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# Appeal Decision

Site visit made on 18 October 2022

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 February 2023**

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**Appeal Ref: APP/Z0116/W/22/3296023**

**15 Westfield Road, Westbury-On-Trym, BRISTOL, BS9 3HG**

- 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 Juniper Homes against the decision of Bristol City Council.
  - The application Ref 21/05310/F, dated 28 September 2021, was refused by notice dated 13 January 2022.
  - The development proposed is demolition of existing buildings and erection of 4no. dwellinghouses, with parking and associated works.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area; including the effect on the setting of the adjacent Conservation Area.

## Reasons

3. The appeal site comprises a broadly rectangular piece of land fronting Westfield Road. The site is currently occupied by No 15 Westfield Road, a large two-storey detached dwelling. The site includes a double garage, driveway and garden areas. The property at No 15 is set well back from the road behind a substantial front garden area and a variety of mature planting, including trees.
4. Westfield Road is a fairly narrow residential street which hosts a variety of different properties. The dwellings directly opposite the appeal site are largely two-storey semi-detached houses set back from the road behind front garden and parking areas. To the left and right hand sides of the site are larger blocks of development at Kingsley House and Lewellyn Court. With a few exceptions, including the buildings at Llewellyn Court and the existing property at No 15, the street has a broadly consistent building line with reasonably sized gaps between properties, particularly at first floor level, leading to a sense of spaciousness. Though designs differ mature trees and planting are prevalent and create a verdant and green character and appearance.
5. The appeal site is adjacent to the boundary of the Westbury-on-Trym Conservation Area (CA). Specifically, the Westbury-on-Trym Conservation Area Character Appraisal, July 2015 (The Appraisal) states that the site sits next to the Henbury Road area of the CA and states that the positive characteristics of this area include mature trees (street trees and those within private gardens) which add to the 'green' character that appears throughout the CA. The

Appraisal also states that Westfield Road properties are set back behind low front boundaries and gardens.

6. The proposal is for the demolition of the existing dwelling and the erection of four dwellings which take the form of two, two-storey semi-detached pairs with accommodation within the roof space. Each of the proposed dwellings would be provided with off-street parking and garden space.
7. The proposed dwellings would be staggered within the site with one set behind the other. Whilst this arrangement would not reflect the consistent building lines which are present elsewhere, due to the corner location of the site and its proximity to the less formal building arrangement of Llewellyn Court, the proposal would not appear obtrusive or cause visual harm in this regard.
8. The design, shape, scale and proportions of the proposed dwellings would also be notably different to others in the immediate area. The proposed buildings would each appear almost "U-shaped" due to the set back of the front door areas from the front elevation of the building. This feature would be at odds with others within the area which largely have one flat front elevation, or have projecting front porches/doors.
9. The proposed dwellings would be two-storey and would be consistent with the heights and materials of other neighbouring buildings. However, the dwellings would have accommodation within the roof space. The buildings would have half-hipped roofs with windows within the roof slope to the front elevation and rooflights to the rear. The roof slope windows would appear disproportionately small when viewed in the context of the vast expanse of the roof. The roof form itself would appear as an excessively large element of the building as a whole and would appear visually jarring when viewed in the wider context of the area. Furthermore, the first floor windows of the dwellings would breach the eaves of the building thus further highlighting the comparative bulk of the roof.
10. Though I recognise that the existing dwelling on site already has a notably different appearance to others in the area, this dwelling is viewed as a stand alone detached dwelling which occupies a much larger plot and is well screened from the road. Moreover, the existing dwelling reflects many of the key characteristics of the area thus creating a sense of cohesion despite its differences. Due to their design, positions within the street, reduced screening and much smaller plots the proposed dwellings in this case would appear visually obtrusive and fail to offer the same visual tie-ins as are currently present.
11. I note that a number of other buildings within the area have differing roof forms, including some with half hipped roofs. However, these properties are generally less prominent than would be the case at the appeal site due to the location of the plots and intervening mature planting. These examples are also, in my view, the exception and not the rule and the majority of properties which would be seen in the immediate context of the appeal site do not reflect this type of roof design.
12. I also acknowledge that some other nearby buildings are of a larger scale and some do indeed have accommodation within their roof spaces. However, these properties are once again an exception which sit outside of the prevailing characteristics of the area.

13. The proposal would result in the loss of ten of the nineteen trees which are currently present on site. The appellant states that four trees within the site are considered to be Category U trees which should be removed in accordance with good arboricultural practice. Six further Category C trees are proposed to be removed to facilitate the proposed development.
14. The trees and mature planting, as well as the area to the front which is currently laid to lawn, make a significant positive contribution to the character and appearance of the area. The planting and greenery serve to soften the built form, emphasise the set back of the existing dwelling from the road and create a green and verdant character and appearance. The removal of a number of the mature trees, the low boundary treatment and the replacement of the lawned area with a large expanse of hardstanding would have a notably detrimental impact on the character and appearance of the area. The removal of these features which are considered to be key characteristics of the adjacent CA would also cause harm to the setting of the CA.
15. I note that some other properties within the area have fewer trees and plants than is currently the case at the appeal site. Nevertheless, many, including those buildings at Kingsley House and Llewellyn Court, have areas of lawn and mature planting and hedges separating the buildings from the road and softening the built form thus contributing to the prevailing character and appearance of the area.
16. I acknowledge that the trees on site are not protected and accept that a landscaping scheme, including the planting of nineteen additional trees, has been proposed in order to mitigate the loss of the existing trees. However, the replacement trees would be significantly smaller than those which they would replace and it would be many years before the visual impact of the loss of the existing trees was reduced. Furthermore, I share the concerns expressed regarding the potential longevity of the proposed trees due to the number which would be provided within fairly small garden areas in close proximity to the proposed dwellings.
17. For the reasons set out above, I consider that the proposal would cause significant harm to the character and appearance of the area and would also have a detrimental impact on the character and green setting of the adjacent Westbury-on-Trym Conservation Area.
18. As such, the proposal would fail to comply with Policy BCS21 of the Bristol Development Framework Core Strategy, June 2011 (CS) and Policies DM26, DM27 and DM29 of the Bristol Local Plan – Site Allocations and Development Management Policies, July 2014 (DMP). Amongst other things these policies seek to ensure that new development in Bristol should deliver high quality urban design and expects development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.
19. The proposal would also fail to accord with CS Policy BCS9 and DMP Policies DM15 and DM17 which seek to protect green assets within the area, expect the provision of additional and/or improved management of existing trees as part of the landscape treatment of new development and require new development to integrate important existing trees. The aims of CS Policy BCS22 and DMP Policy DM31 to safeguard or enhance the character and setting of Conservation Areas would also not be met by the proposal.

20. The development would also fall short of the expectations of The National Planning Policy Framework (the Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.
21. Furthermore, the proposal would fail to conform with the Framework's expectation that new development within the setting of heritage assets should seek opportunities to enhance or better reveal their significance. The Framework also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. The proposal would fail to achieve these aims.

### **Other Matters and Planning Balance**

22. I acknowledge that the current scheme has been decreased in size and altered from a previous proposal with the aim of overcoming the concerns which were raised. However, as set out above, in my view the alterations are not sufficient to mitigate the identified harm.
23. I note that the proposal raises no concerns with regards to a number of other matters. However, the lack of harm is a neutral factor and not a benefit of the scheme and as such these elements do not carry additional weight in favour of allowing the proposal.
24. There is no dispute that the Housing Delivery Test indicates that the Council's delivery of housing was below the housing requirement over the previous three years or that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
25. The addition of three new family dwellings which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. I acknowledge that the dwellings would be in a location well served by existing facilities and infrastructure and would make efficient use of the land within the site. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context. I also consider that the benefits could be achieved through an alternative scheme which would not cause harm in the same way as would be the case in respect of the current proposal. I therefore afford these considerations moderate weight.
26. On the other side of the balance I have identified that the proposal would cause significant harm to the character and appearance of the area, including to the setting of the adjacent CA. The Framework is clear that good design is a key aspect of sustainable development and that the creation of high quality places in which people can live and work is fundamental to what the planning and development process should achieve. Therefore, the conflict with policies identified above, which are consistent with the Framework in this regard, attracts significant weight.

27. Accordingly, the harm which would be caused by the proposal would, in this case, significantly and demonstrably outweigh the cumulative benefits when assessed against the policies in the Framework taken as a whole.
28. I have noted a number of other issues raised; including the effect on parking, the effect on the living conditions of other nearby residents and the effect on ecology amongst others. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.

### **Conclusion**

29. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. There are no other material circumstances which indicate that planning permission should be granted. Therefore, for the reasons given above I conclude that the appeal should fail.

*L J O'Brien*  
INSPECTOR