
Appeal Decision

Site visit made on 16 January 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/Z0116/D/22/3308536

14 Mariners Drive, Sneyd Park, Bristol BS9 1QQ

- 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 and Mrs Eastman against the decision of Bristol City Council.
 - The application Ref 22/01980/H, dated 20 April 2022, was refused by notice dated 1 August 2022.
 - The development proposed is an oak framed 1.5 car garage to the front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area including having special regard to the significance of the Sneyd Park Conservation Area (CA) and the impact on trees, and;
 - Whether the proposal would provide a suitable amount of space having regard to the usability of the garage and local planning policies.

Reasons

Character and appearance

3. The CA covers a residential suburb within the city to the north of Durdham Down and bounded by the Avon Gorge and Valley. Its significance is derived primarily from how different phases of residential development reflect how this part of Bristol has evolved over time. This includes the subdivision of 'Sneed Park' into substantial plots for individual residences in the Victorian period, largely low-density 'Arts and Crafts' style development in the inter-war period and more intensive post-war development. The landscape setting and prevalence of mature trees is an important component of the character and appearance of the CA. In combination, these factors result in an attractive, distinctive spacious and verdant character to the CA.
4. 14 Mariners Drive is an attractive large detached 'Arts and Crafts' style house set within a generous plot and wide frontage with its principal elevation facing towards the road. It sits on the southern side of the road within a row of similarly configured and scaled detached dwellings. Whilst each property has its own individual style and detailing, there is a very definite building line and regular set back, emphasised by the largely straight alignment of this section

of Mariners Drive. This allows for an appreciation of the ordered yet spacious settlement pattern and is further enhanced by the verdancy of the street scene due to the prevalence of established trees and hedgerows both lining the street and within front gardens. Overall, the appeal site possesses qualities individually and as part of a wider group of dwellings that make a valuable contribution to the character and appearance of the CA.

5. In considering the impact of the proposal, I am mindful of my statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The proposed detached, single storey garage building would be positioned between the main house and the road. It would overlap the south-eastern end of the principal elevation and would be directly in front of the area where an extension² to the main house has been recently permitted.
7. My observations in the immediate vicinity of the appeal property were that the broad positioning of garages and/or ancillary domestic buildings to the side and/or rear of the principal elevation of dwellings maintained the strong building line and reinforced spaciousness. The siting of the building forward of the clear building line within this part of Mariners Drive would run counter to the established pattern of development which comprises an important factor that underpins the character and appearance of the CA.
8. The structure itself would be subdued and unremarkable, comprising a modest domestic scale, a monopitch green roof, oak frame, plain doors and whitewood feather cladding to three sides, including the long elevation presented towards the road. Hence, there is nothing intrinsically offensive about the appearance of the proposed garage. Rather the harm would derive from its inappropriate siting which would undermine the hierarchy seen in the prevailing established pattern of development. The resultant tension between the overly prominent placement of the structure and its secondary appearance would be discordant and harmful to the character of the host dwelling and wider area.
9. The appellants point to the lower ground level of the proposed siting relative to 12 Mariners Drive and the presence of mature foliage along the frontage and boundaries of the site. They assert these factors would fully screen the proposal in views from the road. A replacement hedgerow alongside the proposed garage is also referred to but is not shown on the proposed site plan. Nevertheless, I acknowledge these factors would reduce the visual impact of the harm identified but shielding it would not altogether negate the inappropriateness of its siting to the character of the CA. Moreover, the argument that the development could be screened is not a strong one in principle as it could be repeated too often to the overall detriment of the CA's significance.
10. Furthermore, despite being within the CA, it is reasonable to suppose from the planning history that the heights of trees and hedgerows may be subject to change. As such, complete screening of the frontage may not always be achievable. In any event, my observations were that some glimpses of the upper part of the structure would be likely to be possible from Mariners Drive if approaching from the Northwest.

¹ Section 72, Planning (Listed Buildings and Conservation Areas) Act 1990

² Planning reference 22/01328/H as denoted on drawing number 301 Revision P2

11. In addition, the Council has raised concerns regarding the potential impact of excavation associated with the development on a cherry tree and Lawson cypress in the front garden. The appellants confirm that they wish these trees to be retained but acknowledge that little arboricultural information was submitted with the application. The proposal would remove an existing leylandii hedge and retaining wall and there would be a change to the levels in the front garden associated with the positioning of the proposed garage. This could have adverse implications for the established root systems of nearby trees and may result in a negative impact on the level of surviving tree cover closest to the proposed building. In this respect, the proposal would neither conserve nor preserve the character and appearance of the CA.
12. It is put to me that a planning condition to require further information, a methodology and protection measures to be subsequently agreed, could ensure that trees are not harmed by the proposal. However, this would necessitate agreement at a point when the principle and siting of the structure would have been established. In order to employ such an approach, I must be confident that an acceptable solution would be possible. In the absence of substantive tree survey evidence, that is not the case. This is reinforced by the supporting text³ to policy DM17 of the Site Allocations and Development Management Policies, Bristol Local Plan, July 2014 (LP) which refers to development involving green infrastructure. It explicitly specifies the standard of tree survey that should form part of the planning application information where trees are present on a development site.
13. Cumulatively, these factors would dilute the spaciousness, verdancy and established grain of the site and wider area. Therefore, the proposal would be harmful to the significance of the CA. Given the relatively modest scale of the proposal, it would result in less than substantial harm to a designated heritage asset. Paragraph 202 of the National Planning Policy Framework (the Framework) advises that in such circumstances the harm should be weighed against the public benefits of the proposal. The development would provide secure, undercover vehicle and domestic storage. In addition, it could facilitate electric vehicle charging. However, these are primarily private benefits and in relation to a general public benefit arising from potentially increased electric vehicle usage, it is not shown that there would be no alternative way of providing charging arrangements. Any general public benefit arising from an improvement in housing stock would be small. Hence, the overall public benefits attract little weight.
14. Although less than substantial, mindful of the statutory duty and national policy⁴, the harm to the significance of the designated heritage asset attracts great weight. Therefore, the public benefits identified would not outweigh the harm to the historic environment. As such, the proposal conflicts with national policy to conserve and enhance the historic environment, which weighs heavily against the proposal.
15. My attention is drawn to existing examples⁵ where garages have been built forward of the front elevation of dwellings. Of the 10 examples cited, only two are on the same road as the appeal site and one of those is a considerable distance away. Even so, the photographs provided tend to reinforce my

³ Paragraph 2.17.8 – Application Information

⁴ Paragraph 199 National Planning Policy Framework

⁵ Page 6, Appellants' Design, Access and Heritage Statement

concerns that the siting of a garage block in front of an established building line can detract from the character of the area. Therefore, these examples would not provide a sound basis to allow further such development.

16. In making my determination I have had regard to the Council's Supplementary Planning Document Number 2 entitled 'A Guide for Designing House Alterations and Extensions, October 2005'. However, the advice in relation to garages is broadly generic, stipulating that they should generally respect the scale, character and materials of the property. Whilst it refers to side garages it does not expressly mention siting garages to the front of the property. As such, it has had a limited bearing on my decision.
17. Accordingly, overall, I find that the proposal would fail to preserve or enhance the character and appearance of the CA and would be likely to have a detrimental impact on trees. Consequently, it would be harmful to the significance of the CA.
18. Therefore, it would conflict with the quality urban design criteria listed in policy BCS21 of the Bristol Development Framework Core Strategy, June 2011 (CS). In addition, it would run counter to policies DM26, DM27, DM30 and DM31 of the LP. Taken in combination, and amongst other things, these policies seek development that respects the layout, character and distinctiveness of the local area and conserves or enhances the historic environment. Given my concerns regarding the likely harm to tree roots, the proposal would also conflict with policy BCS9 of the CS and policy DM17 of the LP which generally seek to retain and protect green infrastructure, including trees.

Usability of the proposed garage

19. Policy DM23 of the LP sets out the Council's approach to transport development management, and amongst other things refers to parking standards. It states that it expects development to provide an appropriate level of safe, secure, accessible and usable parking having regard to the parking standards. The supporting text explains that the approach to parking aims to promote sustainable transport methods such as walking and cycling. Consistent with that, Appendix 2 of the LP confirms that it sets a maximum car parking standard and that for three or more bed houses the standard sets an average of 1.5 spaces per dwelling. The explanatory notes define the minimum dimensions for a car parking space and a single residential garage. The former is 2.4m by 4.8m and the latter is 6m by 3m.
20. The appellants state that the garage in this case would measure 5.2m x 4.4m with an internal floor measurement of 4.8m x 3.9m. Both parties allude to the possibility of lengthening the garage to 6m and consequent potential implications for the first main issue. However, I have determined the proposals on the plans submitted. Hence, the proposed garage would fall short of the requisite length for it to be 'counted' as a parking space under the Council's adopted parking standards.
21. Nevertheless, there is no evidence before me to suggest that the Council is in any way concerned that insufficient off-street car parking would be provided at the property that would have knock on effects for highway safety or the road network. That would be consistent with the maximum parking standard approach and my observations that the size of the existing driveway and

hardstanding at the property would already provide ample opportunities for off-street parking.

22. Therefore, although the appellants have indicated their intention to use the proposed structure for car parking, in the event it was built, they and future occupants would not be obliged to use it for that purpose. It is not clear to me that the parking standard for garages in the LP was intended to set a mandatory wider design standard for all domestic outbuildings with the potential to store vehicles. Rather the standard gains traction if the development in question was in some way predicated upon that amount of parking provision. That is not the situation here.
23. It is also likely that the Council's single residential garage standard was set to cater for a wide range of vehicles, and so sufficiently generous to accommodate larger vehicles, plus some storage area. Although little evidence has been provided to me regarding vehicle lengths, the length of the proposal is likely to be able to house average and smaller sized domestic cars. This is because it would be at least equivalent to the length of the Council's standard parking space. In the event an occupant of the property had a longer vehicle, then it could be parked safely on the driveway. Moreover, given that the proposal would be wider than the Council's single garage dimension, there would be room for storage to the side.
24. Therefore, in these circumstances I find that the proposed garage would be a usable building, and that sufficient safe, secure, accessible and usable parking would be provided at the property. It follows that I am not persuaded that any tangible harm would arise from the shortfall in length relative to the Council's parking standard for a single residential garage. Accordingly, the proposal would provide a suitable amount of space having regard to the usability of the garage and local planning policies and would not run counter to the requirements of policy DM23 of the LP.

Other matters

25. The appellants generally refer to the ability to construct hard surfacing under permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 2015 (as amended). They contend on that basis that the extended driveway need not be considered under the scope of the proposal. Be that as it may, I have considered the proposal based on the submitted proposed plans and evidence presented to me. It has not been conclusively established that a 'fall back' position exists by way of a certificate of lawfulness. As such, this matter attracts limited positive weight.

Conclusion

26. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise⁶. The proposal would result in harm to the character and appearance of the area and a designated heritage asset and would therefore, conflict with the development plan on this basis. I have not found that this should be outweighed by other material considerations.

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

27. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector