



Appeal Decision

Site visit made on 7 September 2022

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/Z0116/W/22/3299017

50, 52 & 54 Stoke Lane, Westbury-on-Trym, Bristol BS9 3DN

- 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 Tom Walker (Stonewood Homes) against the decision of Bristol City Council.
 - The application Ref 21/04801/F, dated 23 August 2021, was refused by notice dated 23 February 2022.
 - The development proposed is the demolition of 3 no. existing bungalows and replacement with 4 no. pairs of 4 bed semi-detached houses totalling 8 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address on the application form is given as 52 Stoke Lane. The address in the header above is taken from the appeal form and more accurately describes the extent of the site.
3. The appellant's submissions include a bat survey report dated May 2022. This was not before the Council at the time that it made its decision on the planning application. However, the Council and other parties have had an opportunity to respond to the report as part of the appeal process. Therefore, I am satisfied that no injustice would be caused by taking it into account in my assessment.
4. Reference is made in the submissions to an emerging Bristol Local Plan Review. This is at a very early stage in the process towards adoption and so its policies are likely to change. As such, I have given the emerging development plan document limited weight in my assessment.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site contains 3 bungalows with associated gardens to the side and rear. It lies in a pleasant residential location, although it is not within a conservation area. Local housing varies to a degree but apart from the appeal site properties, most dwellings are 2 storeys high, of a traditional pitched roof style and directly face the road.

7. Therefore, the bungalows are not typical of the area, particularly as they do not face the road. Even so, the space to the rear, side and between the properties provides an attractive visual break to the rows of houses. As such, the site contributes positively to the street scene.
8. Despite being set back behind small front gardens, the proposed houses would be clearly seen from nearby parts of Stoke Lane as well as from significant stretches of Falcondale Road. The dwellings would be much taller than the existing bungalows with less space between the 4 pairs. As a result, the development would not only appear more prominent than the existing properties but it would also markedly reduce the spacious qualities of the site.
9. Moreover, the proposed houses would be unusual. Their main roof ridgelines and valleys in between would run at right angles to the highway. This would be unlike other local houses which have roof slopes and eaves facing the road and main roof ridgelines running parallel to the street.
10. Also, the front elevations with gables to the full height of the buildings would be strikingly different to any other nearby properties. Some existing dwellings have gable roofed front projections but these form only a minority and in any case they are set down from the main ridgelines. In contrast, the tall gable frontages of the proposed dwellings would appear markedly more dominant, even though they would be similar in overall height to existing houses. This incongruity would be emphasised by the large amount of brickwork rather than windows at the top of the gable frontages.
11. Compared to the existing bungalows, the proposed dwellings would more closely follow the general development pattern along Stoke Lane, particularly in terms of plot size and orientation of buildings. However, the acceptability of the scheme in these respects would not override or address the harm that would be caused through the loss of openness and the discordant appearance. Also, due to its greater prominence, I am unconvinced that the proposal would lead to an enhancement to the qualities of the area compared to the existing situation. The support provided in the National Planning Policy Framework (the Framework) for innovation and change is subject to development being appropriate and sympathetic to local character. For the above reasons, I find the proposal would be unsympathetic.
12. Consequently, I conclude the development would harm the character and appearance of the area. In these respects, it would not accord with policy BCS21 of the Bristol Core Strategy 2011 and policies DM21, DM26, DM27 and DM29 of the Bristol Site Allocations and Development Management Policies Local Plan 2014. Amongst other things, these seek high quality development that is appropriate to its immediate context.

Other Matters and Planning Balance

13. The Council accepts that it is unable to demonstrate a 5 year supply of housing land as required under the terms of the Framework, although I have been provided with no information on the actual level of supply. In such circumstances, paragraph 11 of the Framework states that relevant development plan policies which are most important for determining the appeal are deemed out-of-date. Planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies.

14. The development would be acceptable in terms of parking provision, the quality of the accommodation to be provided and its effect on nearby residences. Appropriate drainage could be secured by condition. Acceptability in these regards is a neutral factor in my assessment.
15. As well as concerns in respect of character and appearance, the Council's refusal reasons refer to the lack of a bat survey. Consequently, the Council contend it is not possible to establish whether bats would be harmed as a result of the development. However, the aforementioned bat report says that an emergence survey found no evidence of bats roosting on the site. The Council have raised no dispute over the validity of these findings and so I also conclude the proposal would not lead to harm or risk of harm to bats. This is also a neutral factor in my assessment.
16. It is also suggested that the scheme could include measures to enhance the wildlife value of the site, for example through provision of bat tubes and boxes. However, from the information provided, it seems that any improvements in these respects are likely to be limited, particularly as parts of existing mature gardens would be built upon. As such, this factor attracts modest weight.
17. The proposal would add 5 more dwellings to the housing stock. These would be in an urban location with good access to facilities. The scheme would represent an more efficient use of land and it would create construction employment. Also, energy efficiency and renewable energy measures would be included. All of these factors add support for the proposal, although they attract only moderate weight given the scale of the scheme.
18. At the same time, the identified harm in respect of the main issue means the proposal would go against the fundamental aim to create high quality places. It would not accord with the Framework's advice to ensure development is attractive and sympathetic to the surrounding built environment. Given the visual prominence of the development, I attach significant weight to the harm that would be caused in these regards. Overall, I find the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. As such, the presumption in favour of sustainable development as set out in the Framework does not apply.

Conclusion

19. The proposal would cause harm to the character and appearance of the area and so it would not accord with the development plan when read as a whole. There is insufficient justification to make a decision other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR