



Appeal Decision

Site visit made on 4 January 2022

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/Z0116/W/21/3280726

29 Westover Road, Westbury, Bristol BS9 3LY

- 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 Neil Willis-Stovold against the decision of Bristol City Council.
 - The application Ref 20/05686/F, dated 26 November 2020, was refused by notice dated 12 February 2021.
 - The development proposed is to erect a semi-detached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Neil Willis-Stovold against Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect on highway safety.

Reasons

Character and appearance

5. The appeal site is located in a residential area which contains discrete groups of dwellings built to a similar design. The group which includes the existing dwelling at the appeal site comprises two storey houses with simple dual pitched roofs and fairly wide gable fronts. Each dwelling is linked by a single storey element which appears to originally have been a set-back flat roof garage.
6. Despite later alterations to some of the dwellings at the ground floor level, they have largely maintained their regimented appearance at the first floor,

including the characteristic separation gap above the original garage element. From east to west, it is also apparent that the latter two pairs of houses each step forward a small degree within the street scene, reflecting an associated southward curve in Westover Road. As such, there is a very distinctive rhythm to the existing group of houses, which is an important feature of the locality. Moreover, the dwellings have front garden areas while those at each end of the group are also afforded generous side gardens that wrap around the street corners. Consequently, the spacious qualities of the properties adjacent to the highway is similarly an important aspect of the character and appearance of the locality.

7. The appeal site occupies a corner plot position at the western end of the group, alongside the junction of Westover Rise with Westover Road. While the existing dwelling has a set-back two storey gable ended side extension, a sizeable space remains between the extension and the side boundary. Notwithstanding two tall hedgerow groups running along the perimeter of the plot, there are public views of the space enabled by the two open vehicular access points to the site and the low front boundary treatment to 27 Westover Road. The space is therefore appreciable and makes a positive contribution to the characteristic spacious qualities of the locality.
8. In the proposed scheme, a two storey semi-detached dwelling would be erected. However, through adopting a design concept whereby the new dwelling would essentially wrap around the side and rear of the existing side extension, it would have an irregular built form. It is also clear from the submitted plans that it would have a particularly complex roof form with two unaligned dual pitched roofs connected by an unusual narrow intervening flat roof element.
9. Even with the screening of the tall perimeter hedge, the incongruous appearance of the roof form would be perceptible in private views from the first floor of the houses on the west side of Westover Rise. Additionally, due to inconsistent plans with the proposed roof plan indicating that the gable end of the existing side extension may be changed to a hipped form, it is unclear to what degree the complex roof form would be discernible in public views of the front of the semi-detached pair.
10. Despite the lack of clarity noted above, it would be apparent in public views of the front that the new dwelling would be a stark departure from the distinctive rhythm to the existing group of houses. There would not be a characteristic separation gap from the existing dwelling at the first floor level, it would be set back rather than marginally set forward or aligned with the main front elevation of the existing dwelling, and the front gable would be noticeably narrower. Furthermore, the existing space to the side would be reduced to such a degree that it would have a significant adverse impact on the characteristic spacious qualities of the locality. Therefore, overall, the proposed design would be awkward and contrived, and the new dwelling would appear uncomfortably squeezed in and cramped at the end of the row of distinctive houses.
11. The debate between the main parties regarding the ability to maintain a tall hedge of around 5m alongside Westover Rise throughout the lifetime of the development is acknowledged. However, in light of the above, it is not a decisive matter to the finding of unacceptable harm to the locality. Furthermore, there has been insufficient consideration of the reasonableness of

maintaining such a tall hedge when one of a more modest height would greatly improve the living conditions of future occupiers of the new dwelling in respect of outlook and daylight within the house and the outdoor amenity areas.

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 BCS9 and BCS21 of the 2011 adopted Bristol Core Strategy (CS), and Policies DM15, DM17, DM21, DM26, DM27 and DM30 of the 2014 adopted Bristol Local Plan Site Allocations and Development Management Policies (SADMP).
13. Amongst other things, these policies seek to ensure new development delivers high quality urban design which contributes positively to an area's character and identity through reinforcing local distinctiveness, reflecting locally characteristic rhythms, respecting the local pattern and grain of development, and respecting the broader street scene. They also seek to ensure the development of garden land does not result in harm to the character and appearance of the area, and seeks to resist the loss of open space which is locally important for visual amenity. Furthermore, they expect development to incorporate new and/or enhanced green infrastructure. It would also conflict with the Framework which promotes good design and development that adds to the overall quality of the area, is sympathetic to local character, and maintains a strong sense of place.

Highway safety

14. A shared driveway is proposed with a horse-shoe arrangement using the two existing vehicular access points. The appellant maintains that the submitted swept path assessments demonstrate that the proposed access and internal arrangements are suitable to ensure a car is able to access and egress the site in forward gear, whilst also enter and exit each parking space on site within a three-point turn manoeuvre. However, as highlighted by the Council, the swept paths shown for several of the spaces either graze or are very close to boundary fencing or adjacent spaces. Given such tight swept paths, the margins for error are extremely small and the proposed parking provision is impractical.
15. Having regard to Manual for Streets 2 guidance and the submitted plans, the visibility splay to the south of the Westover Rise access would also be substandard. Although the appellant has put forward reasoning in support of the splay, particularly that vehicles undertaking 90 degree turning manoeuvres into Westover Rise would do so at reduced speeds compared to the 11.2mph recorded north of the Westover Road/Westover Rise junction, that cannot be assumed. Indeed, there is the potential of higher speeds in instances where turning vehicles seek to avoid stopping for oncoming eastbound vehicles on Westover Road.
16. It has therefore not been demonstrated that vehicles would be able to safely manoeuvre within the site and there would be an associated propensity to reverse from the accesses, while there is a compounding visibility concern in respect of the Westover Rise access. Accordingly, the proposed development would have an unacceptable impact on highway safety. As such, it would conflict with Policy BCS10 of the CS and Policy DM23 of the SADMP. Amongst other things, these policies seek development which is designed to ensure the provision of safe streets, and that provides safe and adequate access onto the

highway network, as well as safe and usable parking provision. Moreover, the Framework specifies that development should be refused if there would be an unacceptable impact on highway safety.

Other Matters

17. The appellant has drawn attention to a new approved dwelling at 9 Westover Drive. However, it does not adopt a design concept which wraps around an existing side extension and it demonstrates a strong regard for the rhythm of the respective group of houses. It is also located in a less prominent position alongside a turning head towards the end of the street. Consequently, it is markedly different from the proposed development.
18. Attention has also been drawn to various locations within the area where generous open spaces were not provided alongside the original dwellings, or the spaces provided have subsequently been eroded by side extensions. However, they are not directly comparable to the proposed development for a new dwelling within one of the spaces, and they do not justify the harm that would arise from the proposal which has been considered on its own merits and with regard to its particular location and circumstances.

Planning Balance

19. The Council's delivery of housing was substantially below (less than 75%) of the housing requirement over the previous three years. The appellant also notes the Council's Five Year Housing Land Supply Assessment shows there is a 3.7 year supply, which the Council has not sought to dispute. Consequently, the appeal is considered on the basis that the Council has a 3.7 year supply of housing, which is a significant shortfall against the required 5 year supply.
20. In light of the above, paragraph 11 d) of the Framework is engaged. This sets out that planning permission should be granted, subject to two tests. The relevant test in this case is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 219 of the Framework also makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
21. The Framework promotes good design and states that planning decisions should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and maintain a strong sense of place. It also promotes biodiversity improvements in developments and highway safety. In these regards, it is supportive of Policies BCS9, BCS10, BCS21, DM15, DM17, DM21, DM23, DM26, DM27 and DM30.
22. Therefore, even when taking account of the Framework's objective of significantly boosting the supply of homes, its promotion of the efficient use of land, the acknowledged important contribution that small windfall sites can make to meeting the housing requirement of an area, and the Council's housing delivery and land supply situation, the conflict between the proposal and the policies listed above should be afforded significant weight in the determination of the appeal.
23. Set against this, benefits of the development include the provision of a market dwelling in a sustainable location, while its two bedroom size would positively

add to the housing mix. There would also be economic benefits associated with its construction and subsequent occupation, including spending at local shops and services. However, as the proposal is for just one house, it would make a limited contribution to the local housing supply, housing mix, and economy. The cumulative benefits of the proposal are therefore only afforded limited weight.

24. Consequently, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission, namely the harm to the character and appearance of the area, and the harm to highway safety, would significantly and demonstrably outweigh the benefits.

Conclusion

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

C J Ford

INSPECTOR