



Appeal Decision

Site visit made on 15 February 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 16 March 2022

Appeal Ref: APP/Z0116/W/21/3286664

Land Adjacent to 135 North Street, Bedminster, Bristol BS3 1EY

- 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 D Wiltshire of Bristol Rise Developments Limited against the decision of Bristol City Council.
 - The application Ref 21/01799/F, dated 26 March 2021, was refused by notice dated 24 September 2021.
 - The development proposed is 3no Use Class C3 apartments with associated cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gives the proposal as 'Development of 3no Use Class C3 apartments with associated cycle and refuse storage'. During the application process the proposals were amended and the decision notice and appeal statement refer to 'Development of 2No class C3 apartments with associated works'. Notwithstanding this variation, the appeal has been determined on the basis of the drawings listed in the Council decision notice, which show the proposal as being for two units across three floors.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including in respect of trees.

Reasons

4. The site is a plot of land adjacent to 135 North Street, on the corner with South Street. It slopes up gently from North Street and narrows towards the rear. The site currently contains an advertising hoarding and an area of grass and vegetation, bounded by a low fence.
5. The surrounding area is predominantly residential, with some commercial uses at ground floor level and a pub opposite the site on the other corner of South Street. Along this section of North Street, buildings are predominantly three and four storey blocks and terraces. The side streets running off North Street, including South Street, consist mainly of two storey terraced dwellings. The terrace which ends with No 135 is three storeys, with frontages onto North Street finished in brick and render with butterfly roof forms behind a parapet wall. Some of the buildings have commercial uses at ground floor.

6. To the rear, the terrace which ends with No 135 is relatively uniform in appearance featuring lower height projections with mono pitched roofs. The side of No 135 which faces towards the site and towards South Street is currently a blank elevation.
7. A distinctive feature of the area is that the vast majority of buildings are terraced and front directly onto the street. The exception to this is the dwelling to the rear of the site, at 2 South Street, which is both detached and set back from the road. Most corner plots in the area feature buildings which closely follow the back line of the pavement around the corner. The corners of nearby Dorset, Exmoor and Dartmoor Streets contain three and four storey buildings which front onto North Street. Critically, however, these all step down to a reduced height within a modest depth around the corner, to be more in keeping with the two storey dwellings on the side streets.
8. The proposal would add a three storey building containing two residential units to the end of the terrace, adjoining No 135. It would be constructed in brick and render with slate effect tiles. The proposed front elevation would reflect the scale, proportions and materials of the existing terrace to which it would be attached and would be in keeping with the character of the frontages onto North Street.
9. The side of the proposed development would introduce a three storey elevation directly adjacent to the pavement along South Street. This would continue for a substantial depth before stepping down towards the rear. Whilst this would be in keeping with surrounding building lines, the depth of the three storey built form would be uncharacteristic of the corner plots in the immediate area and would present a bulky and overly dominant elevation onto South Street.
10. The rear elevation would feature a series of angled and stepped sections, of different widths and with varied roof forms. This seems to have been designed to reduce the impact on neighbouring residents in terms of outlook and light. However, it has resulted in a design which would be overly complex and visually jarring. The unusual shape would be out of keeping with the generally regular form and pattern of the surrounding buildings.
11. Both the side and rear elevations would be prominent within the streetscene along South Street, particularly because No 2 to the rear of the site is set back from the street. Taken as a whole, the scale, massing, shape and form of the proposed development, fails to reflect the prevailing character and distinctiveness of the area and would be visually incongruous. I acknowledge that the site does not currently make a positive contribution to the character of the area, but this does not justify a proposal that would be harmful to the character of the area.
12. I understand that the site previously operated as a community garden and a number of trees grew on site, which have since been removed. It is not for me to assess what was required in that eventuality and there is nothing to indicate that the removal of the trees required authorisation in and of itself (for example by virtue of falling within a Conservation Area or being protected via a Tree Preservation Order). To some extent, therefore, what has happened has happened.
13. However, in a similar vein to the value placed on trees via paragraph 131 of the National Planning Policy Framework (the Framework), Policy BCS9 of the

Bristol Development Framework Core Strategy 2011 (CS) seeks to ensure that development 'should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size.' Similarly, policy DM17 of the Bristol Site Allocations and Development Management Policies 2014 (SADMP) seeks to make provision for tree replacement or mitigation where loss is necessary. Notwithstanding my reasoning immediately above, it is evident in this context that the site has, and could, accommodate trees and other greenery that would contribute towards the aims of the development plan and the Framework in terms of biodiversity. In my view, such spaces are particularly important in urban areas, where inevitably there is pressure for other land uses. Therefore, it is necessary and appropriate to ensure that the site makes suitable provision for green infrastructure. In that context, although the trees have already been removed, their loss could be mitigated via replacement tree planting off site. The appellant has submitted a signed Unilateral Undertaking for a financial contribution towards off site tree planting, in line with the amount requested by the Council Arboricultural Officer. Therefore, appropriate mitigation for the loss of trees could be secured, if the development was otherwise considered to be acceptable.

14. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the development would be contrary to Policy BSC21 of the CS and Policies DM26, DM27, DM29 and DM30 of the SADMP. Together, amongst other things, these policies seek to ensure that development is well designed and contributes positively to local character and distinctiveness. Furthermore, the development would not accord with the Framework which seeks to achieve well designed places. Subject to securing a financial contribution towards off site tree planting, any conflict with Policies BCS9 of the CS and DM17 of the SADMP could be overcome.

Other Matters

15. The Council acknowledge that at present they are unable to provide a five year supply of deliverable housing sites. Therefore, in accordance with the provisions of Paragraph 11d and footnote 8 of the Framework, policies relating to the supply of housing are considered to be out of date. However, the principle of residential development at the site is considered to be acceptable, so is not the main issue for this appeal. The main issue is the design of the proposal and effect on trees, so the policies which are most important for determining this appeal relate to those matters, rather than to the supply of housing. The most important policies are not out of date, so the proposed development does not benefit from the presumption in favour of sustainable development. The appeal has therefore been determined in accordance with the development plan.
16. Notwithstanding this, I accept that the proposal would assist in contributing to an acknowledged lack of forward housing supply, but the benefits of two new homes, even in a location with good access to services, would inevitably be limited. Moreover, neither the support in the development plan for new housing, nor that in the Framework, is at the expense of ensuring that development integrates appropriately with its surroundings. That would not occur in this instance, and accordingly no other material considerations are sufficient to justify allowing this appeal.

Conclusion

17. 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