



Appeal Decision

Site visit made on 13 September 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2022

Appeal Ref: APP/Z0116/W/22/3298495

Land to side and rear of 2 Westleigh Road, Westleigh Close, Southmead, Bristol BS10 5RD

- 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 JL Future Homes against the decision of Bristol City Council.
 - The application Ref 21/04154/P, dated 29 July 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'Proposed new two bed dwelling on land adjacent to 2 Westleigh Road, Southmead.'
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Decision

1. The appeal is allowed and planning permission is granted for a proposed new two bed dwelling on land to side and rear of 2 Westleigh Road, Westleigh Close, Southmead, Bristol, BS10 5RD, in accordance with the terms of the application, Ref 21/04154/P, dated 29 July 2021 and subject to the schedule of conditions appended to this decision.

Preliminary Matters

2. I have made a minor amendment to the description of development for the purposes of this decision to avoid duplication of the appeal site address.
3. The proposal was submitted as an outline application with all matters reserved. Proposed plans and drawings were submitted with the application. These are marked as Indicative to support the outline application and I have considered them on this basis.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the safety of road users and pedestrians on Westleigh Road and Westleigh Close.

Reasons

Character and Appearance

5. Westleigh Road is a long, curved road frequently broken by a number of junctions. It is part of a large inter-war housing estate where the intersecting, crescent shaped roads form segments of residential development which are characterised by semi-detached dwellings and short terraces. This crescent shaped street pattern and the distinct style of dwellings create a sense of rhythm and coherency in the area.

6. The appeal site is the side section of the garden of a dwelling which bounds Westleigh Close. Dwellings on Westleigh Close are a later addition to the estate, and uncharacteristically for the area are set behind other dwellings which address estate roads. The site is also at the end of a short row of properties on Westleigh Road, beyond which two sets of paired dwellings flank the junction with Charfield Road. These dwellings are set side on to the appeal site due to their corner plots and the curve in the road. Consequently, the consistency and rhythm of built form that positively characterises the wider estate is less appreciable in the immediate vicinity of the appeal site.
7. The indicative plans illustrate that the site has the potential to accommodate a detached dwelling, which would be an uncharacteristic type of dwelling in the estate. However, the plans show there would be sufficient space for a dwelling of a similar mass and height of surrounding dwellings and that it could have a building line which matches that of No 2. In these respects, it would be consistent with the surrounding built form. Moreover, given the unusual context of the site outlined above, it would be in a locale where a limited amount of variation could be absorbed without harmfully disrupting the positive rhythm of form or consistency of development on Westleigh Road and in the wider estate.
8. I note that in ensuring that the dwelling would have the distinctive features that would match neighbouring dwellings, only a small garden space would be left to the rear. However, I saw that this would not be at odds with the pattern of development or plot forms in the area where garden space varies considerably.
9. The submitted evidence indicates that there is potential to retain a reasonable gap between No 2 and the new dwelling. This would be reflective of the spacing between existing dwellings in the road and on the wider estate. There would also be a substantial space at the east boundary of the dwelling given that dwellings on Westleigh Close are set well back from the appeal site. In this regard the addition of a dwelling at the scale indicated would not significantly alter the spacious and loose density of development that prevails in the area.
10. This potential gap between No 2 and the new dwelling would also ensure that the development would not interfere with the symmetry of that existing property and its paired dwelling. Moreover, the new dwelling would be viewed in the varied context of a short row of paired dwellings on the north side of Westleigh Road, the short terrace opposite, and the paired dwellings that address a different road. The spacing and position would ensure that it would not harmfully interrupt any wider symmetry or uniformity in the existing immediate street scene.
11. I therefore find that the proposal would not have a harmful effect on the character and appearance of the area. It would in this regard not conflict with Policies BCS21 of the Bristol Development Framework Core Strategy (Core Strategy) and Policies DM26, DM27 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (Local Plan). These collectively require that new development in Bristol should deliver high quality urban design, and amongst other matters, will be expected to contribute towards local character and distinctiveness.

Highway Safety

12. The National Planning Policy Framework (the Framework) at paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
13. The indicative plans illustrate that the dwelling's new access would be immediately adjacent to the existing access for No 2, and that visibility splays would overlap. It would also be near the junctions of Westleigh Close and Charfield Road. However, this potential new access would be at a point where Westleigh Road straightens. I saw that this gave motorists exiting the existing access clear views of other road users along this road and at the two junctions. And subject to the removal of a section of the existing front hedge boundary, which would be necessary to form the new access, this would be the case for motorists exiting from the proposed dwelling.
14. This proposal would bring a new access closer to the Westleigh Close junction than that existing at No 2. However, this junction is wide, and its splay meets an equally wide and sweeping curve of the carriageway. I saw that these features permit motorists, exiting the Close, sight of the potential new access. Furthermore, the indicative plans show scope for the proposed new access to roughly align with this wide splay of the junction. This would ensure clear sight lines for motorists and cyclists exiting the Close so that they could continue to exit safely on to the carriageway, without conflict occurring with vehicles using the slightly closer, new access.
15. Vehicles entering the new access when approaching westwards would cross the carriageway of Westleigh Road. However, motorists would have good visibility of oncoming vehicles travelling towards them on this straight stretch of road. They may be stationary close to the bend when turning into the property, but this would likely be for a short period. Moreover, motorist travelling behind would have clear views of the stationary vehicle given the wide nature of the bend and the junctions.
16. Motorists entering Westleigh Close from Charfield Road, or continuing westbound along Westleigh Road, could encounter vehicles exiting the new access and these vehicles may potentially cross their path. However, the width of the bend again would allow visibility of any vehicles leaving the proposed property. Moreover, vehicles entering the Close do so just beyond this wide bend where the carriageway is straight. Motorists would as a result have clear visibility of any vehicle exiting the new access from this vantage point on the carriageway, and this would prevent incidents occurring between these road users, pedestrians and any vehicle that would be using the potential new access.
17. I note that an earlier proposal at this site was refused and in that case one of the reasons for refusal was traffic. I do not have the details of that decision before me to consider. In any event for the reasons outlined I have found that this proposal would not have an unacceptable effect on the safety of highway users and therefore this previous decision has not been determinative in this case.
18. In light of the above, I find that the proposal would not have an unacceptable effect on the safety of road users and pedestrians on Westleigh Road and Westleigh Close. In this regard it would not conflict with Policy BCS10 of the

Core Strategy and Policies DM23 and DM32 of the Local Plan, which collectively require development should not give rise to unacceptable traffic conditions, and will be expected, amongst other matters, to provide safe and adequate access for all sections of the community within the development and onto the highway.

Other Matters

19. As an outline application details regarding servicing needs, spaces for cycles and bins do not form part of the submission. I am content based on the evidence before me there would be adequate space to accommodate a vehicle and cycles. I am also content that there would be sufficient space for refuse bin storage. These matters have therefore not been determinative in this case.
20. My attention has been drawn to the Old Market Quarter Neighbourhood Development Plan and the Hengrove and Whitchurch Park Neighbourhood Development Plan. They do not relate to the Southmead area and are not relevant to this appeal for this reason.

Conditions

21. In addition to the Statutory time limit, the submission of details of the proposal is necessary to address the matters reserved in this case. Requiring accordance with the submitted location and site plan is necessary for certainty.
22. I have considered the Council's suggested conditions that relate to issues outside the scope of matters reserved in this appeal. A condition requiring a drainage scheme is necessary in the interest of preventing increased risk of flooding, to ensure satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this development. The suggested condition has been amended in the interest of precision.
23. A condition addressing potential land contamination is reasonable in the interest of pollution control. It is also reasonable and necessary to require adequate space for the management of waste at the new dwelling in the interest of the environment and appearance of the area. I have amended the suggested wording to ensure clarity, precision and relevance to the development approved.
24. Policies BCS13 and BCS15 of the Core Strategy require that measures to mitigate and adapt to climate change are integral to design of new development. Ensuring that this development is consistent with the objectives of these policies is reasonable and necessary. I have made minor alterations to the suggested wording of the condition to ensure it is reasonable and enforceable.

Conclusion

25. For the reasons stated above and having regard to the development plan taken as a whole, and all relevant material considerations, including the Framework, the appeal is allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions:

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place, and the development shall be carried out as approved.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location, Existing Block Plan Drawing No A100 Rev A.
- 5) No development hereby permitted shall take place until a Sustainable Drainage Strategy and associated detailed design, management, and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the occupation of the development and maintained thereafter for the lifetime of the development.
- 6) If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment shall then be undertaken. In and where remediation is necessary a remediation scheme shall be prepared which is to be submitted to and be approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be submitted to and approved in writing by the local planning authority.
- 7) Prior to commencement of the development, an energy statement shall be submitted to and approved in writing by the local planning authority. The energy statement shall demonstrate how energy efficiency measures shall be incorporated into the development hereby permitted.
- 8) Prior to the occupation of the development hereby permitted, evidence demonstrating that measures set out in the approved energy statement have been implemented, together with details of ongoing management and maintenance to ensure the measures continue to achieve the predicted outcomes, shall be submitted and approved in writing by the local planning authority. The approved measures shall be maintained for the lifetime of the development.

- 9) Prior to the first occupation of the development hereby permitted, details of onsite refuse and recycling management shall be submitted to and approved in writing by the local planning authority. The details shall provide for: Location of waste and recycling bins and storage space at the property, location for collection and presentation of waste and recycling and method of collection, including provision for recycling. The approved details shall be implemented upon occupation of the development hereby permitted and retained thereafter.