



## 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: 11 May 2023**

---

**Appeal Ref: APP/Z0116/W/21/3270587**

**515-517 Stockwood Road, Brislington, Bristol BS4 5LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr S Litt of Stockwood Land Ltd against the decision of Bristol City Council.
  - The application Ref 20/03657/P, dated 13 August 2020, was refused by notice dated 25 February 2021.
  - The development proposed is erection of a five-storey building comprising 9no. self-contained flats.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application was made in outline with details of layout, scale and access submitted for consideration. Appearance and landscaping are reserved for future consideration. I have treated the submitted plans as being indicative in relation to these matters.
3. The Council has confirmed that, following the submission of amended plans showing a 5m wide carriageway and 2m wide footway, it no longer wishes to pursue the third reason for refusal in respect of access arrangements. No party would be prejudiced by my accepting the revised plans.

### Main Issues

4. The main issues are:
  - a) the effect of the proposal on the character and appearance of the host building and the area;
  - b) whether the development would provide a satisfactory living environment for its occupants, with respect to outlook and external amenity space; and
  - c) whether the scheme would prejudice the existing and future development potential of adjoining land to the north of the site.

### Reasons

#### *Character and appearance*

5. No 515-517 Stockwood Road, also known as Orchard House, is a former office block within the Brislington area of Bristol. The building has been extended and

converted to residential apartments and many of these appear to be occupied. The application relates to a narrow sliver of land on the northern side of the access road, abutting the boundary with a motorcycle dealership. The land is currently occupied by a pair of small buildings which contain a refuse store and electricity substation. These facilities would be re-provided within a scheme of 9 apartments constructed across 5 storeys. The new building would occupy a triangular-shaped footprint with a return section above the existing access road at the front of the site, connecting with the side of Orchard House.

6. The area contains a mix of predominantly functional architecture which reflects the location of the site within an agglomeration of industry and warehousing containing various other uses such as retail parks, fast food outlets and car dealerships. Orchard House is unique in being the only multi-storey building of its type in the immediately locality. Nevertheless, the property has a distinctive character which has been enhanced by the recent conversion to residential use, the new paint scheme emphasising the symmetry either side of the main entrance. The block sits centrally within its site with modest gaps on either side. These gaps have no significance in planning policy but contribute to the setting of Orchard House and the transition to modest buildings on either side. In this regard, they help to integrate Orchard House into the local street scene.
7. The proposed development would be lower than Orchard House and it would be stepped back from the principal façade. It would therefore maintain a degree of visual subservience. Appearance is a reserved matter and therefore there would be scope for design treatments different to those shown on the plans. Nevertheless, by extending the built form to within 1.2m of the northern boundary of the site, the development would appear unduly cramped and it would disrupt the symmetry of the host building. Orchard House contrasts with its neighbours as a standalone building, but it has a distinctive character of its own and the proposal would detract from that.
8. Accordingly, I conclude that the proposal would cause material harm to the character and appearance of the area. It would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM6 and DM27 of the Site Allocations and Development Management Policies Local Plan (2014) (LP), insofar as these seek high quality urban design which responds appropriately to the height, scale, massing, shape, form and proportion of existing buildings.

#### *Living environment*

9. There is no dispute that the proposed flats would meet the requirements of the Nationally Described Space Standard (DCLG, 2015). The Council's principal concerns relate to the quality of the internal accommodation and external amenity space. Two of the flats (Units 3 and 8) would be single aspect and three of the others (Units 1, 2 and 7) would be predominantly single aspect with only a small window on the western wall.
10. A significant number of the rooms would be reliant upon oriel windows, to ensure privacy and prevent overlooking of existing apartments in Orchard House. These windows would be partially obscurely glazed, with a smaller clear glass section facing towards the access road and car park. This would not be a particularly attractive outlook on account of it being dominated by hard surfacing and parked cars, but also the configuration of the windows would discourage casual views out of the windows. This would lead to an increased

sense of enclosure within the affected rooms. I appreciate that some of the flats would be dual aspect, with the units over the access having views across Stockwood Road towards greenery. However, the residents of other units in the rear wing would suffer from poor living conditions within their properties, notwithstanding the compliance with the floorspace standards.

11. The Council argues that the communal roof garden would be inadequate to serve the number of units proposed and that it would not provide a high-quality environment. The garden would be modestly sized, and I agree that its attractiveness to residents would be limited by the proximity of commercial and industrial uses and busy highways. Nevertheless, I am mindful that the existing flats within Orchard House do not have private amenity space and the Council has already accepted this arrangement when granting permission for additional floors on the rear wing. I therefore consider that any shortcomings of the proposed external amenity space should not weigh against the appeal scheme.
12. Notwithstanding this, the poor internal design and layout is a matter which would lead to unacceptable living conditions within the development. There would be conflict with Policy BCS21 of the CS and Policy DM27 of the LP insofar as they seek to ensure that new development creates a high-quality environment for future occupiers by achieving appropriate levels of outlook.

#### *Development potential of adjoining sites*

13. The Council is no longer raising concerns over the implications of the proposal for the development of land at the rear of the site. Its primary concern is the effect on the development potential of land to the north which is currently operated as a motorcycle dealership.
14. LP Policy DM27 states that proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a comprehensive scheme, or by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future.
15. The key question for me to consider here is whether development potential of the adjoining site reasonably exists. I have seen no substantive evidence from the Council to demonstrate that the adjacent motorcycle dealership is likely to be redeveloped. This is a modern building, the design life of which will be measured in decades. In my opinion, it would be unreasonable to withhold planning permission for the appeal scheme on the grounds that the proposal may prejudice a theoretical future development.
16. I therefore conclude that the proposal would not prejudice the development potential of adjoining sites and therefore there is no conflict with Policy DM27 of the LP in this regard.

#### **Planning Balance and Conclusion**

17. The appellant cites Housing Delivery Test results published in January 2021 which indicate that Bristol had delivered only 72% of its housing requirement. The Council has not provided a statement of case and as such it has not confirmed the latest position. For the purposes of the planning balance, I shall

assume that there is significant housing shortfall and that paragraph 11 d) of the National Planning Policy Framework ('the Framework') is engaged.

18. The proposal would deliver 9 new dwellings and it would make a meaningful contribution to the supply of housing. It would make effective use of previously developed land in line with the objectives of LP Policy DM27 and Framework paragraph 119, in a location which has good access to services, facilities and public transport. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The scheme would bring social and economic benefits to the area, both during construction and in occupation.
19. I have found that the proposal would cause material harm to the character and appearance of the host building and the area, and the development would fail to provide a satisfactory living environment for its occupants. These adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. Framework paragraph 119 promotes the effective use of land subject to schemes safeguarding and improving the environment and ensuring safe and healthy living conditions. The proposal does not achieve these objectives, and it would not constitute a sustainable form of development in terms of the Framework. The proposal conflicts with the development plan taken as a whole and there are no material considerations that would indicate a decision otherwise than in accordance with the development plan.
20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR