



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: 12th July 2023

Appeal Ref: APP/Z0116/W/22/3308478

11 The Greenway, Speedwell, Bristol City, Bristol BS16 4EZ

- 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 Adamo Missiato of Missiato Ltd against Bristol City Council.
 - The application Ref 22/03550/F, is dated 18 July 2022.
 - The development proposed is erection of a detached dwellinghouse.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issue

2. Since the appeal has been made, the Council has provided a reason for which they would have refused planning permission, had they retained jurisdiction to do so. The appellant has had the opportunity to respond to this and therefore, they would not be prejudiced by my taking this into account.
3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises land adjoining Cherrytree Crescent that lies to the rear of the existing property on the corner plot at the junction of The Greenway. The area is characterised by a variety of existing building types including some detached dwellings, a block of flats and a school. However, the majority of development in the area comprises semi-detached dwellings set in generous plots within a planned garden suburb layout. Mature landscaping including boundary hedges, street trees and open grassed areas add to this character. Dwellings within corner plots are generally set back from the road by substantial side or front gardens with this pattern of development continuing along the respective streets. This gives the area a spacious character.
5. Planning permission has been granted for a side extension at No 11 The Greenway (No 11) although I noted at my site visit that this had not yet been constructed. This followed a previous appeal decision relating to the property (APP/Z0116/W/21/3288680) which has been drawn to my attention and I have taken it into account. If built, the side extension would bring its side elevation closer to Cherrytree Crescent and nearer to the junction with The Greenway than the proposal. The flatted development to the south west of the appeal site is set well back from the road. This adds some variation to the building line in

the immediate context and the set-back of the flats adds to the spacious character.

6. The front elevation of the proposed dwelling would project forward of the existing side elevation of No 11, that of the approved extension and the front elevation of the adjacent flats. Because of the topography of the area, the proposed dwelling would be on higher ground than the adjacent block of flats and would be highly visible above its front car parking and garden area when viewed from Cherrytree Crescent. For these reasons the dwelling would appear overly prominent and incongruous in the street scene.
7. Were the extension to be built, the proposed dwelling would be in close proximity to its south west elevation which would result in a cramped appearance at odds with the prevailing spacious character and local pattern of existing built form in the area. Where smaller gaps exist nearby, they are between adjacent pairs of houses and not on prominent sites approaching corners as proposed, as such they do not affect the character of the area to the same degree. Even if the extension were not constructed the proposed dwelling would erode the prevailing sense of space on the existing corner site and disrupt the important transition of built form between No 11 and the flatted development in Cherry Tree Crescent through the substantial loss of the rear garden area of the existing property.
8. I acknowledge that the dwelling has been designed to be subservient in scale to No 11 and that the detached form of the proposed dwelling would not of itself be inappropriate given the presence of other detached buildings nearby. However, these factors do not outweigh the harm to local distinctiveness arising from the disruptive prominence of the building and the unacceptably cramped development which would result. I also acknowledge that the proposal would increase the density of development on the site, and would therefore make more efficient use of the land, however this would be to the detriment of the character and appearance of the area.
9. My attention has been drawn to a detached dwelling permitted in the side garden of 32 Heathcote Road. This differs from the appeal proposal in that it is to the side of the host dwelling and the garden area to its rear remains undeveloped, thereby retaining the open appearance and spacious character. As such it is not an example that is an influential factor on my findings and I have considered the proposal on its own merits.
10. I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area and as such conflicts with Policies BCS20 and BCS21 of the Bristol Development Framework Core Strategy (adopted June 2011) which seek to ensure that new development is well designed, takes into account local context and reinforces local distinctiveness. It also conflicts with Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (adopted July 2014), which seek to ensure that development does not harm the character and appearance of the area, is of high quality, well laid out and respects the local pattern of development. Furthermore, it would conflict with relevant paragraphs of the National Planning Policy Framework (the Framework) which seek to ensure that development achieves a high standard of design and is sympathetic to local character.

Other Matters

11. The proposal would provide a 2 bedroom dwelling in an accessible location which would make a small but valuable contribution to the Council's housing land supply and range of property types along with the associated economic and social 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.
12. Based on the evidence before me, I am satisfied that the proposal would ensure an appropriate relationship to neighbouring properties to preserve the living conditions of existing occupiers. The proposal would also ensure a suitable living environment for future residents in those respects and when taking into account the internal living space and proposed private amenity space. In addition, the access and parking arrangements for the proposal would be suitable with no unacceptable impact on highway safety. I am also satisfied when taking account of the Coal Mining Risk Assessment, that any unacceptable impacts on ground stability could be overcome by the imposition of the conditions if the appeal were to be allowed. Nonetheless, the absence of harm in each of these respects is a neutral factor.

Planning Balance

13. 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 policies BCS20 and BCS21 of the DFCS and Policies DM21, DM26, DM27 and DM29 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 material considerations indicate otherwise.
14. The appellant contends that the Council cannot demonstrate a five year supply of deliverable housing sites with the current supply said to be at 3.7 years and I have been provided with no evidence to the contrary. As the Council cannot demonstrate a deliverable five year housing land supply paragraph 11(d) of the Framework 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.
15. 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.
16. As set out above I find that the proposal would conflict with Policies in the Framework in respect of harm to the character and appearance of the area. 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

17. 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 and planning permission should be refused.

E Pickernell

INSPECTOR