



Appeal Decision

Site visit made on 21 February 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 17 March 2022

Appeal Ref: APP/Z0116/W/21/3286840

8 Chandos Road, Redland, Bristol BS6 6PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr David Cowles against Bristol City Council.
 - The application Ref 21/01798/F, is dated 30 March 2021.
 - The development proposed is described as 'Demolition of single storey extension. Construction of two new residential dwellings'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for Costs

2. An application for costs was made by Mr David Cowles against Bristol City Council. This application is the subject of a separate decision.

Preliminary Matters

3. Whilst the Council did not issue a decision on the planning application, they have provided a statement setting out the reasons why they would have refused planning permission. This has informed the main issues of the appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of Cotham and Redland Conservation Area (CA);
 - Whether the development would provide satisfactory living conditions for the future occupiers of proposed Unit 2 with particular regard to outlook, natural light and ventilation; and
 - The effect of the proposal upon the living conditions of neighbouring occupiers of no. 10 Chandos Road

Reasons

Conservation Area

5. The Cotham and Redland Conservation Area Appraisal and Management Proposals 2011 (Appraisal) identifies the CA as large, principally residential and characterised by a high-quality Victorian townscape. The appeal site falls within

the smaller Chandos Road character area which also contains distinctive buildings from the Victorian era.

6. The proposed dwellings would front onto, and be accessed from, Cowper Road. Dwellings here are not uniform in appearance, but mostly date from the late 19th century. The existing dwellings on the eastern side of Cowper Road, (which the appeal scheme would be sited upon) are terraced and share a consistent style and appearance. Typically, they have a strong building line, are large in scale, with generous floor to ceiling heights, incorporate bay windows and carefully ordered fenestration. These elements combine to contribute positively to the significance of the CA.
7. The proposals involve the demolition of an existing single storey extension that is located to the rear of 8 Chandos Road. The two new dwellings would be linked to the appeal property. In addition, an existing bay window, at ground floor level on the side elevation of the property, is proposed to be extended downwards to basement level and served by a new lightwell.
8. The appeal scheme seeks to replicate the strong building line found on Cowper Road. The proposed dwellings are designed to be subservient to the adjacent neighbouring properties. In addition, a restrained palette of materials is proposed, which the appellant indicates is not intended to mimic the local building styles.
9. Be this as it may, the overall scale of the proposal and its flat roof design specifically would not be reflective of the wider style of dwellings on Cowper Road. Notably, the proposed finished first floor height of the development does not appear to correspond with neighbouring properties. In turn, the proposed scale and arrangement of fenestration would bear no meaningful relationship with the same on its surrounding Victorian neighbours.
10. The overall scale of the proposal would appear small and somewhat contrived, due to the constrained nature of the site. The appeal scheme would therefore disrupt, and detract from, the general uniformity along the street. Failing to preserve or enhance the character of appearance of the CA.
11. Given the size, scale, and nature of the appeal development I consider it causes less than substantial harm to the CA. Nevertheless, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
12. I recognise that the appeal scheme would provide for 2 additional dwellings in a city where housing demand is acute. There would also be short-term economic benefits associated with construction. The effect of these benefits would be limited by the scale of the appeal scheme. As such, I do not find that they would be worthy of sufficient weight against the harm I have found.
13. As such, the proposed development would be contrary to Policies BCS21 and BCS22 of the adopted Bristol Development Framework Core Strategy 2011 ('Core Strategy') and policies DM21, DM26, DM27, DM30 and DM31 of the adopted Site Allocations and Development Management Policies Local Plan (2014) ('SADMP'). Together, amongst other matters, these policies seek to ensure that new development is of a high-quality design that positively

contributes towards local character and distinctiveness, as well as conserves or enhances heritage assets.

Living Conditions – Future Occupiers

14. Unit 2 would contain an open plan kitchen, living and dining area, a separate bedroom, bathroom, and storage space. Windows are proposed to the open plan living area and bedroom. The windows are of limited scale, that would be served by a lightwell that abuts the footway of Cowper Road. There are no further window openings or sources of natural light proposed to serve the basement accommodation.
15. Outlook from the basement unit would therefore be single aspect, looking onto the retaining wall forming part of the lightwell. Occupants may be able to see the sky through the lightwell. However, this is likely to be limited to if they were located directly next to the window openings and peered upwards through the narrow gap above pavement level. As such, the outlook from the proposed unit would be limited and of a poor quality.
16. The reliance on the lightwell and small window openings means that Unit 2 will also have limited exposure to natural light. Its rooms will therefore feel gloomy, especially further away from the lightwell. Together, with the general lack of outlook, this will result in the living space within Unit 2 having a rather claustrophobic and oppressive feel.
17. Overall, and for the reasons I have set out, the development would not provide satisfactory living conditions for future occupiers of proposed Unit 2, with regard to outlook and natural light. As such, the appeal scheme would be contrary to Policy BSC21 of the Core Strategy (2011) which expects new development to create a high-quality environment for future occupiers. The development would also be contrary to the aims of Chapter 12 of the Framework, in particular that development should provide a high standard of amenity for existing and future users.
18. The LPA also recommended refusal based on Policies BCS15 and BCS18 of the Bristol Core Strategy (2011) and Policy DM21 of the SADMP (2014). However, these policies primarily relate to sustainability and space standards, the creation of balanced communities and the loss of private gardens, as opposed to living conditions of future occupiers.

