



Appeal Decision

Site visit made on 8 April 2022

by Lewis Conde

an Inspector appointed by the Secretary of State

Decision date: Friday 13 May 2022

Appeal Ref: APP/P0119/W/21/3289142

15 Queens Road, Warmley BS30 8EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bradley James against the decision of South Gloucestershire Council.
 - The application Ref P21/02772/O, dated 29 March 2021, was refused by notice dated 9 September 2021.
 - The development proposed is described as '2 bedroom bungalow with parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was in outline with all matters reserved and I have determined the appeal on this basis. I have therefore considered the plans submitted as indicative only.
3. An access required site visit was requested, however, on the day of the site visit the appellant or a representative was not available at the requested time to provide access to the rear garden area. Nevertheless, the area where the proposed development would be located was clearly visible from the public footpath adjacent to the site. I am therefore satisfied that my unaccompanied site visit allowed me to sufficiently understand the context of the appeal site, and the proposed development, to enable the appeal to be appropriately determined. I am satisfied no party has been prejudiced by my approach.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development is in a suitable location with regards to the risk of surface water flooding.

Reasons

Character and Appearance

5. The appeal property is an end terrace dwelling in a residential area. The surrounding area is characterised by mainly terraced and semi-detached dwellings, finished in similar materials and formally arranged with similar

spaces between buildings. Properties in the area are also set-back roughly the same distance from the road and have reasonably sized rear gardens. Overall, this gives the area a relatively formal, spacious and uniform character and appearance.

6. The appeal scheme would split the plot to the rear of no. 15 to allow space for the proposed new dwelling, which would result in both properties sitting within broadly similar sized plots. However, each plot would be significantly smaller than the adjacent properties on Queens Road. The development's position, to the rear of no. 15 and accessed via a shared path to the side of the host dwelling, would also be at odds with the linear pattern of development on the street.
7. Properties in the wider surrounding area also tend to display a significant road frontage. As such, the proposed dwelling uncharacteristically positioned behind the appeal property would be in marked contrast, and neither reflect or respect, the existing established layout of development.
8. Although the proposed dwelling would not be prominent in the street scene, it would be experienced from surrounding dwellings. The proposed development would also be glimpsed at points along a public footpath that runs immediately to the side of the appeal site. In addition, despite the presence of vegetation, it is likely that the dwelling would also be visible from Brereton Way to the rear.
9. In conclusion on this issue, based on the indicative details I am not satisfied the development applied for could be sensitively accommodated on the appeal site and integrate well with its surroundings. I therefore find it would have a harmful effect on the character and appearance of the area. Consequently, it would conflict with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006 – 2027 (adopted 2013) and Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017). Together these policies, amongst other matters, seek to ensure development achieves a high standard of design, that respects the form of the surrounding area, and makes a positive contribution to the distinctiveness of its locality.

Surface Water Flooding

10. From the appeal documents it is unclear as to the level of flood risk at the site. However, the Council's concern relates to the potential risk to the proposed development from surface water flooding. Additionally, during the original application the Local Lead Flood Authority highlighted the need for surface water drainage and flood risk to be appropriately considered. Despite this, no flood risk assessment, drainage strategy, or details of any measures to address potential surface water flood risks have been provided by the appellant. In the absence of any such information, I cannot be sure whether the proposed development would comply or not with both local and national policies regarding flood risk.
11. Thus, in the absence of substantive evidence to the contrary, I must take a precautionary approach and find the proposal would not be in a suitable location with regards to the risk of surface water flooding. Consequently, without substantive evidence to demonstrate otherwise, I find the proposal to be in conflict with Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017) which, among other things,

seeks to ensure that development is served by appropriate surface water drainage and minimises flood risk.

Other Matters

12. I have considered the example development approved by the local planning authority (ref 16/4380/F). However, whilst I do not have the full details of the specific circumstances of that permission, I note it is located a considerable distance from the appeal site in a different context. In any case, my decision has been based on the merits of the appeal proposal.
13. The appellant has also highlighted the need for housing and referenced a shortfall in the area. No evidence has been provided to suggest that the Council cannot demonstrate a five-year housing land supply. In any case, whilst the delivery of a new house would make a modest but beneficial contribution to the supply of housing, it would not justify the harm that I have previously identified.
14. It is not in dispute that the surrounding area represents a sustainable location for residential development, while I note the appellants arguments that the dwelling may have good sustainability credentials and potentially make more efficient use of the land. However, these factors do not outweigh the harm that the proposal would cause.
15. I acknowledge the appellant's comments regarding the outline proposals not being deemed unacceptable by the Council in terms of wider issues, including impacts on neighbouring amenity and highway safety. However, this does not overcome my concerns with the appeal scheme.
16. I also note the frustration of the appellant with regards to the service received from the local planning authority. However, the appeal has been considered on its own merits.

Conclusion

17. The appeal scheme would conflict with the development plan as a whole and there are no other material considerations that outweigh this. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

Lewis Condé

INSPECTOR