



Appeal Decision

Site visit made on 28 February 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/Z0116/W/22/3309072

357 Filton Avenue, Horfield, Bristol, BS7 0BD

- 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 Harpeet and Harminder Sehmbi and Kaur Sehmbi against the decision of Bristol City Council.
 - The application Ref 22/01322/F, dated 15 March 2022, was refused by notice dated 10 June 2022.
 - The development proposed is described as 'Change of use of existing office (Use Class B1) to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of one new building housing 3.no flats over three storeys and associated amenity space, bin and cycle storage.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the area; b) the living conditions of neighbouring occupiers; and c) whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and Appearance

3. The appeal site is a terraced building. The area has a pleasant consistency which is found in the strength of its urban grain, itself made up of largely two storey closely related mixed use and residential buildings in a single tier layout facing the back edge of the pavement. Plots are generally narrow with smaller outbuildings to the rear of frontage development. The appeal site contains high density built form with a limited amount of open space.
4. The proposed development would introduce a block of flats, which would be a primary building, in the back land area between the terrace on Filton Avenue and the rear gardens of properties on Bridge Walk, which, with the exception of smaller, ancillary buildings, and the extensions on the site, is currently free from built form. This would be in marked contrast with the existing pattern of development and introduce an uncharacteristic second tier thereof. The incongruousness of the proposals would be exacerbated by the building's lack of a street frontage.
5. The extensions currently covering the appeal site's rear are largely single storey, with the two-storey element being much lower in height than the host

building. The proposed development would introduce a three-storey building which would be taller and thus more noticeable, particularly when travelling north along Filton Avenue in the gap between the appeal site and Horfield Library.

6. The proposals would therefore harm the character and appearance of the area, jarring with its consistency. Accordingly, I find conflict with Policy BCS21 of the Bristol City Council Development Framework Core Strategy (2011) (CS) and Policies DM26, DM27 and DM29 of the Bristol City Council Site Allocations and Development Management Policies (2014) (SADMP) which seek, amongst other things, to ensure that development contributes positively to an area's character and identity and the broader street scene. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework (Framework) which seeks good design sympathetic to local character.

Living Conditions of Neighbouring Occupiers

7. To the south of the appeal site lies a cul de sac with a group of flats on Rosemead. These properties are at a lower level than the appeal site with three of the second-floor windows of the closest building at Rosemead looking at the blank wall which currently bounds the appeal site.
8. The proposed development would remove the blank wall which currently dominates the outlook from the windows of the nearest building on Rosemead. This would improve the outlook from two of the windows, however these do not appear to be habitable rooms. In their submission the appellant notes that the third window serves a habitable room, and this would face the proposed development. Given the minimal gap between the third window and the side elevation of the proposed development and the height of that elevation, the proposal would have an increased enclosing effect on the outlook from this window and would also significantly restrict levels of light which would result in the room it serves being unduly gloomy to the detriment of its useability.
9. The proposed development would therefore have a harmful impact on the living conditions of neighbouring occupiers. Conflict would thus arise with CS Policy BCS21 and SADMP Policies DM27 and DM29 which seek, amongst other things, to ensure that development safeguards the amenity of existing development and ensures appropriate levels of outlook and daylight. The appeal scheme would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing and future users.

Living Conditions of Future Occupiers

10. The proposed development would have a flat on each floor, with Flat 3 located on the top floor. Flats 1 and 2 would have a dual aspect with windows to the front and rear. Flat 3 would have two windows on the front elevation.
11. The two windows would be large and provide natural light into the living/kitchen area and the bedroom. This would ensure that the habitable rooms in Flat 3 would be sufficiently naturally lit. Whilst there would be limited outlook, such would be provided via what would be two large windows facing the rear of the host building. This would be sufficient.
12. With regards to cycle storage, and whilst the plans note 4 spaces, the size of the area for cycle parking, approximately 6.5 square metres, would be adequate to accommodate 5 bicycles. Additionally, the appellant notes that the

access to the cycle store measures 1200mm, in accordance with the requirements of the Council. As such there would be adequate space and access for cycle storage.

13. The proposed development would therefore have acceptable effect upon the living conditions of future occupiers. This would comply with CS Policies BCS10, BCS18 and BCS21 and SADMP Policies DM23, DM27 and DM29 which seek, amongst other things, to ensure that developments create a high-quality environment for future occupiers. The proposal would comply with the advice set out in paragraph 130 of the Framework that seeks high standards of amenity for existing and future users.

Conclusion

14. Whilst there would be no harm in regard to the third main issue, this would be neutral and thus insufficient to outweigh the harm in regard to the first and second. There are no other relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan which, for the above reasons, the appeal scheme would be in conflict with. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR