
Appeal Decision

Site visit made on 14 March 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/Z0116/W/21/3281748

Land to the rear of 2 Woodwell Cottages, Woodwell Road, Shirehampton, Bristol BS11 9UP

- 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 Hallen Development South West Ltd against the decision of Bristol City Council.
 - The application Ref 21/01115/F, dated 24 February 2021, was refused by notice dated 11 June 2021.
 - The development proposed is described as erection of residential dwellings, access road, refuse/ recycling stores, cycle parking and ancillary development (Use Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Revised plans were provided with the appeal. Aside from minor corrections and the addition of bat and bird boxes, the first floor layouts of Houses D and E have been revised. The Council has had sight of the plans and raised no comment. I am satisfied that neither its interests nor those of any other party would be prejudiced by my assessing the scheme against these plans.

Main Issues

3. The main issues are the effect of the development on:
 - (a) the living conditions of occupants of neighbouring dwellings in relation to outlook, and (b) future occupants of the development in relation to privacy, outlook, the provision of internal and external living and amenity space, and safe access; and
 - the character and appearance of the area, including the setting of Shirehampton Conservation Area (the Conservation Area).

Reasons

Living Conditions

(a) Neighbours

4. The development would occupy space to the rear of 2 recently constructed semi-detached dwellings fronting Woodwell Road, and otherwise also to the rear of dwellings which front St Bernard's Road and Avonwood Close.

5. The gable of House D would run along the back garden boundary of the southernmost of the 2 recently constructed semi-detached dwellings (House B). Built form would be present both along and above the majority of this boundary. Though House B stands at 2-storeys and House D would stand at 1.5 storeys, the latter would still have a relatively substantial physical presence given a modest difference in overall ridge height, and the bulky massing of the proposed roof form. As the gable would run roughly parallel with the rear elevation of House B, and given the reasonably small distance between, the resulting relationship would be both acutely overbearing and oppressive in its effect.
6. The triangular back garden of 38 St Bernard's Road adjoins the east side of the site. House C would be constructed closely parallel with the tapering boundary, alongside the narrowest part of the garden. Notwithstanding the fact that in this case the roof of House C would be pitched away from the boundary, the physical and spatial relationship would give rise to inevitable overbearing. This would be accentuated by the orientation of the rear elevation of No 38 almost wholly towards House C, and again given the relatively short distance between. The effect would again be oppressive.
7. There would be a similar distance between House D and 21/23 Woodwell Road. However, the nature and layout of back garden space differs, as does the relative orientation of the dwellings in question. In this regard House D would have a clear visual presence from Nos 21/23 and their gardens but would not have a directly overbearing effect.
8. The gable of House C would be located close to the boundary with 16 Avonwood Close. However, the boundary in question is relatively long and heavily screened. Whilst it is likely that House C would nonetheless be visible from No 16, it would not dominate the outlook from the dwelling or its garden.
9. For the reasons outlined above I conclude that the development would have an unacceptably adverse effect on the outlook of occupants of No 38 and House B. The development would therefore conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (the CS) which amongst other things seeks to secure development that safeguards the amenity of existing development, and Policies DM27 and DM29 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 (the DMP) which amongst other things each expect proposals to enable existing development to achieve appropriate levels of outlook.

(b) Future occupants

10. Policy BCS18 of the CS seeks to secure developments that provide sufficient space for everyday activities, and to enable flexibility and adaptability by meeting appropriate space standards. This provides a basis to apply the Nationally Described Space Standard (NDSS). As originally proposed the single bedroom widths in Houses D and E fell below the minimum standard set out within the NDSS. Though the revised plans show that a maximum width of 2.18 metres could be achieved in part of each bedroom, the majority of the floorspace would continue to fall well below the minimum standard. Thus, whilst the overall floorspace of each room would exceed 7.5m², less than 7.5m² of this would be at least 2.15 metres wide. The scheme would not therefore comply with the NDSS, and in each case the bedrooms would provide

impractically cramped conditions for their occupants, which would be further worsened by partly sloping ceilings.

11. Insofar as the decision notice makes reference to adaptability, the supporting text of Policy BCS18 cites the Lifetime Homes standard. This has been for some time superseded by optional national technical standards set out within the Building Regulations. In this regard the Council's officer report makes reference to neither standard, provides no explanation of how the development would fail, and no indication of what harm this would cause. Notwithstanding my findings above, in the absence of such evidence, I cannot find the development deficient in this regard.
12. The perpendicular arrangement of House C relative to Houses D and E was identified by the Council as likely to give rise to a lack of privacy. The reason for this was not explained, but presumably relates to the potential for intervisibility between windows within the front elevations. All such views would however be oblique and limited in nature. It is also not unreasonable to expect that privacy could be provided by window hangings, particularly given that all the dwellings would otherwise face directly onto a shared parking area.
13. The Council has no adopted standard covering the provision of outdoor amenity space. It is nonetheless appropriate to consider whether the space proposed would be potentially capable of fulfilling the likely needs of occupants. These might typically include seating, clothes drying and play. The dwellings are described as being for 3-persons, at least one of which might be a child. They would as such differ from the majority of surrounding dwellings which are both of larger size and have larger gardens.
14. The potential demand for outdoor space would be modest. It is likely that this would be met by the reasonably well proportioned south facing spaces attached to Houses C and E. Use of the smaller space attached to House D would be far more constrained, particularly given its narrow and irregular shape. It too would however be south facing and capable of accommodating the bare minimum of functions likely to be required of it.
15. The proposed access to the site already exists. This runs between 2 existing dwellings and narrows with proximity to Woodwell Road. The dimensions are tight, and at its narrowest the access could not comfortably accommodate both a vehicle and pedestrian at the same time. This would give rise to a theoretical risk to safety. However, the access is short in length, and there is clear visibility along it. In practice therefore it is likely that any conflict between pedestrians and vehicles would be simply and logically avoided by users waiting a few moments if necessary for the access to clear before proceeding.
16. For the reasons outlined above I conclude that in relation to the provision of internal living space within Houses D and E the development would provide unacceptable living conditions for its future occupants. The scheme would thus conflict with Policy BCS18 of the CS to the extent set out above. No conflict would otherwise arise in relation to Policy DM23 of the DMP which seeks to secure safe and adequate access, Policy BCS10 of the CS which similarly seeks to secure safe streets, and no conflict has been demonstrated in relation to Policy BCS15 of the CS which promotes building adaptability. Insofar as Policy BCS21 of the CS and Policies DM27 and DM29 of the DMP apply to the amenity of future occupants, there would also be no conflict. This would not however

