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# Appeal Decision

Site visit made on 19 October 2021

**by C J Ford BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2022**

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**Appeal Ref: APP/P0119/W/21/3278002**

**The Lodge, Hollywood Lane, Cribbs Causeway, Almondsbury, Bristol BS10 7TL**

- 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 A Weaver against the decision of South Gloucestershire Council.
  - The application Ref P19/17015/F, dated 9 November 2019, was refused by notice dated 31 March 2021.
  - The development proposed is conversion of existing outbuilding into 1 No. new dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address was absent from the application form, with only a description of the location provided. The address in the banner heading above has therefore largely been taken from the Council's decision notice, with the Post Code taken from the appeal form.
3. The appellant has submitted certain revised plans at the appeal stage. The combined Site Location Plan and Proposed Block Plan drawing has been amended to show the position of two proposed electric vehicle (EV) charging points<sup>1</sup>, while the Proposed Floor Plan drawing has been amended to show the footprint of a front porch to provide acoustic mitigation<sup>2</sup>.
4. However, the former would change the defined red line outline of the site by omitting a proposed new pedestrian access that was secured through an earlier revision<sup>3</sup>. As such, it would materially alter the proposed development. Furthermore, amended elevations have not been provided in respect of the proposed porch. Consequently, the plans cannot be accepted as superseding those which the Council based its decision upon, and they are only considered in the appeal as being indicative of how two EV charging points and a porch could potentially be accommodated within the site.

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<sup>1</sup> Drawing No. 146-105-AA

<sup>2</sup> Drawing No. 146-104-AA

<sup>3</sup> Drawing No. 146-105-B

## **Main Issues**

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposal would provide acceptable living conditions for future occupiers of the development with regard to noise and air quality.

## **Reasons**

### *Character and appearance*

6. The appeal site is located within an enclave of residential properties in an otherwise largely commercial area. The dwellings are positioned along a broad but appreciable building line and they face an access road which runs parallel to the A4018 Cribbs Causeway. The properties have generous front garden areas and deep rear gardens. Outbuildings, some of which are fairly sizeable, are a common feature towards the end of the rear gardens. This established pattern of development is therefore an important characteristic of the area, and the spacious qualities of the plots, notwithstanding some large rear extensions, make a particularly positive contribution to the distinctiveness of the locality.
7. The appeal site accommodates a single storey building which has the appearance of a former garage block located at the end of the rear garden to William Cottage. Along with some surrounding land, it has been sub-divided from the garden by a tall timber fence and has a separate vehicular access from Hollywood Lane to the north-east.
8. The proposed changes to the external appearance of the building would be limited. However, given its existing sizeable rectangular plan form and dual pitched roof, as well as the addition of a front porch which could be separately secured by condition, its current garage block appearance would be sufficiently altered to achieve a dwelling design that would comfortably assimilate with the mixed architectural character of the properties in the locality.
9. Nevertheless, when having regard to the characteristic pattern of development in the area, the dwelling's siting and orientation would be incongruous. It would have a unique backland position, a reverse orientation, and due to the building's separation from Hollywood Lane by the rear garden areas of Holly Cottages, it would not have a proper road frontage. The juxtaposition with the neighbouring large garage block style building which faces the rear of Holly Cottages would also emphasise its incongruity. Moreover, given the shallow nature of the proposed rear garden and patio area, the dwelling would appear cramped within its plot and notably at odds with the distinctive spacious qualities of the other residential properties in the area.
10. The appellant asserts the site is not visually prominent but the adverse impacts of the proposed new residential property on the established pattern of development in the locality would be perceptible from Hollywood Lane. It would also be visible to the occupiers of the neighbouring properties and, in the winter months, it would likely be visible to occupants of passing vehicles on the nearby elevated section of the M5 motorway, to the north-east.

11. The appellant also asserts the proposal would significantly improve the visual appearance of both the building and the site. However, the current utilitarian appearance of the building is consistent with its immediate surroundings, while the largely cleared open areas and metal gates are inoffensive in the context of the site's backland position and the dominant presence of the nearby motorway infrastructure. Consequently, any perceived visual improvements would not outweigh the arising adverse impacts.
12. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policies CS1 and CS26 of the Council's 2013 adopted Core Strategy, and Policy PSP1 of its 2017 adopted Policies, Sites and Places Plan, (PSPP). Amongst other things, these policies seek to ensure development achieves the highest possible standards of design and site planning, with the siting respecting and enhancing the character and distinctiveness of the site and its context. They also seek to ensure development proposals respond constructively to the buildings and characteristics which make a particularly positive contribution to the distinctiveness of the locality, and that a high quality built environment is delivered.
13. It would also conflict with the Council's 2007 adopted Design Checklist Supplementary Planning Document, insofar as it promotes the protection and/or enhancement of elements that contribute to the character and distinctiveness of a location. Furthermore, it would conflict with the 2021 version of the National Planning Policy Framework (the Framework), which promotes development that adds to the overall quality of the area, is sympathetic to local character, and maintains a strong sense of place.