Living Conditions of neighbours

19. The proposed development would be located on the boundary with No. 10 Chandos Road. This is a three-storey property, that consists of a ground floor commercial unit and residential uses to the upper floors. At ground floor level no. 10 has an existing single storey pitched roof outrigger that projects into its rear outdoor space. This outrigger adjoins the existing single storey element of the appeal property.
20. The proposed development, at first floor level, would be sited in very close proximity to several windows serving the residential unit at first floor level of No. 10. The appeal scheme does incorporate a single storey section immediately to the rear elevation of the appeal property, which would house a lobby space. This single storey section of the proposal would provide some initial relief, to the outlook from nearby windows serving No. 10. The development would then increase in height to two storeys (excluding the

basement). The finished first floor level of the proposal would be lower compared to neighbouring properties, while the development would also incorporate a flat roof design. These factors would each help to reduce the impacts of its overall scale.

21. Nevertheless, the appeal scheme, for the most part, would be notably taller than the existing single storey element to No. 10. Additionally, it would also extend considerably beyond the rear elevation of the neighbouring property. The overall scale and mass of the proposal, alongside its close relationship with first floor windows serving the adjoining property would result in the neighbouring occupiers looking out on a considerable extent of blank elevation. This would result in a rather stark outlook for the occupiers of No. 10. Further, the proposal would be sufficiently large and close as to appear unacceptably dominant from the neighbouring property's first floor windows.
22. It was unclear from my site visit whether the outdoor area to No. 10 was in use as amenity space associated with the residential properties, or instead used in connection with the commercial premises. Even if this space is used, as an outdoor amenity area, I am less concerned by the impacts of the proposal on this space, than on first floor windows serving No. 10. This is because the outside space is already largely hemmed in by existing built development and is also widely overlooked due to the rather tight urban grain.
23. I therefore consider that the proposal would result in an unacceptable detrimental impact on the living conditions of the occupiers of No. 10 Chandos Road, in terms of outlook. Consequently, the appeal scheme would not accord with Policy BCS21 of the Core Strategy (2011), or Policies DM26, DM27 and DM30 of the SADMP (2014). Together these policies, amongst other matters, seek to safeguard the amenity of neighbouring occupiers. Likewise, the development does not accord with the aims of the Framework, in respect of providing a high standard of amenity for existing users.

Other Matters

24. The LPA has confirmed that its delivery of housing was substantially below (less than 75%) of its housing requirement over the previous three years, and it is unable to demonstrate a five-year supply of deliverable housing sites. I would not be taken to paragraph 11 (d) (ii) of the Framework however, given the stance of paragraph 11 (d) (i) which, in terms of the harm I have found to the CA, provides a clear reason for refusing the proposed development.
25. I note the appellant's frustration regarding the LPA's handling of the planning application. Especially, that matters relating to the design of the appeal proposals could have been further addressed during the course of the planning application had the LPA been more communicative. However, I must consider the appeal scheme that is before me on its own merits.
26. I have also noted the various points raised by objectors, including in relation to the concerns about proliferation of HMOs in the area and the floorspace standards of the proposed dwellings. However, considering my findings on the main issues of the appeal, my decision does not turn to these matters.
27. There is other basement accommodation in the area and some has been created through the sub-division of buildings. However, this in and of itself does not make the proposals acceptable. I do not have any precise details of

the circumstances of living conditions in other neighbouring properties, whether planning permission was needed or indeed sought for similar works. Even if there are similar or worse living conditions present in nearby properties, it has not been demonstrated that these are standards that are desirable or should be followed.

28. The appellant has also highlighted sustainability benefits associated with the basement development including improved thermal efficiency. However, I do not consider the benefits outlined to outweigh the harmful living conditions that would be experienced by any future occupiers of Unit 2.

Conclusion

29. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it the appeal should therefore be dismissed.

Lewis Condé

INSPECTOR