alter the existence of overall conflict with these policies in relation to the amenity of existing occupants, as previously set out above.

Character and appearance

17. The site is bare wasteland surrounded by the back garden spaces of dwellings discussed above. Whilst some of these gardens might be described as verdant, the site is not.
18. Dwellings along St Bernard's Road, including No 38, lie at the fringe of a large estate of interwar dwellings. The layout of this estate features a reasonably regular block pattern consisting of similar dwellings with gardens at the centre. The site is itself partly surrounded by dwellings, and it is visible through a gap in the St Bernard's Road frontage. However, it does not form part of the estate, and it is not therefore a component of the estate's planned layout. In this regard the site is more clearly related to development of mixed and distinctly separate character which fronts Woodwell Road and Avonwood Close.
19. The development would be visible from St Bernard's Road. However, in view of the above, its design and siting would not undermine the planned layout or character of the estate of which St Bernard's Road forms part. This is because it would be perceived as physically and visually distinct and separate from it, in much the same way as other development along Woodwell Road is at present.
20. The Conservation Area is designated to cover the core of the historic settlement, including land principally located to the north of the site. The nearest the boundary comes is just towards the northwest of the access. How and why the proposed development would have an adverse effect on the setting of the Conservation Area has not been explained by the Council.
21. Insofar as it is relevant to this appeal the significance of the Conservation Area resides in the layout of the historic settlement, and the historic buildings and spaces that this contains. In this regard the site does not have a direct physical or visual relationship with the Conservation Area. Nor does the site make any other obvious contribution to the Conservation Area's significance. That being so, and in the absence of any evidence to the contrary, the development would have no effect on appreciation of its significance. The setting and significance of the Conservation Area would therefore be conserved.
22. For the reasons outlined above the development would not have an unacceptable effect on the character and appearance of the area. It would not therefore conflict with Policy BCS21 of the CS to the extent that this requires development to contribute positively to an area's character and identity; Policies DM26, DM27 and DM29 of the DMP to the extent that these require similar; and Policy BCS22 of the CS which requires development to safeguard or enhance heritage assets and the character and setting of conservation areas. Again, the above would not alter the existence of overall conflict with Policy BCS21 of the CS and Policies DM27 and DM29 of the DMP as previously outlined above.

Other Matters

23. Biodiversity enhancement could be delivered as part of the scheme. However, insofar as this would chiefly consist of the attachment of bat and bird boxes, the level of benefit would be limited, and little different to that which might

ordinarily be expected of any development. I therefore attach negligible weight to the benefit, and it does not alter my findings above.

24. The appellant further claims that the scheme would deliver small houses of a type underrepresented locally. However, whether or not 2-bedroom dwellings are in local demand, the fact that 2 of the dwellings would provide unacceptable living conditions for their occupants means that this is not a consideration to which I attach any weight.
25. The scheme would conflict with the development plan taken as a whole. However, at the time the application was determined the Council's Housing Delivery Test (HDT) result fell below 75%, and this remains the case in relation to the most recent HDT results. Moreover, the Council acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites (5YHLS). I have not been provided with any indication of the extent of the shortfall. Nonetheless, for both the above reasons the policies most important for determining the application are out of date, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole.
26. The Framework seeks to boost the supply of housing, to make efficient use of land, and to ensure that development occurs in accessible locations. The appeal scheme would help to fulfil these objectives. Nonetheless, the social, economic and environmental benefits arising from the provision of 3 additional dwellings would be limited in scale both in itself and in relation to a 5YHLS shortfall of any given size.
27. Moreover, these benefits would not be delivered without having an unacceptable effect on the living conditions of occupants of 2 neighbouring dwellings and providing unacceptable living conditions for the future occupants of 2 of the proposed dwellings. In this regard the scheme would conflict with the overarching objective set out within paragraph 130 of the Framework of ensuring that developments promote a high standard of amenity. This is a critical consideration to which I attach substantially greater weight than those above, and with which I find that the amenity-related provisions of Policies DM27, DM29, BCS18 and BCS21 are broadly consistent.
28. I find therefore that the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of the scheme when assessed against the Framework taken as a whole. Consequently, the instruction to grant permission set out within paragraph 11 does not apply.

Conclusion

29. For the reasons set out above the development would have an unacceptable effect on the living conditions of occupants of adjoining dwellings, and would provide unacceptable living conditions for its future occupants, thus giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR