale of 1:10 and a strategy to include details relating to the extent, specification, installation method and management and maintenance of the living roof. The development shall be carried out in accordance with the approved details and shall be maintained in perpetuity.
- 12) In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency Land Contamination: Risk management guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following

completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 13) The dwelling hereby approved shall not be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. It should be in line with the Bristol Tree Replacement Standard (Policy DM17) and include:

- A scaled plan showing vegetation to be retained and trees and plants to be planted;
- Proposed hardstanding and boundary treatment;
- A schedule detailing sizes and numbers of all proposed trees/plants;
- Sufficient aftercare advice to ensure successful establishment and survival of new planting.

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the dwelling or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants which are removed, die, are damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

- 14) The dwelling hereby approved shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, showing that the solar PV system has been installed as approved, including exact location, technical specification and projected annual energy yield (eg a copy of the MCS installer's certificate). A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by the percentage shown in the approved Energy Statement v2 dated 01/03/2021 shall also be submitted to and approved in writing by the Local Planning Authority.
- 15) The dwelling hereby approved shall not be occupied until the refuse store and area allocated for storing of recyclable materials, as shown on the approved plans, has been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the dwelling shall either be stored within the area shown on the approved plans, or internally within the dwelling. No refuse or recycling material shall be stored on the adopted highway, including the footway.
- 16) The dwelling hereby approved shall not be occupied until the means of access for pedestrians and/or cyclists has been constructed in accordance with the approved plans and shall thereafter be retained for pedestrians and/or cyclists access purposes only.
- 17) The dwelling hereby approved shall not be occupied until the cycle parking provision shown on the approved plans has been completed, and thereafter, it shall be kept free of obstruction and available for the parking of cycles only.
- 18) The dwelling hereby approved shall not be occupied until the privacy screen has been installed in the position and to the specification shown on approved plan 092 DD-01. The privacy screen shall thereafter be retained in perpetuity.

- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) no windows, other than those expressly authorised by this permission, shall be constructed in any elevation of the dwelling hereby permitted.
- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) no extension or enlargement, including additions to roofs, shall be made to the dwelling hereby permitted.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order with or without modification) no detached building shall be erected within the curtilage of the dwelling hereby permitted.
- 22) The flat roof area of the single storey element of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 23) The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures, into the design and construction of the development, in full accordance with the Energy Statement v2 dated 01/03/2021.
- 24) The development hereby approved shall be carried out in complete accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement v1 dated 5/12/2020.
- 25) The development hereby approved shall be carried out in complete accordance with the Waste Management Statement submitted on the 26 April 2021 and measures shall thereafter be implemented in accordance with the Waste Management Statement for the lifetime of the development.

*****End of Conditions*****