



Appeal Decision

Site visit made on 3 May 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/Z0116/W/22/3312482

71 Dangerfield Avenue, Bishopsworth, Bristol City, Bristol BS13 8DX

- 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 Leon King of Hareclive Properties Ltd against the decision of Bristol City Council.
 - The application Ref 22/01573/F, dated 28 March 2022, was refused by notice dated 19 October 2022.
 - The development proposed is proposed new dwelling to side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity I have used the description of development given on the decision notice as it more accurately describes the development proposed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a corner plot located within an area which is characterised by a variety of building types including terraced and semi-detached dwellings and blocks of flats. The layout of the area is mixed, however most of the corner sites I observed during my site visit were relatively open owing to side or front gardens with buildings set back from the pavement. Building lines are relatively consistent in the vicinity and this gives the area an ordered, spacious character.
5. The host dwelling is located at the junction of Dangerfield Avenue and Costiland Drive and is set back from both road frontages with a substantial side garden forming the corner. Due to the curve in the road the side garden of the host dwelling is deeper than the front gardens of the properties to the rear, although the building line is similar. The land slopes downwards to the north and as such the existing building is on higher ground than those in Costiland Drive.
6. The proposed dwelling would be attached to the west elevation of the host property and would occupy the majority of the side garden. It would extend the existing terraced row, but in doing so would bring substantial two-storey built form much closer to the pavement edge than the current arrangement, forward

of the building line of Costiland Drive. The topography of the area means that the proposed dwelling would be in an elevated position on approach from the north and it would therefore appear particularly prominent and incongruous when viewed from Costiland Drive. The retained hedgerow would do little to screen the prominence of the dwelling. For these reasons the siting of the dwelling relative to the road and adjacent properties would fail to respond to the existing character of the area, erode the sense of openness that prevails despite the existing hedgerow and would be at odds with the prevailing pattern of development. This would result in a significantly harmful effect on the character and appearance of the area.

7. During my site visit I noted some examples of both one and two storey development close to the road edge. However, these are very much in the minority and none of these examples are as prominent in the street scene as the appeal scheme would be, due to its relationship with the road and the elevated position of the site. Reference has been made in the Design and Access statement to approved applications elsewhere in the city, however I have not been provided with full details of those examples and in any case, I have determined the appeal proposal on its own merits.
8. The area to the front of both the existing and proposed dwelling would be laid to hardstanding and two sections of hedge would be removed to facilitate the provision of additional parking spaces. Given the prominent corner position of the site and the width of the frontage, this would result in a stark appearance and would further reduce the contribution of the site to the character and appearance of the area. The appellant contends that this work could be carried out under permitted development. Be that as it may, I have no substantive evidence to indicate that such development would be carried out should this appeal be dismissed. This limits the weight that I can attach to it as a fall back position.
9. The Council contends that the proposal would remove the opportunity to provide additional green infrastructure (GI). The Council's Nature Conservation Officer suggests that a new hedgerow could offer an opportunity for wildlife following habitat loss and I see no reason why this could not be secured by condition were I to allow the appeal. The garden spaces would be sufficient to provide amenity space whilst allowing for additional planting by future occupants. Therefore, the proposal would provide opportunities for GI and in this respect would not be in conflict with Policy BCS9 of the Bristol Development Framework Core Strategy (DFCS) (adopted June 2011). Reference is made to Policy DM15 of the SADMP however this provides criteria for new GI proposals. Reference is also made to Policy DM17 of the SADMP, however this refers to the loss of open space which is important for recreation, harm to landscape and loss of trees. As such these policies have not been determinative in my decision. However, the absence of concern and conflict with policies in those respects does not justify the harm otherwise identified as previously set out.
10. Having regard to all of the above, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. It, therefore, would conflict with Policy BCS21 of the DFCS and Policies DM21, DM26, DM27, DM29 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (SADMP) (adopted July 2014) and the associated guidance in Supplementary Planning Document Number 2: A Guide

for Designing House Alterations and Extensions (adopted October 2005). The policies when taken together, and amongst other things, seek to ensure that new development delivers high quality urban design, does not harm the character and appearance of the area and reinforces local distinctiveness by responding to existing patterns of development and through the retention of appropriate boundary treatments and GI. The policies are consistent with the National Planning Policy Framework insofar as it seeks to ensure that development achieves a high standard of design and is sympathetic to local character, to which the proposal also conflicts.

Other Matters

11. Set against the harm identified the proposal would provide a dwelling in an accessible location and would make a small but valuable contribution to the Council's housing land supply, along with associated social and economic benefits. The dwelling would include renewable energy technologies, however I have been provided with limited evidence that the efficiency of the dwelling would be significantly higher than would ordinarily be required. Overall, I attach moderate weight to these benefits given the limited scale of the development proposed.

Planning Balance

12. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Policy BCS21 of the DFCS and Policies DM21, DM26, DM27, DM29 and DM30 of the SADMP insofar as the harm identified to the character and appearance of the area. The policies are consistent with the Framework to which there is also conflict in that respect. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise.
13. The Council states that they cannot currently demonstrate a five year supply of deliverable housing sites. The Appellant states that the 2021 Housing Delivery Test shows that Bristol has delivered 74% of its housing requirement and I have received no evidence to the contrary. As the Council cannot demonstrate a deliverable five-year housing land supply, paragraph 11(d) of the Framework, therefore applies. In that respect, the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Consequently, the Framework indicates that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
14. As described above the benefits associated with the proposal for a single dwelling are moderate even taking account of the objective of significantly boosting the supply of housing in the Framework and the Council's housing land supply position.
15. As set out above I find that the proposal conflicts with Policies in the development plan and the Framework in respect of harm to the character and appearance of the area and that conflict is given significant weight. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It follows, that I go on to find that the

material considerations, including the benefits identified in this particular case, do not indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

16. For the reasons given above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Pickernell

INSPECTOR