



Appeal Decision

Site visit made on 21 November 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/D0121/W/22/3302028

33 Beach Road West, Portishead BS20 7HX

- 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 Booz of Bristol Heritage Homes Ltd against the decision of North Somerset Council.
 - The application Ref 21/P/3023/FUL, dated 28 October 2021, was refused by notice dated 29 April 2022.
 - The development proposed is demolition of existing building, altered access and construction of a block of 4 no. apartments with associated car parking, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of nos. 31 and 35 Beach Road West.

Reasons

3. The appeal site would introduce a block of four flats between nos. 31 and 35 Beach Road West, both of which are single residential dwellings. There would be eight parking spaces to serve the new flats at the rear of the property, which would be accessed via a driveway that would alongside the western flank elevation of no. 31.
4. The car park to serve the new flats would be expected to generate approximately 14 – 16 vehicle movements per day. Notwithstanding the acoustic survey prepared by the appellant, these vehicle movements would result in a notable step change in existing noise levels, given that the proposed parking area currently serves as garden space to the existing dwelling (which is unoccupied). The disturbance that would arise from the associated step change in noise would be felt keenly by the occupiers of the neighbouring properties on either side of the appeal site, most notably within their rear gardens. This is particularly problematic, as the car park would extend alongside a significant proportion of the gardens, which would risk undermining the quiet enjoyment of these spaces. Whilst the proposed acoustic fencing would go some way to mitigating any such impact, I am not persuaded that such mitigation would properly overcome the issue.
5. The impact of the development would be further exacerbated by light pollution emanating from the associated increase in vehicle movements. This impact

would be particularly acute in respect of no. 31, given the elevated level of the habitable rooms to the rear of the property, as well as the raised deck within its garden. Even accounting for the proposed boundary fence, these changes in topography mean there would be direct visibility of the car parking area from substantial areas of this dwelling's living space. In turn, the light pollution arising from these vehicle movements would introduce an unacceptable degree of disturbance, which would be the detriment of the living conditions of the property's occupiers.

6. Whilst the proposed balconies may also lead to an incremental increase in noise levels from the appeal site, I am not persuaded that any such increase would be sufficiently material, so as to meaningfully impact on the amenity of neighbouring properties. Nonetheless, this is a neutral factor, and not benefit of the scheme that would outweigh the other harms identified above.
7. For these reasons, the development would harm the living conditions of the occupiers of nos. 31 and 35 Beach Road West. The development would conflict with Policy DM32 of the Council's Development Management Policies, Sites and Policies Plan Part 1 (2016) (DMP), which seeks to ensure new development will not prejudice the living conditions of adjoining occupiers. Policy DM39 of the DMP is not directly relevant to the scheme as it concerns conversions/subdivision of existing houses into flats. Nonetheless, the proposal would still conflict with the general thrust of this policy, which again seeks to safeguard the amenity of neighbouring occupiers when flatted development is proposed.

Other Matters

8. The Council cannot demonstrate a five-year supply of deliverable housing, which means its policies relating to delivery of housing are out of date. This means paragraph 11(d)(ii) of the National Planning Policy Framework (2021) (Framework) is engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
9. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should promote health and wellbeing through a high standard of amenity for existing and future users. The content of the Framework therefore reflects the overriding amenity principles of the DMP in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies of the DMP should therefore be attributed significant weight in this appeal.
10. The net addition of four dwellings would make a modest, yet welcome contribution to the Council's housing supply. Nonetheless, this benefit would not be sufficient to outweigh the harm to the living conditions of nos. 31 and 35. Consequently, the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance

Conclusion

11. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR