



Appeal Decision

Site visit made on 23 March 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2022

Appeal Ref: APP/Z0116/W/21/3287793

Land to Rear of 56 and 58 Mellent Avenue, Hartcliffe, Bristol BS13 0NS

- 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 E Arathoon against the decision of Bristol City Council.
 - The application Ref 20/06207/F, dated 22 December 2020, was refused by notice dated 15 June 2021.
 - The development proposed is construction of 1no. two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) the effect on green infrastructure;
 - iii) whether the development would be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy;
 - iv) the effect on the living conditions of the occupiers of neighbouring properties with respect to outlook and privacy; and
 - v) whether the development would reduce carbon dioxide emissions.

Reasons

Character and appearance

3. The area is strongly characterised by two-storey, semi-detached or terraced properties. They are of a consistent size, have pitched roofs, small front gardens which are mostly used for parking, and are of a traditional design. The use of pale coloured render as a finishing material is a particularly strong feature. In addition, most of the properties have substantial rear gardens. The overall consistency is a positive characteristic of the area.
4. The proposal would be a single-storey, flat roofed, detached dwelling finished in timber cladding and brickwork. It would be positioned to the rear of Nos. 56 and 58 on land that reads as the rear gardens of No. 56 and 58, but would face Englishcombe Road and would be close to the back edge of the pavement. The rear garden provided for the house, as well as the gardens retained for Nos. 56 and 58, would be small. In all these respects, the proposal would contrast starkly with the prevailing character of the area and appear very incongruous.

5. It is acknowledged that this residential area, in principle, may be suitable for intensification and that the dwelling has been deliberately designed to be compact so as to reduce its impact on neighbouring properties. Nonetheless, the design of the development when seen in its context, would contrast harmfully with the character and appearance of the area.
6. As such it would conflict with policy BCS21 of the Bristol Core Strategy (2011) and policy DM26 of the Site Allocations and Development Management Policies document 2014 (SADMP) which both expect development to contribute positively to, and not harm, an area's character, and SADMP policy DM21 which seeks the same but with specific reference to the development of garden land. It would also fail to accord with policies DM27 and DM29 of the SADMP which together aim to ensure the design, layout and form of development responds to the immediate context, including in terms of the size of the plot and its height.

Green Infrastructure

7. The site is largely overgrown with some bushes around 3m in height along the rear boundary, and some taller trees in the south-west corner. The dwelling would maintain a substantial distance from the rear boundary such that it is very unlikely that the vitality of the vegetation on the rear boundary would be compromised. It is understood that a number of trees have already been removed from the site. However as there is no suggestion they were formally protected, there is no mechanism to stop a landowner removing vegetation on their land. Also, in addition to the proposed sedum roof, supplementary landscaping could be secured by a condition of a planning permission. In this respect the development would accord with policies DM15, DM17 and DM19 of the SADMP and policy BCS9 of the Core Strategy which together seek to ensure development conserves existing green infrastructure and provides new green infrastructure to enhance the site's nature conservation value.

Inappropriate development?

8. From the image provided by the appellant, the Green Belt boundary runs through the appeal site, with the northern part of the site and the existing houses on Mellent Avenue being outside the Green Belt, and the rear part of the site being within the Green Belt. The Council have not disputed the accuracy of this image. From this, it is apparent that the proposed dwelling would be wholly outside the Green Belt. Although the garden to serve the development would be in the Green Belt, it is most likely that this land was previously used as garden space for No. 56 and so in this respect the development would have no greater impact on the openness of the Green Belt.
9. As the dwelling would be wholly outside the Green Belt, it could not represent inappropriate development in the Green Belt. There would therefore be no conflict with Bristol Core Strategy policy BCS6 and paragraph 147 of the Framework which both stress that the Green Belt should be protected from inappropriate development.

Living conditions

10. The proposed dwelling would, the Council suggest, be 8.4m from the rear elevation of the house at No. 56 and 10.3m from the rear of No. 58. Though these distances are modest, and the increase in ground level is noted, the single storey nature of the development and its flat roof means it would not

appear overbearing or intrusive when seen from the rear of Nos. 56 or 58 and the occupiers of those houses would retain a generally open view above the dwelling to the trees beyond.

11. The Council also advise the distance between the front elevation of the proposal and the front elevation of the dwelling at 63 Englishcombe Road is 16.4m which, they suggest, is not sufficient to ensure privacy for the occupiers of either house. However, the only window in the development that would allow a view of No. 63 would be small. Moreover, views into No. 63 would be at an angle; either off to the left or up towards first floor rooms. Opportunities for overlooking would therefore be limited.
12. Overall, it is not considered that the proposal would affect the outlook from Nos. 56 and 58, or the privacy at No. 63 to the extent that the living conditions of any of the occupiers would be unacceptably harmed. Consequently, in this respect, the development would accord with policies BCS21, DM27 and DM29 which all seek to ensure proposals achieve appropriate levels of privacy and outlook for existing development.

Emission reduction

13. The appellant's sustainable energy statement identifies that due to the absence of an existing Combined Heat and Power (CHP) network and the small scale of the development, the dwelling would most appropriately be served by a gas combi-boiler heating system. This, itself, would provide no energy or emission savings. However, the dwelling would incorporate four photovoltaic panels. This would provide a 21% saving in carbon emissions compared to baseline figures. Core Strategy policy BCS14 requires development to demonstrate a reduction in carbon dioxide emissions of at least 20%. By providing a 21% saving and by demonstrating that other heating systems are not feasible or viable, the proposal would accord with this policy.
14. The development would also comply with Core Strategy policies BCS13 which also aims to ensure developments contribute to reducing carbon dioxide emissions, and BCS15 which supports the use of renewable and low-carbon energy.

Conclusion

15. Although the development would have no unacceptable impact on green infrastructure, the Green Belt, the living conditions of nearby occupiers and would reduce carbon dioxide emissions, it would have a significantly harmful impact on the character and appearance of the area to which I give substantial weight. The development therefore conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan.
16. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR