



Appeal Decision

Site visit made on 19 September 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/Z0116/W/22/3297766

8 Cordwell Walk, Horfield, Bristol BS10 5BZ

- 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 Rob Wilton against the decision of Bristol City Council.
 - The application Ref 21/05005/F, dated 13 September 2021, was refused by notice dated 8 February 2022.
 - The development proposed is 2 No. dwellings to the side of 8 Cordwell Walk with garden space provided by land to the rear of 44 and 44a Bishop Manor Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity and to reflect the amendment to the scheme, made prior to the Council making its decision, reducing the proposal from 3 to 2 new units. Amended plans were submitted during the consideration of the application, illustrating this. These amended plans were fully considered by the Council, and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with respect to outlook, light and privacy.

Reasons

Character and Appearance

4. Cordwell Walk is a short residential street made up of similar two storey semi-detached or terrace properties with a consistent set back from the road. An open and spacious character is provided by the sizable rear gardens and the significant separation gaps between the end properties and the dwellings along Bishop Manor Road to the north and Maskelyne Avenue to the south.

5. The proposed dwellings would incorporate a scale, design and detailing to match the terrace, and would sit opposite Nos 9 and 11 Cordwell Walk. They would therefore result in a well-proportioned and balanced form and would sit comfortably with the existing character and appearance of the terrace.
6. The dwellings would sit within the existing substantial gap between No 8 Cordwell Walk and the rear of the dwellings on Bishop Manor Road. This gap, currently used as the parking space for No 8, mirrors a similar large parking area opposite which serves No 11. The partial infilling of this gap with the two new dwellings would retain a reasonable separation gap to the Bishops Manor Road dwellings and would be result in a similar separation gap to the space opposite.
7. However, the subdivision of the site would result in significantly reduced rear garden spaces for Nos 44a and 44 Bishop Manor Road. The proposed end unit (Unit 2) would also have a considerably smaller plot than surrounding properties. This would be at odds with the consistently sizeable garden areas in the locality and would erode the area's sense of spaciousness. In addition, Unit 2 would appear cramped within its plot, close to its boundaries and squeezed into the available space. This would have a substantial detrimental impact on the street's existing open character and lead to significant harm in this regard.
8. I note that the appellant points to a previous permission¹ granted for 1 dwelling on this site, and whilst no full details are provided of this, the plan extract included in the submissions shows a larger curtilage, including at the side of the property. As such it is not directly comparable to the proposal before me.
9. I therefore conclude that the proposed properties would therefore harm the character and appearance of the surrounding area. The proposal would therefore conflict with Policy BCS21 of the Bristol City Council Core Strategy (2011) (CS) and Policies DM21, DM26, DM27 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014 (DM), which set out that development, including extensions to existing buildings, should be appropriate to the immediate context, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are in broad conformity with the National Planning Policy Framework (the Framework) which requires, amongst other matters for developments to add to the overall quality of the area and be sympathetic to local character.

Living Conditions

10. Given their siting, the proposed dwellings would extend the existing terrace towards Nos 44a and 44. However, as stated above, there would remain a reasonable separation distance between the properties. Whilst the side of Unit 2 would be sited due south of the rear of Bishops Manor Road and this would be a two-storey property, this gap would be sufficient to ensure that the proposal would not result in a significant reduction in the amount of natural light within and outside these properties. The gap would also ensure that the proposal would not have an overbearing and dominating impact on the existing outlook from these neighbouring properties to the detriment of the living conditions of the occupiers.

¹ Reference number 10.05229/F

11. The proposal would result in the subdivision of the existing plot, and Unit 2 would have its rear elevation set a short distance from the rear garden area of No 46 Bishops Manor Road. The garden area of No 46 is obliquely overlooked at present by its attached neighbours and No 8. However, Unit 2 would directly overlook this garden at close proximity, which would significantly reduce privacy for the occupiers of No 46.
12. This is mitigated somewhat by the oriel style design of the bedroom window (and I acknowledge that, other than rooflights, the sole other rear facing first floor window serves a bathroom and would be obscure glazed), however, given its design and position, it would not prevent direct overlooking of the rear part of the garden. Whilst this area does not contain No 46's patio area which would usually be the most used space, it does not follow that the users of the garden have no right to some feeling of privacy at its rear. The proposed 2m boundary fence would also not prevent direct overlooking of some of this garden space.
13. The appellant again points to the previous approval for a new dwelling on this site. Although it has been put to me that it had the same window configuration as the appeal proposal, I have limited details of this approval in terms of internal layouts or measurements, and it is therefore difficult to compare overlooking impacts. In addition, it appears that this permission has lapsed. As such, I can only afford limited weight to this previous scheme which would not outweigh the harm identified. Notwithstanding this, each case is considered on its own merits and a previous approval would not justify further harmful development.
14. Therefore, the proposal would result in a level of overlooking exceeding the existing and, despite the built-up urban nature of the area, would result in an unacceptable loss of privacy for users of the garden of No 46, to the detriment to the living conditions of the occupiers. Accordingly, it would conflict with CS Policy BCS21 and DM Policy DM30 which, amongst other matters and in accordance with Framework paragraph 130f, seek to protect the amenity of neighbouring occupiers.

Other Matters

15. I note that the appellant's comments on, and the examples given of the Council's ambiguous requirements and the reduction in the proposal from a previous 3 dwelling scheme. However, this should be taken up with the Council, and is not a matter for consideration under this appeal. This does not alter the conclusions I have reached regarding conflict with the development plan.

Planning Balance and Conclusion

16. The Council accept that the latest Housing Delivery Test figures show that it has not delivered the required housing numbers over the past 3 years. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
17. The proposal would result in 2 additional units of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. As 3 bed dwellings, the proposal, incorporating resource efficient and sustainable drainage features, would contribute to the housing mix and supply in a location with good access

to services and facilities. The proposal would also represent an efficient use of land at higher density, which accords with various local guidance and policies, including CS Policy BSC3, which encourage higher density development.

18. The appellant has pointed to a large number of planning approvals in the area. However, limited details are provided of these approvals which limits my ability to assess whether they are directly comparable to the appeal proposal. Accordingly, I attach minimal weight to them and have determined the appeal on its own merits.
19. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. Given the importance attached to design in national and local policies, the significant harm to character and appearance found above, in addition to the failure to ensure acceptable living conditions for the occupants No 46 Bishop Manor Road, are matters to which I attribute great importance. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
20. Whilst I have found the proposal to be acceptable in terms of its effect upon Nos 44a and 44, this does not overcome the conflict with the development plan in relation to matters of character and appearance and harm to the living conditions for No 46. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

B Phillips

INSPECTOR