



Appeal Decision

Site visit made on 5 April 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2023

Appeal Ref: APP/P0119/W/22/3310353

27 Four Acre Avenue, Downend, Bristol BS16 6PD

- 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 M Micciche against the decision of South Gloucestershire Council.
 - The application Ref P22/03662/F, dated 30 June 2022, was refused by notice dated 5 September 2022.
 - The development proposed is demolition of existing storage building and garage to form new access and erection of 1no new dwelling with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing storage building and garage to form new access and erection of 1no new dwelling with associated works, at 27 Four Acre Avenue, Downend, Bristol BS16 6PD, in accordance with the terms of the application Ref P22/03662/F, dated 30 June 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. 26 and 27 Four Acre Avenue are a pair of semi-detached dormer bungalows. No 28 and 29 are detached bungalows. The rest of Four Acre Avenue is made up of 2 storey semi-detached dwellings and short terraces, set back from the street with parking areas to the front. Dwellings sit within generous linear plots. There is no strong unifying design or detailing to define the character of the street.
4. Four Acre Avenue is a cul-de-sac which runs off Four Acre Road at right angles. The surrounding area is suburban housing, predominantly laid out in 'loops and lollipops', where streets and housing relate to each other at various angles and with varied distances between rear elevations. In this context, although the front building line of Four Acre Avenue is consistent as it follows the street, I do not consider this to be a particularly distinctive feature.
5. In addition to a linear garden typical of the surrounding dwellings, the garden of No 27 also includes an area to the rear which extends across the end of the gardens of Nos 26 and 28. As such, the plot within which No 27 is located is different to its neighbours.

6. The T shaped appeal site is made up of part of the current plot of No 27, consisting of a narrow strip along the boundary of No 27 with No 28, with the main body of the site located at the end. To the west of the main body of the site is the garden of No 25, with playing fields for a school to the north. An area of trees lies to the east and then the gardens of dwellings along Four Acre Road.
7. Local plan policies require development to be well designed and to respond to the characteristics which make an area distinctive. This includes being respectful of the siting, building line, form, scale, height, massing, detailing, colour and materials which characterise an area. The proposal would be a dormer bungalow of a size and finish that would not be out of keeping with the surrounding dwellings and no issues have been raised by the Council in this regard. The Council reason for refusal rests on the siting of the dwelling.
8. I acknowledge that the proposed dwelling would be sited well back from the clear and consistent building line along both Four Acre Avenue, from which it would be accessed, and Four Acre Road. As such the proposal would not have a street presence and would be different to the dominant grain and pattern of development in the immediate area. However, local plan policies do not preclude 'backland' development, and I am aware of several examples in the area around the site where dwellings are set behind the main building line. Consequently, I need to consider if any harm would arise from the proposed siting.
9. The limited height of the proposed dwelling and the height and limited gaps between dwellings along Four Acre Avenue and Four Acre Road mean that visibility of the proposal from the street would be very limited. Glimpses of it may be possible along the access drive, formed by removal of an existing garage to the side of No 27, but the proposed dwelling would be set off to one side of the access drive. Views of the proposal from within the school playing field would be seen in the context of the existing dwellings along Four Acre Avenue and Road. Therefore, the visual impact of the proposal on the character and appearance of the area would not be detrimental, when viewed from street level which is the basis on which my assessment has been made.
10. The proposed dwelling would be set well back from the rear of No 27 and would be roughly equal distance to the rear of dwellings along Four Acre Road. Being contained within this corner means that although the dwelling would be separate from the street frontage, it would not be isolated. While the proposed siting would be different to its surroundings, its discrete and significantly screened location mean it would not undermine the consistency of the prevailing building line. Hence, I do not consider the proposed siting to be disrespectful of, or detrimental to, the existing pattern of development.
11. I conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, the development would comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (Adopted December 2013) and Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted November 2017) (PSP). Together, amongst other things, these policies seek to ensure that development is of high-quality design which responds to the characteristics which make an area distinctive.

Other Matters

12. I have been made aware of examples of other 'backland' development in the area, full details of which are not before me. While I note their existence, I have determined this appeal on its own merits, circumstances, and situation.
13. Reference has been made to permitted development rights to construct an outbuilding in the garden of No 27. However, I have found that the proposal would not be harmful to the character and appearance of the area. Consequently, there is no need for me to consider if there is a valid potential fallback position, and if so, whether and to what extent it might weigh in favour of the proposal.
14. The parties disagree about whether policies are considered to be out of date and if the Council can demonstrate a 5-year supply of housing land. Regardless of this, as I have found the proposal to be acceptable, there is no need for me to apply the 'tilted balance' set out under Paragraph 11 of the National Planning Policy Framework.
15. Interested parties have raised concerns about the suitability of the access and the potential impact of the proposal on surrounding gardens and wildlife, as well as disruption during construction. I have been presented with no substantive evidence which would lead me to conclude that these matters would make the proposal unacceptable in planning terms and they did not form part of the Council reason for refusal.

Conditions

16. The Council have suggested a range of conditions, which the appellant has been made aware of and raised no objections to. I have considered the suggested conditions and amended and reordered them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance (PPG).
17. A condition specifying the approved plans is necessary to provide certainty. In the interest of the living conditions of future occupants and to ensure highway safety and a sustainable development, I have attached a condition to secure suitable access, parking, and bin/recycling storage arrangements.
18. In the interest of the character and appearance of the site and surrounding area and the living conditions of future occupants, a condition is necessary to ensure that surrounding trees are protected. Given the proximity of the site to other dwellings, particularly at the access point, it is reasonable and necessary to restrict hours of working during construction, to safeguard the living conditions of neighbouring occupants. Due to the proximity of the new dwelling to boundaries and its relationship with other dwellings, it is necessary to prevent the addition of windows under permitted development rights, to protect the living conditions of existing and future occupants.
19. The Council also suggested a condition to secure an electric vehicle (EV) charging point. The amended Building Regulations require the installation of an EV charging point for a new dwelling. Planning decisions should not duplicate the function of other regulatory bodies or controls. Therefore, as the development would be subject to the amended Building Regulations, it is not necessary to impose a planning condition to secure an EV charging point.

Conclusion

20. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall begin no later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following list of approved plans, drawings and documents:
 - SLP A - The location plan
 - 3000 C - Proposed site plan
 - 3001 B - Proposed block plan
 - 3100 B - Proposed ground floor plan
 - 3101 C - Proposed first floor plan
 - 3102 A - Proposed roof plan
 - 3200 B - Proposed North and South elevations
 - 3201 C - Proposed West and East elevations
- 3) Prior to first occupation of the dwelling hereby approved, the access, parking, and bin/recycling storage arrangements shall be implemented in full accordance with approved plan 3000 C and shall be retained thereafter.
- 4) The development hereby approved shall proceed in strict accordance with the tree protection measures set out in the submitted arboricultural report (Silverback, November 2021).
- 5) The hours of working on site during the period of construction shall be restricted to the following:
 - Monday to Friday - 7:30am to 6:00pm
 - Saturday - 8:00am to 1:00pmNo working shall take place on Sundays or Public Holidays.
For clarification, the term working shall include - the use of any plant or machinery (mechanical or other), the carrying out of any maintenance or cleaning work on any plant or machinery, deliveries to the site, and the movement of vehicles within the site.
- 6) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows, dormer windows or rooflights, other than those expressly authorised by this permission, shall be constructed on the roof slope of the south elevation of the dwelling hereby approved.

***** End of Conditions *****