



Appeal Decision

Site visit made on 21 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/Z0116/W/22/3294652

329 Canford Lane, Westbury, Bristol BS9 3PH

- 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 Lucy Sherry against the decision of Bristol City Council.
 - The application Ref 21/05995/F, dated 8 November 2021, was refused by notice dated 26 January 2022.
 - The development proposed is for 2 no. two storey semi-detached dwellings adjacent to existing property with gardens and off-street parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the living conditions of the occupants of 329 and 331 Canford Lane, with regard to light and outlook.

Reasons

Character and Appearance

3. The northern side of Canford Lane is defined by semi-detached two storey dwellings with a largely uniform building line and a consistent scale, height and simple form. The dwellings, for the most part, sit within spacious plots with long rear gardens and are set behind generous front gardens and driveways, which are mostly open with low-lying enclosures. There is a distinctive character and appearance to the area, which is enhanced by the uniformity and conventional form of the dwellings as well as the simple pattern of development and spacious plots. Furthermore, the openness to the front provides views of a woodland area to the east, resulting in an open and green character and appearance to the area.
4. The appeal site is the side garden of 329 Canford Lane, which is a corner location adjacent to the woodland. The side elevation of No 329 is set behind the building line on Canford Lane (A4162) but the property fronts a private road also known as Canford Lane. The garden is landscaped with mature trees and a hedgerow boundary. A car port is located on the garden but is largely concealed by its single storey height, the trees and the hedgerow boundary. Consequently, there is an appreciable gap to the side of No 329, which together with the trees

on the site and views of the wooded area to the east, contributes to the openness and green character and appearance of the area.

5. The proposed development would have a setback from the adjoining roads, and a broadly similar scale and height to the nearest dwellings. However, it would still be a prominent development forward of the largely uniform building line, with a curved design that would be incompatible with the simple form of the surrounding properties. Furthermore, the siting, size and design of the proposed development would also produce plots with an awkwardly shaped front garden and a smaller rear courtyard. As such, the layout of the proposed development would be at odds with the simple pattern of development and spacious plots, appearing cramped and harmful to the character and appearance of the area.
6. In addition, the gap to the side of No 329, which contributes to the open and green character and appearance of the area, would be diminished by the introduction of the two-storey building and the loss of mature trees within the site. Although replacement planting is proposed, this would not offset the siting of the two-storey built form and the loss of the mature trees, which would be detrimental to the open and green character and appearance of the site and its surroundings.
7. It is indicated that the building line in the area is stepped, and this typically relates to corner buildings. In support of this view, the appellant has drawn my attention to examples at 299 and 308 Canford Lane, as well as the existing car port on the appeal site. However, the existing car port is a single storey ancillary building and No 299 is a smaller and shorter dwelling, neither of which are prominent in the street scene or comparable to the proposed development. Although No 308 is a two-storey dwelling positioned forward of the neighbour to the east, it is not a prominent corner location and maintains a consistent line with the dwellings to the west.
8. As such, based on the evidence before me and from what I saw on site, any step forward of the building line within the immediate locality was in the minority, and did not have a significant impact on the character and appearance of the area. I have also had regard to the curved pathway on the site and the proposed development being a focal building that complements its site and surroundings. However, for the reasons outlined above, I do not agree that the proposed development would complement the existing pattern of development or appear as a corner building that would enhance the site and its surroundings.
9. I, therefore, conclude that the proposed development would adversely impact on the character and appearance of the area. Accordingly, the proposed development would be contrary to Policy BCS21 of the Bristol City Council Core Strategy 2011 (CS) as well as Policies DM26, DM27 and DM29 of the Bristol City Council Site Allocations and Development Management Policies 2014 (AP). These policies, amongst other things, require new development to be high quality, respect the overall design and character of an area as well as safeguarding local distinctiveness.
10. The proposed development would also fail to comply with the National Planning Policy Framework (the Framework), in particular paragraphs 130 (a-d) and 134, which seek to secure well designed places which are sympathetic to their local character.

Living Conditions

11. 329 and 331 Canford Lane have habitable ground and first floor windows that face Canford Lane (A4162) and Canford Lane (private road) respectively. Due to the generous frontages and low boundary enclosures, the existing outlook from the front facing windows of both properties is largely open and unobstructed. There are windows in the side elevations of No 329 and No 331, but these serve non habitable or functional spaces within the dwellings.
12. The siting and layout of the proposed development is such that the side elevation (west) would be visible from the front windows of No 329. The opposite side elevation would be visible from the front windows at No 331. The proposed side elevations are two storey and project forward, as such, it is accepted that there would be a degree of impact on the existing outlook from both No 329 and No 331. However, having regard to the orientation and position of the windows and the distance from the side elevations, the proposed development would not unacceptably impact upon the openness or dominate the outlook from the windows.
13. With regard to light, the appellant has submitted 'Shadow Study' drawings, which illustrate the overshadowing effect of the development at different times of the year. Based on the drawings, some overshadowing would occur to the side elevations as well as to the front and rear gardens. However, the windows in the side elevations of No 329 and 331 serve more functional rather than habitable spaces in the house. Also, only a small proportion of the front and rear private gardens would be affected, and for a limited period throughout the day. As such, the overshadowing effect of the proposed development would not be detrimental to the living conditions of the occupants of No 329 and No 331.
14. 45-degree daylight diagrams have also been submitted by the appellant to demonstrate the effect on light to the front facing windows at No 331. The diagrams show that the nearest first-floor window would marginally fail the plan view test but comply with the elevation test. Accordingly, although there would be some loss of light to this window, its position and height would ensure sufficient light would be received throughout the day. Therefore, the loss of light to this space would not unacceptably impact upon the living conditions of the occupants at No 331.
15. Consequently, the proposed development would not unacceptably affect the living conditions of the occupants of 329 and 331 Canford Lane, with regard to light and outlook. As such, the proposed scheme would comply with Policy BCS21 (criterion 8) of the CS and Policies DM27 (blocks and layout criterion vi) and DM29 (criterion v) of the AP, which seek to safeguard the amenity of existing development and ensure that existing and proposed development achieves appropriate levels of outlook and daylight. Furthermore, it would accord with the Framework, in particular Paragraph 130 (f), that requires a high standard of amenity for existing and future users.

Planning Balance and Conclusion

16. To allow the proposed development on the appeal site would run contrary to the design policies of the development plan, which encourage new development to be high quality, respect the overall design and character of an area and contribute positively to an area's local distinctiveness. I therefore give significant weight to the conflict with Policy BCS21 of the CS as well as Policies

DM26, DM27, and DM29 of the AP, which are generally consistent with the Framework.

17. In terms of benefits, I acknowledge that two dwellings in a sustainable location would be an efficient use of land and contribute to the local housing stock. I acknowledge that the scheme has been designed with various measures to minimise its environmental impact, and there would also be social and economic benefits arising from the construction period. However, the construction benefits would be short term and the proposal is only for two dwellings. As such, I can give these benefits limited weight.
18. The Council is currently unable to demonstrate the supply of housing sites as required by the Framework, and therefore paragraph 11(d) is engaged. There are no relevant protected areas or assets that provides a clear reason for refusing the development proposed. However, when assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Consequently, as set out in paragraph 11(d)ii the presumption in favour of sustainable development does not apply.
19. The appeal scheme would conflict with the development plan when considered as a whole. There are no material considerations, individually or cumulatively, worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

M. P. Howell

INSPECTOR