



Appeal Decision

Site visit made on 17 May 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 16 June 2022

Appeal Ref: APP/Z0116/W/21/3287872

249 Muller Road, Horfield, Bristol BS7 9NE

- 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 HM Construction against the decision of Bristol City Council.
 - The application Ref 20/00245/F, dated 13 January 2020, was refused by notice dated 13 October 2021.
 - The development proposed is construction of a two-storey side extension to provide 2 No two-bed flats, and erection of single storey building (providing ancillary accommodation) to rear of 249 Muller Road following demolition of shed.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-storey side extension to provide 2 No two-bed flats, and erection of a single storey building (providing ancillary accommodation) to rear of 249 Muller Road following demolition of shed, at 249 Muller Road, Horfield, Bristol BS7 9NE in accordance with the terms of the application, Ref 20/00245/F, dated 13 January 2020, subject to the Schedule of Conditions.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as it provides a more precise description than that outlined on the original planning application form. As the amended description is consistent with that outlined on the Appeal Form, I am satisfied that there would be no prejudice in this respect. The Council has also confirmed that the plans cited on the Decision Notice¹ were in error. It has been confirmed that the plans submitted by the appellant² were consistent with those considered by the Council.
3. The appellant has also submitted revised plans with the appeal, drawings no PL02B and PL05. Drawing no PL02B indicates minor changes to the layout, including a 1.8m high fence to the side and rear, a lower fence within the private garden of the single dwelling, and a pedestrian access from Shaldon Road to 249 Muller Road. I am satisfied that these changes are minor, and no party, including the Council who have viewed the drawing, would be prejudiced by my assessing the scheme with regard to it.
4. However, drawing no PL05 shows a change from a flat roof to a steep hipped roof on the proposed single storey building. As the amended roof height is notably taller, I am concerned that this change would deprive those neighbours who have provided representations of the opportunity to be consulted and comment on the

¹ Plan reference P025A, P001C, P026B and P020B

² Plan reference PL02A, PL03 and PL04

amendment. Consequently, I do not accept this plan and the changes that it proposes.

5. For the avoidance of doubt, I have assessed the scheme based on the proposals shown on drawings PL02B, PL03 and PL04. I have had regard to the planning history to the site, but the implementation of the original scheme and any breaches of planning control is not something I can consider as part of this appeal. My determination of the appeal has been based on the drawings and the proposed description of development. This relates to a two-storey side and rear extension to 249 Muller Road and its subdivision to a single dwelling and two flats. A single storey building is also proposed to the rear to be used as ancillary accommodation to the single dwelling house known as 249 Muller Road. Three off street parking spaces are proposed to the rear.

Main Issues

6. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area, and highway and road safety.

Reasons

Character and Appearance

7. 249 Muller Road is a corner plot, which also adjoins Shaldon Road to the side. The area is predominately characterised by large two storey terrace dwellings with a consistent building line, set behind a mix of front gardens and driveways, which are open with low front boundary walls. Vehicle lanes as well as detached garages and outbuildings are a typical feature to the rear of many of the properties in this area. The appeal site itself is a two-storey end of terrace dwelling within a spacious plot, facing Muller Road. Due to the slope of Shaldon Road, the back garden of the appeal site is elevated towards the rear. The rear boundary of the appeal site is separated from the properties on Shaldon Road by the width of a rear vehicle lane.
8. The Council has no objection to the proposed two storey side and rear extension to the main house. In this regard, I am also satisfied that the proposed extensions would not have an adverse impact on the character and appearance of the area. Consequently, the main area of contention is with respect to the proposed single storey building. The detached single storey building would be located at an elevated position to the rear garden of No 249. It would have a relatively square footprint with a flat roof, UPVC windows and a roughcast render and brick finish.
9. Despite being elevated and fairly large, the simple form, single storey height and finishes are typical of annex buildings in a residential area. The scale and height of the proposed flat roofed building would also be subservient to the main dwelling, with sufficient garden space remaining to serve the property. Although the proposed development would be visible from directly outside the site, the appellant has proposed to reinstate a fence to the side boundary, reducing the prominence of the proposed building from close views. The building would also be set back from the building line on Shaldon Road, and together with the topography of the area, any wider views of the proposed building are limited. As such, the proposed single storey building would be of a scale, height and design that would be in keeping with the original dwelling, and would not appear as an odd or discordant feature in this context.

10. I acknowledge that the proposed fence would be taller than the low boundary walls on Shaldon Road. However, the rear vehicle lane provides an intervening gap, which ensures that the position and height of the proposed fence would not contrast with the low boundary walls and preserves the open character to the front of the properties.
11. The Council have considered the single storey building to be a new dwelling. Whilst it is feasible that the building could be used as a separate dwelling, that is not the proposal before me. I have found that the proposed single storey building would be subordinate and ancillary to the main dwelling, subject to an amended layout. In order to provide further control over this, an appropriately worded planning condition to restrict the occupancy could be attached to any planning permission. Any subsequent change of use from an ancillary building would require planning permission.
12. Accordingly, the proposed development would not be harmful to the character and appearance of the area. The proposed development would comply with Policies BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM21, DM27, DM28 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (LP). These policies, in general, require new development to be of a high-quality design, which respects the overall character and appearance of an area and safeguards local distinctiveness.
13. The Council also cite Policy DM18 of the LP. Policy DM18 of the LP seeks to protect undeveloped land within Avonmouth and Kingston Levels for biodiversity, recreation and flooding purposes. There is no evidence before me that indicates the appeal site lies within this designation. Consequently, I do not find that the proposal would conflict with Policy DM18 of the LP.

Highway and Road Safety

14. The Council state that the current parking arrangement, and lack of boundary enclosure adjoining Shaldon Road, would encourage manoeuvring into and out of the parking spaces over the adopted footpath. The movements would result in an unacceptable risk to pedestrian and highway safety on Shaldon Road, and potentially damage the adopted footway and the exposed telegraph pole.
15. Although I note the concerns raised, the appellant has submitted the amended layout plan, which proposes a fence to be erected along the side boundary. The position of the fence would require any manoeuvring into and out of the spaces over the rear vehicle lane, and not the footway on Shaldon Road. Accordingly, the proposed fence would alleviate the unacceptable risk to pedestrian and highway safety, as well as the potential damage to the footway and telegraph pole.
16. I acknowledge that the erection of the proposed fence could prevent access to the parking space closest to the boundary with Shaldon Road. However, I have not been provided with any objective evidence to indicate that the provision of two spaces, rather than three, would lead to parking stress or highway safety issues within the locality. Also, from what I saw, there was on-street parking availability within a short walking distance of the site. The site is also in an accessible location, a short walk from regular bus services on Shaldon Road and Muller Road. It is therefore in a location where walking and public transport would be a realistic alternative to the car when accessing the site. Having regard

to the accessible location, together with the on-street parking availability on nearby streets, I am satisfied that the highway network would have capacity to manage any additional on-street parking required by the proposed development.

17. The Council also state that the cycle parking and refuse storage provision for the rear dwelling is inaccessible and of poor quality. This could result in the misuse and storage of bins outside the site, leading to an obstruction of the footway to the detriment of road safety.
18. However, the proposal before me is for a building with ancillary accommodation, not a separate dwelling. As such, the building would not require access to separate bin and cycle storage. Nevertheless, on the amended layout plan, the appellant has proposed storage for the bins and bicycles in the rear garden of No 249, and a pedestrian access from Shaldon Road. Consequently, bins and bicycles could be stored and would be accessible to occupants in the rear garden of the main dwelling. The storage locations would also be accessible via the proposed pedestrian access.
19. Accordingly, the proposed development would not be harmful to highway and road safety, complying with Policy BCS10 of the CS and Policies DM23 and DM32 of the LP. These policies require development to be designed to ensure provision of safe streets, and not give rise to unacceptable traffic conditions. Also, cycle and bin storage should be designed to maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

Other Matters

20. Whilst I have had full regard to local representations, I am of the view that the proposed development would not unacceptably impact upon the adjoining neighbour's living conditions. Due to the scale of the proposals, the topography and the intervening distances achieved, the proposals would not result in any significant loss of privacy, outlook or daylight for the occupants of the neighbouring dwellings. Given the number of flats, and the ancillary use of the proposed single storey building, the proposal is also unlikely to result in unacceptable levels of noise and disturbance or traffic generation.

Conditions

21. I have considered the Council's suggested conditions in accordance with Planning Practice Guidance.
22. As works have been carried out on site, it is not necessary to require a condition to implement the consent within the standard time period. However, it is necessary in the interests of precision and clarity, to define the approved plans for the scheme. I have had regard to the suggested condition requiring the building to be used for only domestic purposes ancillary to the dwelling. As the building does include the necessary residential accommodation to enable a separate unit, the condition restricting its use would be appropriate.
23. In my view the proposed outbuilding is of a size and location where the restriction of permitted development under Schedule 2, Part 1, Class E would be unnecessary. Due to the proximity to boundaries, most works to increase the building and its height would require planning permission. However, it is necessary to limit permitted enclosures within the rear garden to limit works that could physically separate the single storey building from the main dwelling.

Furthermore, a condition is necessary to require the appellant to submit a schedule of works to the Council. The schedule of works should include details of when the appellant will carry out the works to comply with the approved details.

Conclusion

24. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

M. P. Howell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans PL02B, PL03 and PL04.
- 2) The single storey building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 249 Muller Road.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional fences, gates or walls shall be erected within the rear garden of the dwellinghouse known as 249 Muller Road, other than those approved as part of this permission.
- 4) Within 3 months of the date of this decision, a schedule of the works to alter the layout, and a timeframe for their implementation in accordance with drawing PL02B, shall be submitted to and approved in writing by the local planning authority. The schedule of works shall be carried out in accordance with the approved details.