#### *Living conditions*

14. The Council's concerns about noise and air quality primarily relate to the proposed outdoor amenity space. The appellant suggests the larger part of the amenity space which would be more exposed to noise associated with the motorway could be used for less noise sensitive activities, while the space to the rear of the dwelling, which would be shielded from the motorway noise by the building itself, could be used for rest and relaxation.
15. Even if the amenity space were to be used in this manner, the submitted Environmental Noise Assessment predicts that the noise level in the patio area to the rear of the building would be in the order of 61 dB LAeq T, whereas British Standard 8233:2014 advises that for external amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq T, with an upper guideline value of 55 dB LAeq T, which would be acceptable in noisier environments. Consequently, the most shielded part of the amenity space on the site would still be well above the advised noise levels.
16. While the British Standard goes on to note that development should be designed to achieve the lowest practical levels where development might be desirable, it has already been established above that the proposal is not desirable due to the arising harm to the character and appearance of the area. Moreover, given the Council is able to demonstrate a five year housing land supply, the proposal is not needed to ensure housing needs can be met. As such, there is no justification in this case for the advised upper noise level to be exceeded.

17. Given the noise assessment is dated August 2020 and directly relates to the appeal site, it is implausible that the approval of William Cottage and Dove Cottage in 2015 was based on the same assessment, as stated by the appellant. The appellant's claim that future occupiers of the proposal would experience a similar noise environment as the residents of the cottages has not been demonstrated, and even if that were to be the case, there are material differences compared to the appeal site that would have rendered the development of the cottages generally desirable, not least their accordance with the established pattern of development. Therefore, the earlier approval does not justify the poor quality of the proposed outdoor amenity space in respect of noise.
18. With regard to the Council's concerns about air quality, the appellant has submitted an Air Quality Assessment at the appeal stage. The findings of the assessment are that future residents of the proposed development would experience acceptable air quality throughout the property, including the outdoor areas. While noting the Council's continued concerns about the close proximity of the site to the motorway and potential year on year variations in pollutant concentrations, these considerations do not provide sufficient justification to set aside the overall conclusions of the appellant's evidence, or to resist the development on air quality grounds.
19. A secondary part of the reason for refusal was that inadequate information had been submitted to demonstrate that the required internal noise mitigation measures would be provided. However, the indicative floor plan drawing submitted at the appeal stage demonstrates that the required porch could be readily accommodated. Had the scheme otherwise been acceptable, the porch and the further mitigation measures specified in the noise assessment, which would include mechanical ventilation, could be secured by way of conditions.
20. In light of the above, the proposal would not provide acceptable living conditions for future occupiers of the development with regard to noise experienced within the outdoor amenity space. As such, it would conflict with Policies PSP8, PSP21, PSP38 and PSP43 of the PSPP. Amongst other things, these policies seek to ensure development does not create unacceptable living conditions for occupiers of a development in respect of noise, and that adequate provision is made for functional private external amenity space. It would also conflict with the Framework which expects development to promote health and well-being, with a high standard of amenity for future users.

## **Other Matters**

21. Benefits of the proposed scheme include the provision of an additional dwelling within a sustainable location, and in the context of the Government's objective of significantly boosting the supply of homes and making effective use of under-utilised land and buildings. There would also be economic benefits associated with the conversion works and the subsequent occupation of the dwelling, including spending at shops and services in the area. However, as the proposal would only provide one additional dwelling, it would make a very limited contribution to the housing supply and the local economy which, whilst positive, would not be sufficient to outweigh the harm to the character and appearance of the area, and the substandard living conditions of the future occupiers with regard to noise within the private outdoor amenity space.

## **Conclusion**

22. The proposed development would conflict with the development plan as a whole and there are no material considerations, including relevant advice in the Framework, which would indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed

*C J Ford*

INSPECTOR