
Appeal Decision

Site visit made on 1 February 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Z0116/W/21/3284734

Land adjacent to 1 Elvard Close, Bristol BS13 9BT

- 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 O Hawes against the decision of Bristol City Council.
 - The application Ref 20/03634/F, dated 16 July 2020, was refused by notice dated 12 April 2021.
 - The development proposed is demolition of existing garage and erection of single storey 1 bed dwelling unit.
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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. 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 the occupiers of 1 Elvard Close with regard to outlook and daylight; and
 - whether appropriate provision would be made for cycle parking.

Reasons

Character and appearance

4. The appeal site comprises land which previously formed part of the rear of 18 Elvard Road. In the original layout of the area, No 18 was a corner plot property positioned alongside the junction of Elvard Close with Elvard Road. However, a dwelling attached to the side of No 18 has subsequently become the respective corner plot property, identified as 1A Elvard Close.
5. Notwithstanding No 1A breaching the building line that formerly existed between the flank of No 18 and the front elevations of 1 and 2 Elvard Close, a strong sense of spaciousness remains on the south side of Elvard Close. This is due to the flank of No 1A being sited a good degree back from the pavement, and the front of the detached garage on the appeal site being in broad

alignment with the front elevations of Nos 1 and 2. This sense of spaciousness, and the general manner in which the properties comfortably occupy their plots with modest front and rear garden areas, are important features of the Elvard Close street scene, as is the distinctive built form of two storey semi-detached houses and terraces, with pitched roofs.

6. In the proposed scheme, the existing garage would be replaced by a single storey detached dwelling. Given its front elevation would be much closer to the pavement than the flank of No 1A, and it would project significantly forward of the front elevations of Nos 1 and 2, it would appear unduly prominent and harmfully erode the important sense of spaciousness in the Elvard Close street scene. The dwelling's discordant appearance would also be strongly emphasised by its detached, single storey, flat roof form. Moreover, given it would almost occupy the full width of the appeal site and only have very shallow open areas to the front and rear, it would appear cramped within its plot.
7. In light of the above, the incongruous nature of the proposed development would have an unacceptable impact 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 DM26, DM27, DM28 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. While the Council's decision notice also referred to Policies DM21 and DM30 of the SADMP, it has not been demonstrated that they would be applicable in this case.

Living conditions

8. The proposed dwelling's height would significantly exceed that of an average front common boundary fence. Due to a combination of its height, its deep projection beyond the front elevation of No 1, and its fairly close proximity to the front ground floor living room window at No 1, the occupiers of that property would experience an unduly oppressive sense of enclosure. Although the occupiers would also experience some reduction in the daylight received by the respective window, it would not be to a degree that would warrant resisting the scheme for that reason.
9. Accordingly, there would be unacceptable living conditions for the occupiers of 1 Elvard Close with regard to outlook. 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 safeguard existing amenity and ensure appropriate levels of outlook for existing occupiers.

Cycle parking

10. While Policy DM23 of the SADMP requires the provision of secure, accessible and usable parking provision for a cycle, which is integral to the design, no cycle parking provision has been proposed. Given the highly constrained nature of the site, the scheme's ability to be policy compliant in this respect needs to be demonstrated on the proposed plans, rather than dealt with as a matter for subsequent approval through a condition.

11. Consequently, as it has not been demonstrated that appropriate provision would be made for cycle parking, the development would conflict with Policy DM23. It would also conflict with Policy BCS10 of the CS which seeks to maximise opportunities for cycling, and the Framework's promotion of sustainable transport. While the Council also referred to Policy DM32 of the SADMP in its reason for refusal, it is not applicable to the issue under consideration.

Other Matters

12. While the appellant states there were no objections from the occupiers of No 1, an objection was received at the appeal stage which has been duly taken into consideration.

Planning Balance

13. As the Council confirms it is unable to demonstrate a five year supply of deliverable housing sites, 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.
14. 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, as well as sustainable transport and opportunities for cycling. In these regards, it is supportive of Policies BCS10, BCS21, DM23, DM26, DM27, DM28 and DM29.
15. Therefore, even when taking account of the Framework's objective of significantly boosting the supply of homes, its promotion of the effective use of land, the acknowledged important contribution that small windfall sites can make to meeting the housing requirement of an area, and the Council's housing land supply situation, the conflict between the proposal and the policies listed above should be afforded significant weight in the determination of the appeal.
16. 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 through being a ground floor single person unit with an outdoor garden area, and capable of housing a wheelchair dependent occupant. 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.
17. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission, (the harm to the character and appearance of the area, the harm to the living conditions of

neighbouring occupiers, and the failure to support sustainable transport), would significantly and demonstrably outweigh the benefits.

Conclusion

18. 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