



Appeal Decision

Site visit made on 19 July 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/P0119/W/22/3294471

28 Ferndale Road, Filton, BS7 0RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Pam Edwards against South Gloucestershire Council.
 - The application Ref P21/06039/F is dated 7 September 2021.
 - The development proposed is described as "two new two-bed houses within the existing large neglected garden."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Pam Edwards against South Gloucestershire Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal follows the Council's failure to determine the application within the prescribed period. The Council have not provided a statement regarding their position.
4. In the interests of fairness and to ensure there would be no prejudice to interested parties, I have not taken the amended plans submitted by the appellant during the course of the application into account. It does not appear that the Council had consulted upon these amendments. Further, they represent a departure from the scheme as it was originally consulted on by the Council.

Main Issues

5. I consider the main issues to be;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposal on highway safety.

Reasons

Character and Appearance

6. The appeal site is located in a predominantly residential suburban area characterised by similarly designed semi-detached houses set back from the road with gardens/parking to the front and modest garden areas to the rear. There is a spacious feel to the street scene which contributes positively to its character and appearance. Corner plots are largely set back on both sides which combined with the set back of other houses creates an open character. Some corner plots have developed closer to the highway, however their single storey nature has helped reinforce the spaciousness of the area.
7. The appeal site is a corner plot located with Ferndale Road to its front and Fourth Avenue to its side. Adjoining the site to the rear is a pre-school. Whilst there are residential dwellings located on the eastern side of Fourth Avenue, on the western side (where the appeal site is located) is the pre-school and the primary school playing field.
8. The proposed development comprises the construction of two dwellings. One would adjoin the side elevation of 28 Ferndale Road, appearing as a side extension. The second would be located in the rear garden, both would front on to Fourth Avenue.
9. The existing single storey extension sits behind a wall and established hedgerow and therefore has limited impact on the surrounding area. The first proposed dwelling would be two storey and continue the ridgeline of No 28. It would also be deep, appearing as a double fronted detached dwelling when viewed from Fourth Avenue. The height and depth of the proposed development combined with its location adjacent to the highway would create a dominant feature in the street scene. This would noticeably reduce the spacious feel to the area, upsetting its pleasant rhythm and balance. It would accordingly result in a cramped appearance to the street scene and thus be harmful to the character and appearance of the area.
10. The second proposed dwelling would be a two-storey detached dwelling with parking to its front and garden area to the front and side. Whilst the area of amenity space would comply with the requirements of policy, the proposed development would provide a very small curtilage, with no rear garden. This would be at odds with the spaciousness of others around it, leading to a cramped form of development. This would be at odds with and erode the established development pattern of the area.
11. I note the appellant's comments regarding the design of the proposed development and that there is a similar recent development nearby. I have not been provided with the details of this scheme. However, the particular circumstances of individual cases are likely to be different and direct parallels are not easily drawn and the presence of similar developments in the area do not outweigh the harm I have identified.
12. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (2013) (CS) and Policies PSP1 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (2017) (PSPP) which seek, amongst other things, to ensure that development

respects the form and scale of the street and surrounding area and positively contributes and enhances the character of the site and its context. The proposed development would also be at odds with paragraph 130 of the National Planning Policy Framework (Framework) which seeks to ensure that developments are visually attractive and sympathetic to local character.

Highway Safety

13. Ferndale Road and Fourth Avenue are two-lane roads. Most properties on these roads have off-street parking and others park on the street. Parking for one dwelling would be via an existing driveway accessed from Ferndale Road. A new access on to Fourth Avenue would be created to provide parking for the second dwelling.
14. At the time of my site visit a number of cars passed the site and several cars were parked on the highway. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest and on street parking would increase when people returned from work. Additionally, there would likely be an increase in traffic and parking at pick up and drop off for the pre-school and primary school. I noted that there were some restrictions across the site frontage onto Fourth Avenue however there did not appear to be any further restrictions. As such, a number of cars park opposite the appeal site along Fourth Avenue.
15. PSPP Policy PSP16 requires 1.5 parking spaces per 2 bedroom dwelling. As only two spaces would be provided for the proposed dwellings, this would be significantly below the guidance. If future occupiers have more than one vehicle, this would necessitate additional parking elsewhere, thereby increasing on-street parking pressures.
16. The location of the new access on to Fourth Avenue would be close to the junction between Ferndale Road and Fourth Avenue. There would be no space within the site for vehicles to turn, which would lead to vehicles reversing into the road at a point where vehicles turning in to Fourth Avenue would have little visibility and opportunity to stop and close to the pedestrian access to the adjoining pre-school. This would be significantly harmful to highway safety.
17. For the above reasons the proposal would be harmful to highway safety. The proposal would therefore conflict with PSPP Policies PSP11 and PSP16 and the guidance contained within the South Gloucestershire Residential Parking Standards Supplementary Planning Document (2013) which seek, amongst other things, to ensure that appropriate, safe and attractive access to the highway network is provided. The proposal also conflicts with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

18. Whilst the appellant has made reference to the garden being unused, the benefit of removing the overgrown planting would not overcome the harm I have identified above.

Conclusion

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR