



Appeal Decision

Site visit made on 1 February 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2022.

Appeal Ref: APP/F0114/W/21/3285550

2 Ellsbridge Close, Keynsham BS31 1TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by M Smith against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01200/OUT, dated 11 March 2021, was refused by notice dated 27 August 2021.
 - The development proposed was described as 'Proposed development of 2 x 3 bedroom houses with a private driveway and 6 parking spaces'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. Therefore, all elements of the submitted drawings which relate to reserved matters have been regarded as indicative. I have determined the appeal on this basis.
3. The development was described on the application form as 'proposed development of 2 x 3 bedroom houses with a private driveway and 6 parking spaces'. During the course of the application, revised plans for one dwelling were submitted. Consequently, on the decision notice and appeal forms the development was described as 'outline application (with all matters reserved) for the erection of 1no. detached house with a private driveway and 2 parking spaces'. Notwithstanding this change, the proposed development is clear from the submitted drawings, which show one proposed dwelling. The appeal has been determined on the basis of the submitted plans.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of Ellsbridge Close.

Reasons

5. The site is a section of the side and rear garden at 2 Ellsbridge Close. Ellsbridge Close is a short street with two dwellings fronting onto Bath Road, the sides of which face the street along the entrance to the close. The main section of Ellsbridge Close consists of six detached dwellings, including No 2, located in an arc around a circular turning head at the end of the street. These dwellings are large and sit within generous plots which widen to the rear. Whilst the design and detailing of the dwellings varies, and several have been altered and

extended, they all front onto the circular turning head and feature a relatively uniform setback.

6. The recent development of dwellings which adjoin the site to the east, and the ongoing development of dwellings to the south, have changed the character and appearance of the wider surroundings, and are visible to some extent from the street at Ellsbridge Close. Despite this, Ellsbridge Close remains a confined and clearly defined setting, and it is the character and appearance of this immediate context within which the proposal needs to be assessed.
7. The prevailing character of Ellsbridge Close can be one of large dwellings, in large plots, with a regular set back and a strong arc of frontages which define the street. No 2 sits within and this context and reflects these characteristics.
8. The proposed development would introduce a new 3 bedroom dwelling, set well back from the street, largely behind the dwelling at No 2. The existing garage at No 2 would be removed to make way for what would need to be a relatively long private drive to serve the proposed dwelling. As such, the proposed dwelling would have no street frontage and would not relate positively to the public realm. No 2 currently has a very large garden and would be left with a good sized garden. The proposed dwelling would also be served by a garden of an adequate size. Nevertheless, the subdivision of the plot would result in neither the existing nor the proposed dwelling having the large gardens which are characteristic of Ellsbridge Close. Other dwellings have incidental buildings to the rear, including 7 and 8 Ellsbridge Close where the buildings are relatively large and visible from the street. However, incidental buildings which are visually and functionally subservient to the main dwelling cannot be directly compared to the proposed independent dwelling. There is no evidence of any other separate dwellings to the rear of frontage dwellings on Ellsbridge Close, which is the context within which the proposal would be viewed. The application is in outline with all matters reserved, but given the site constraints, the indicative drawings give a good indication of the type of development that would occur on site. The proposed detached dwelling behind No 2 would not respond appropriately to the site context in terms of layout, siting, set-back, or plot patterns and fails to contribute positively to the established character and distinctiveness of Ellsbridge Close.
9. Due to its location the proposal would be classed as backland development. Policy D7 of the Bath and North East Somerset Placemaking Plan 2017 (PP) seeks to control infill and backland development. It states that backland development could be supported if set criteria are met. The criteria are that the development is not contrary to the character of the area; is well related and not inappropriate in height, scale, mass and form to the frontage buildings; there is no adverse impact to the character and appearance, safety or amenity of the frontage development; and it is not harmful to residential amenity. As set out above, the proposed dwelling would be contrary to the character of the area and would not respect the character of the frontage development. As a result, it would fail to meet the full extent of the policy criteria so would not be supported as backland development. Visibility of the proposed dwelling from the street would be limited, and I have no substantive evidence which would lead me to conclude that the development would have an unacceptable impact on safety or amenity. However, these factors do not overcome the failure to meet the full requirements of Policy D7.

10. My attention has been drawn to examples of other dwellings in the wider area which the appellant refers to as examples of backland development. Details of these are not before me, but I have considered the examples provided. I acknowledge that the examples do not have direct street frontage, but the location and context of each is quite different to the appeal site, meaning they are not read in the same context as the proposal before me. In any event, each case must be considered on its own merits and impacts and direct parallels are not easily drawn.
11. I conclude that the proposed detached house with a private driveway and parking would cause unacceptable harm to the character and appearance of Ellsbridge Close. Consequently, the development would not comply with Policies D1, D2, D5 and D7 of the PP. Together, amongst other things, these policies seek to ensure that development is well designed and responds appropriately to the site context, and that backland development is resisted where it would be contrary to the character of the area. Furthermore, the proposed development would not accord with the National Planning Policy Framework which seeks to achieve well designed places. However, given the scale and nature of the proposal I do not find conflict with Policy D4 of the PP, which focuses on ensuring development makes appropriate connections.

Other Matters

12. I acknowledge that the development would provide an additional dwelling in a location with good access to facilities and was supported by Keynsham Town Council. These factors do not outweigh the harm identified above and do not lead me to determine the appeal otherwise than in accordance with the development plan.
13. I note that the main parties have disagreed about the age of the dwellings on Ellsbridge Close, about whether a site visit was made prior to the determination of the application, and about the interpretation of pre application advice on a previous scheme for the site. I have assessed this appeal on the basis of all information provided to me and following a full site visit and consideration of the current character and appearance of the site and its surroundings.
14. The application subject to this appeal is in outline, with all matters reserved, including access. Therefore, a detailed assessment of access arrangements has not been made, but I note comments made by both parties.

Conclusion

15. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

Helen Davies

INSPECTOR