



Appeal Decision

Site visit made on 27 March 2023

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2023

Appeal Ref: APP/Z0116/W/22/3298842

Land to rear of nos. 44 and 46 Wrington Crescent, Bristol BS13 7EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Jack Alford against Bristol City Council.
 - The application Ref 22/01358/F is dated 17 March 2022.
 - The development proposed is construction of 2no. three-bedroom, semi-detached dwellings.
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Decision

1. The appeal is dismissed, and planning permission is refused for the construction of 2no. three-bedroom, semi-detached dwellings.

Application for costs

2. An application for costs was made by Mr Jack Alford against Bristol City Council. This is the subject of a separate decision.

Preliminary Matters

3. The Council did not determine the application and moreover it has not indicated what decision it would have made, had it been able to issue one. I am satisfied that there is sufficient material to enable a decision on the merits of the case to be reached and written notice to the parties has been given to this effect.

Main Issues

4. The planning application was submitted to overcome the Council's refusal reasons in respect of an earlier proposal for a pair of semi-detached dwellings on the site (Ref 21/01577/F). That application provides a useful starting point for defining the main issues in this case. Having regard to the planning history, my observations at the site visit and the policies of the development plan, I consider the main issues to be:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the living conditions of the occupiers of properties in Wrington Crescent, with particular reference to outlook, privacy and sunlight;
 - c) whether the development would provide acceptable living conditions for future occupiers; and
 - d) whether the scheme would provide safe access to the site and adequate parking provision.

Reasons

Character and appearance

5. Wrington Crescent has a well-defined layout comprising semi-detached houses set in rectangular plots arranged around a crescent. The surrounding area is mainly characterised by straight streets and cul-de-sacs containing dwellings of a similar age and appearance to those in Wrington Crescent. The topography is such that the properties on the west side of the crescent are set lower than the land behind, meaning that their rear gardens are on a slope. There are elevated views across some of the gardens from Nailsea Close and the public footpath which leads up to it from Bishopsworth Road.
6. The appeal site comprises an overgrown parcel of land to the rear of Nos 44 and 46 Wrington Crescent. The evidence suggests that it was originally part of the gardens for both dwellings, but the land has been severed from the residential curtilages using fencing. The appellant explains that the site is not in use as garden due to the steep gradient.
7. The proposed dwellings would be split level, appearing as bungalows from Nailsea Close but two-storeys when viewed from Wrington Crescent. The units would occupy noticeably smaller plots than those surrounding, and they would have a cramped appearance, physically intruding into an area of open gardens. The siting and design of the development would make it visually incongruous in the context of the local townscape, which forms part of a planned interwar housing estate.
8. I have noted the Council's previous comments about the loss of existing trees adjacent to the site. Whether the appellant has the authority to remove these is unknown, as they lie outside of the site boundary, but I noted that they are scruffy specimens. In my view, the removal of the trees would not cause any significant harm to the character and appearance of the area.
9. Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity. Policy DM26 of the Site Allocations and Development Management Policies Local Plan (2014) (LP) states, amongst other things, that development should respect, build upon or restore the local pattern and grain of development, including the historical development of the area, and it should reflect locally characteristic architectural styles, rhythms, patterns, features and themes. LP Policy DM21 stipulates that any development of garden land should not result in harm to the character and appearance of an area. The proposal would conflict with these policies by introducing an alien form of development which is at odds with the established urban grain, and the homogeneous architecture which characterises the area.

Living conditions of neighbours

10. The proposed site plan shows that the dwellings would be sited relatively close (approximately 12.5m) to the ground floor windows of 44 Wrington Crescent. The new building would be dominant and overbearing for the occupants of this property, and to a lesser extent Nos 42 and 46 on either side. The proximity of the development to the neighbours' boundaries would make it oppressive and increase the sense of enclosure within adjoining gardens.

11. Furthermore, I have seen no technical evidence to demonstrate that the proposed dwellings would not give rise to unacceptable overshadowing for adjoining residents. The LP states on page 58 that sunlight and daylight studies may be required for schemes where there is doubt over the acceptability of their impact on the amenity of existing development.
12. The use of high-level windows on the rear elevations of the dwellings would prevent loss of privacy for the occupiers of Nos 44, 46 and 48 Wrington Crescent. However, the bedroom window in the north elevation of House A would facilitate overlooking into the rear garden of No 42. This would be unneighbourly and would add to the harm arising from overbearance.
13. Accordingly, I conclude that the proposal would have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties. There would be conflict with CS Policy BCS21 and LP Policies DM27 and DM29 insofar as they seek to ensure that new development safeguards the amenity of existing development by ensuring appropriate levels of privacy and outlook. These policies are consistent with paragraph 130 of the National Planning Policy Framework ('the Framework') in seeking to ensure that new development promotes a high standard of amenity for existing and future users.

Future living conditions within the development

14. The information supplied by the appellant indicates that the new dwellings would meet the Nationally Described Space Standard. However, it is also relevant to consider the quality of the accommodation. Bedroom 3 in each of the units would be served by high-level windows and roof lights, and as such there would be no meaningful outlook. Bedroom 1 in House A would also have no outlook, as it would be necessary to obscurely glaze the main window to prevent overlooking of the garden belonging to 42 Wrington Crescent.
15. The reception rooms in House A would receive limited sunlight due to the north-easterly orientation of the dwelling and both units would be overlooked by first floor windows in Nos 44 and 46 Wrington Crescent. The distance between windows would be well below the 21m 'rule of thumb' used by the Council. The gardens for both dwellings would also be overlooked and their small size would limit the recreational value of the outdoor amenity space.
16. Overall, I find that the quality of the living environment within the development would be compromised, giving rise to poor standards of privacy and outlook. There would be conflict with the requirement within LP Policy DM29 that existing and proposed development achieves appropriate levels of privacy and outlook, and with the Framework's aim to secure high standards of amenity.

Parking and access

17. Policy DM23 of the LP outlines that new development should not give rise to unacceptable traffic conditions and will be expected to provide safe access to the highway network. It sets out maximum standards for car parking and minimum standards for cycle parking. For the proposed 3-bed dwellings, these equate to a maximum of 1.5 car parking spaces per unit and a minimum of 2 cycle parking spaces. Appendix 2 of the LP explains that the standards will be applied flexibly in small-scale developments to allow for the best layout of the site. On occasion this may result in the provision of driveway space which exceeds that specified in the guidelines.

18. The proposal makes provision for a hard surfaced parking forecourt with 2 car parking spaces per dwelling. These spaces meet the minimum size requirements and as such I deem the provision to be acceptable. The plans show secure cycle storage and details of this could be secured by condition.
19. Access to the site would be across a section of grass verge on Nailsea Close which I note is not adopted highway but does belong to the Council. The verge does not serve a particular purpose in the public realm, although it would still be for the developer to negotiate a legal right of access to the site. There is no substantive evidence before me to suggest that this would not be possible, and it would be an option to impose a condition to ensure that the means of access is secured prior to development commencing. I therefore conclude that there would be no conflict with LP Policy DM23 as it relates to matters of safe access and parking.

Planning Balance and Conclusion

20. The Planning Statement makes reference to the Council's Five Year Housing Land Supply Assessment 2020-2025 which was published in June 2021. This indicates that the authority is unable to demonstrate a five-year supply of deliverable housing sites, with a supply figure of 3.7 years. Paragraph 11 d) of the Framework indicates that in such situations, where the requisite land supply does not exist, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The proposal would make a small contribution towards addressing the housing shortfall and it would do so on a site within the urban area and in a location which has good access to services and facilities, and public transport. Against these benefits, and the temporary economic benefits arising during construction, I must weigh the harms to the character and appearance of the area and the living conditions of neighbours, and the poor living environment for future occupants of the development. These adverse impacts would significantly and demonstrably outweigh the modest benefits of two new homes, and they would bring the scheme into conflict with the development plan taken as a whole. There are no material considerations of such strength as to justify a decision otherwise than in accordance with the development plan.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR