



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: 14 February 2022

Appeal Ref: APP/Z0116/W/21/3285889

155 Speedwell Road, Speedwell, Bristol BS5 7SP

- 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 S Shameem against the decision of Bristol City Council.
 - The application Ref 21/00685/F, dated 8 February 2021, was refused by notice dated 20 May 2021.
 - The development proposed is to convert and improve the existing building on site to form a new 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. 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 future occupiers of the property with regard to outlook and privacy; and
 - whether the proposed development would demonstrably mitigate its impact on climate change.

Reasons

Character and appearance

4. The appeal site is located to the rear of 155 Speedwell Road, a two storey end of terrace property positioned alongside the junction of Poplar Road with Speedwell Road. No 155 comprises Speedwell Convenience Store on the ground floor and a first floor flat. Within the wider residential terrace, the openness of the fairly deep rear garden areas are distinctive and make an important contribution to the character and appearance of the locality.
5. The site is occupied by a building which is primarily single storey with a lesser two storey section at the northern end. However, in public views from Poplar Road, the existence of the single storey section is not apparent due to a

combination of its low flat roof form and the western flank appearing as part of the boundary wall which extends from the rear elevation of No 155. While there is a boarded over vehicular access within the wall, it merely suggests there is an off-road parking facility located behind, rather than a built form.

Consequently, only the two storey section is visible within the Poplar Road street scene and it reads as a subservient outbuilding with a modest footprint that is located at the end of what otherwise appears as the open rear garden and parking area to No 155.

6. Given the two storey section uncomfortably projects forward of the well-defined front building line of the neighbouring terrace on Poplar Road, and its height is oddly lower than the terrace and No 155, its siting and form is awkward and incongruous. Although the entire building is essentially a burnt out shell, its internal condition is not readily perceptible from Poplar Road. Nevertheless, it has a derelict appearance which negatively impacts on the area.
7. The proposed scheme is described on the application form as the conversion of the existing building. However, considering the extensive fire damage, it has not been demonstrated that a conversion would be feasible. Even if it were, the extent of the proposed additions, modifications and general tidying up of the exterior would lead to the appearance of a newly constructed dwelling, rather than a conversion.
8. As a result of the additional high level bulk derived from the proposed changes to the roof form, including a dual pitched element over a large part of the existing hidden single storey section, it would greatly emphasise the awkward and incongruous siting of the building. The two storey element would also continue to appear oddly lower than the adjacent terrace and No 155. Moreover, the limitation of the outdoor space to a small courtyard would result in the dwelling appearing cramped within its plot. The overall outcome would therefore be the appearance of a new dwelling which would be of a poor design quality owing to its failure to comfortably assimilate with the neighbouring built form. It would also prominently erode the important open rear garden character of the locality.
9. In light of the above, and despite addressing the negative impact of the existing derelict appearance of the building, the proposal 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 DM26, DM27, DM29 and DM30 of the 2014 adopted Bristol Local Plan Site Allocations and Development Management Policies (SADMP). Amongst other things, these policies seek to ensure 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

10. The ground floor living room would have an outlook to the adjacent courtyard via tri-fold glazed doors. However, given the close proximity of the necessary boundary treatment that would encompass the courtyard, and notwithstanding the skyward views afforded by two rooflights and a limited oblique view of the street via the kitchen/dining area window, in utilising the living room the occupiers would experience an oppressive sense of enclosure.

11. The appellant has not challenged the Council's understanding that the first floor rear window serving the flat at No 155 is a primary window. Given its elevated position, the limited separation distance from the glazed doors and courtyard of the proposed dwelling, and the direct views it would afford, the occupiers of the new dwelling would experience poor levels of privacy in respect of the living room and the courtyard.
12. Accordingly, there would be unacceptable living conditions for future occupiers of the property with regard to outlook and privacy. 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 privacy for future occupiers. It would also conflict with the Framework which promotes a high standard of amenity 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 would enable this requirement to be exceeded (23%), they are not shown on the proposed plans. Furthermore, 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 constrained nature of the site, and the need to bring the bin storage within the site boundary, the scheme's ability to be policy compliant in these two respects needs to be clearly demonstrated at the determination stage as part of the proposed plans, and not left 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 Policies BCS13 and BCS15 of the CS, as well as the Framework, which promote the transition to a low carbon future.

Other Matters

15. The appellant has drawn attention to approved developments at 14 Hollywood Road¹. However, insufficient information has been provided from which to draw any tangible comparisons, although it is apparent the property is located in another area of Bristol which will have a different character and appearance from the appeal site and its surroundings. The appellant has also drawn attention to the locally unusual three storey form and siting of a recently constructed block of flats on the neighbouring street corner to No 155. However, the background to that development has similarly not been provided and it would not justify the identified harm arising from the proposal which has been considered on its own merits and with regard to its particular location and circumstances.

Planning Balance

16. As the Council confirms the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years, and it is

¹ Council Refs: 19/03367/F and 21/03504/F

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.

17. 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 BCS13, BCS14, BCS15, BCS21, DM26, DM27, DM29 and DM30.
18. Therefore, even when taking account of the Framework's objective of significantly boosting the supply of homes, and the Council's housing delivery and land supply situation, the conflict between the proposal and the policies listed above should be afforded significant weight in the determination of the appeal.
19. Set against this, benefits of the development include the provision of a market dwelling in a sustainable location. 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 and economy. The cumulative benefits of the proposal are therefore only afforded limited weight.
20. 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 unacceptable living conditions of future occupiers, and the failure to mitigate the impact on climate change), would significantly and demonstrably outweigh the benefits.

Conclusion

21. 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