



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: 24th October 2022

Appeal Ref: APP/Z0116/W/22/3301079

374 Southmead Road, Southmead, Bristol BS10 5LP

- 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 S Rossiter against the decision of Bristol City Council.
 - The application Ref 22/00389/F, dated 25 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is described as '2 no new one-bedroom dwellings on 2 storeys.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposal provides adequate living conditions for future occupiers, with respect to light, outlook and the provision of internal and outdoor space;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, having particular regard to outlook, privacy and light;
 - the effect of the proposal on highway safety; and
 - the effect of the proposed dwelling on the local green infrastructure.

Reasons

Character and Appearance

3. The proposed building would sit behind the terrace fronting Southmead Road, facing an existing rear courtyard area. The frontage terrace is made up of uniform and traditional two storey pitch roofed dwellings with a variety of garden sizes. However, there are also detached two storey residential backland buildings evident neighbouring the appeal site, which are of differing designs and appearances. Immediately to the rear are lengthy 1-2 storey buildings serving the wider Southmead Hospital site. To the south are large commercial buildings set back from the road.

4. The proposed 2 storey building would adjoin an existing similar two storey flat roofed residential building, known as Nos 370 B and C Southmead Road¹. The building would be the same height and a similar width and would sit below the ridge height of the terrace to the front. It would not therefore appear overly dominant in scale. The building would consist of a simple form with varying window sizes. In the mixed surrounding context of the existing rear courtyard, it would not appear out of keeping nor intrusive visually and it would mostly be screened from Southmead Road by the frontage terraces.
5. The subdivision of the existing site would result in a reduced garden size to No 374, however, given the variety of garden sizes in the immediate vicinity, this would not appear incongruous or out of character. The addition of further hardstanding would not detract from the existing courtyard or wider character of the vicinity.
6. I therefore conclude that the proposed development would not harm the character and appearance of the surrounding area. The proposal would therefore comply with Policy BCS21 of the Bristol City Council Core Strategy (2011) (CS) and Policies DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014 (DM), which set out that development should be of a high quality and 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 for occupiers

7. CS Policies BCS18 and BCS21, among other matters, expect proposals to meet appropriate space standards, provide a healthy environment and sufficient space for everyday activities. Two one-bed units are proposed. The nationally described Technical Housing Standards (THS) (2015) require a minimum of 50sqm for a 1 bed 2 person flat. The Council measure the ground floor flat at 42.7sqm and the first floor unit at 48.5sqm. In addition, although the plans show double beds, neither bedroom meet the minimum THS requirement for double bedrooms, and the first floor unit does not have the required amount of storage space. Although I note the appellant refers to the proposal as being exactly what single people are looking for, they do not dispute these figures.
8. Neither unit would therefore meet minimum standards and provide adequate living conditions for future occupiers in this respect. Given the restricted internal space the units would likely also fail to be adaptable or flexible in terms of their layout, as required by CS Policy BCS15.
9. Whilst provided with a 'secure communal yard', situated in a quiet position away from traffic, this includes the bin and cycle storage areas and as communal space, would not provide privacy for users of either unit. I acknowledge that other developments may also lack such private amenity space, however, each case is determined on its own merits and this does not justify to the lack of any appropriate private outdoor space in this instance, which would not provide either unit with a healthy environment.

¹ Approved under application reference 14/00172/F

10. Whilst facing a north-westerly direction, given the scale of the fenestration serving the habitable rooms and the separation distance between the frontage of the property and the rear of the terrace opposite, I am satisfied that the units would be provided with adequate levels of sunlight and daylight. In addition, given this separation distance, the outlook from both units would be acceptable.
11. However, due to the failure to meet minimum floorspace standards and lack of private amenity space, I find that the proposal would not provide adequate living conditions for the intended future occupiers of the scheme. I therefore find that there is conflict with the space standards requirements of CS Policies BCS15, BCS18 and BCS21. These policies are in broad conformity with the Framework.

Living Conditions for neighbouring units

12. Given its siting, the proposed units would directly face the rear of Nos 374 and 372 Southmead Road. Unlike any existing oblique overlooking, the first floor window, serving a bedroom, would offer clear, direct views of the rear of No 374, including the garden space directly behind the dwelling, at a limited distance. The distance between the rear of No 372 and the large first floor glazed double doors serving the kitchen/living room of unit 2 is similar. As such, these doors would offer clear, direct views of the rear of No 372, including the garden space directly behind the dwelling, again at close proximity. This would lead to a loss of privacy for the occupiers of Nos 372 and 374, to the detriment of the living conditions of the occupiers.
13. I acknowledge that the separation distances involved between the building and the rear of the properties facing Southmead Road are similar. I note that the Council set out that the windows serving these units are not directly to the rear of the neighbour in front, which they state mitigates some of the overlooking harm. As such, I can only give this existing development limited weight. In any case, each case is considered on its own merits and a previous approval would not justify further harmful development.
14. The existing outlook from the rear of Nos 372 and 374 is dominated by the existing Southmead Hospital buildings and No 370 B and C. Whilst the proposed development would bring built form closer to both properties, I am satisfied that there would remain a sufficient separation distance to ensure that the proposal would not be overbearing on the outlook from these neighbours. Similarly, despite being located to the southeast of No 376, given the separation distance and oblique angle, I am satisfied that the proposal would have no significant impact upon light or outlook upon this neighbour.
15. However, for the reasons set out above, the development would harm the living conditions of occupants of Nos 372 and 374 Southmead Road in respect of privacy. Accordingly, it would conflict with CS Policy BCS21 and DM Policies DM27 and DM29 which, amongst other matters and in accordance with the Framework, seek to provide quality urban design and safeguard the amenity of neighbouring occupiers.

Highway Safety

16. The proposed access to the site for both pedestrian and vehicles would be via the existing service lane between Nos 372 and No 370 Southmead Road. The

Council measure this access as 2.7m wide, which the appellant does not dispute, and it contains the access doors to both Nos 372 and 370. The lane also provides access to Nos 370 B and C at the rear.

17. The addition of two further units would unavoidably increase the intensity of the use of this narrow access and increase the potential for conflict between cars, and between cars and pedestrians using the entrances to Nos 372 and 370 or the units at the rear. Should this arise, there is no safe place for pedestrians, and any conflict would involve awkward reversing, potentially back onto Southmead Road and its pavement.
18. In addition, the Council indicate that the two parking spaces shown on plan do not meet the minimum required size as set out in appendix 2 of the DM, which includes a necessary buffer space. The appellant sets out that the shortfall in size is minimal, however in this location, I do not see any reason as why substandard spaces should be provided. Unlike with matters such as materials and drainage, given the uncertainty about how an increase in size, however small, would have on the adjacent communal yard and/or the garden of No 374, I do not consider that a condition to secure these details would be appropriate.
19. I note that the appellant points to the former use of the site as a car wash. I have no details of this or whether this was its formal use. In any case, it is likely that this would have been prior to the use of the access by the properties stated above, and so its potential for conflict by different users and consequential impact upon highway safety is not comparable. The Council's lack of concerns regarding highway safety when permitting Nos 370 B and C also does not lead me to a different conclusion.
20. As such, and despite the lack of objection from the Highway Authority, I find that the rear parking area would not provide a safe and accessible parking area and the submitted scheme would lead to conflict between road users in addition to any pedestrians using the rear lane. The proposal would therefore be contrary to the highway safety objectives of CS Policy BCS10, DM Policy DM23 and the Framework.
21. The Council also reference DM Policy DM32 and CS Policy BCS15, however these relate to recycling and refuse provision and sustainable design respectively. They do not mention highway safety and as such, are not relevant in this instance.

Green Infrastructure

22. I understand that a number of trees grew on site, which have since been removed. It is not for me to assess what was required in that eventuality and there is nothing to indicate that the removal of the trees required authorisation in and of itself (for example by virtue of falling within a Conservation Area or being protected via a Tree Preservation Order).
23. Whilst not specifically identifying rear garden trees as green infrastructure (GI) assets, CS Policy BCS9 states that individual green assets should be retained wherever possible. DM Policy DM17, which deals with 'existing GI' seeks to make provision for tree replacement or mitigation where loss is necessary. The supporting text to this policy sets out that it seeks to protect the most valuable trees and mitigate the loss of other important trees.

24. The appellant maintains that the trees were '*weak and straggly and were damaged by recent high wind and needed to be removed.*' In the absence of any definitive information to contradict this, and notwithstanding that the GI is not now 'existing', it is not established that the trees were important, valuable or indeed even removed as part of the proposed scheme. Whilst I note the comments from the Council's Arboricultural Team and from neighbouring occupiers, the appellant has stated in part 10 of the application form that no trees are on the development site.
25. Whilst a small area of the private rear garden of No 374 would be built upon, some limited additional landscaping within the communal yard could be secured by a condition of a planning permission. Therefore, in the absence of substantive evidence to demonstrate that the appeal site comprises important GI and given the siting in a private garden at the rear of a terrace, I am satisfied that the development would not conflict with the aims of the above listed policies or the Planning Obligations Supplementary Planning Document (2012).

Planning Balance and Conclusion

26. 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, and the shortfall is significant. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
27. 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 a 1 bed units, the proposal would contribute to the housing mix and supply in a location with good access to services and facilities. I also acknowledge that the sustainable design features proposed.
28. 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. The lack of suitable living conditions for future occupiers, harm to the living conditions of the occupants of neighbouring properties and harm to highway safety 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.
29. Whilst I have found the proposal to be acceptable in terms of character and appearance and with regards GI, this does not overcome the conflict with the development plan in relation to matters of living conditions and highway safety. 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