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# Appeal Decision

Site visit made on 13 June 2023

**by S Rawle BA (Hons) Dip TP Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 August 2023**

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**Appeal Ref: APP/Z0116/W/23/3314166**

**29 Hobhouse Close, Henleaze, Bristol BS9 4LZ**

- 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 Hassan Khaleghi against Bristol City Council.
  - The application Ref 22/01550/F, is dated 26 March 2022.
  - The development is a 3-storey single dwelling.
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## Decision

1. The appeal is dismissed and planning permission is refused for a 3-storey single dwelling at 29 Hobhouse Close, Henleaze, Bristol BS9 4LZ.

## Preliminary Matters

2. Whilst the address of the development is indicated to be 29 Hobhouse Close (No.29) the submitted plans all refer to 30 Hobhouse Close. In the interests of clarity, I have considered the appeal on the basis of it being an addition to the end of the terrace and attached to No 29.
3. The Council failed to determine the planning application within the prescribed period. The Council has advised that if it had been able to do so, it would have refused the application on the grounds of poor design and the negative impact the proposal has on the character of the local area. I have taken account of the Council's view when identifying the main issue. Further, the Officer's delegated report has set out some development plan policies and I have determined the appeal based on the relevant policies.
4. A dwelling has been completed on the site however the details differ from those shown on the submitted plans. My decision is made on the basis of the details contained in the original application.
5. The evidence includes reference to the use of the building however for the avoidance of doubt, I have determined the appeal on the same basis as that described on the original application form for a 3-storey single dwelling.

## Main Issue

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

## Reasons

7. The appeal site is located in an established residential area of similar properties where rows of terraced houses are arranged around a central green which

creates a strong symmetrical layout. Except for the appeal property, each house has a ground floor bow window with a uniform rounded design. Pillars of the same height are evenly spaced along the frontages of the houses in the same terrace as the appeal property. These prevalent window and pillar features combined with the symmetrical layout creates a balanced uniform appearance which positively contribute to the character of the area.

8. The appeal property has been added to the end of an existing terrace and unlike other properties it does not have a rounded bow window. Rather it has a flat fronted bay window harmfully at odds with the appearance of other windows in the area. Further, although the submitted plans indicate that pillars would be added to the front of the property, these would be shorter than the others in the same terrace which when taken with the deeper rendered horizontal band would look harmfully out of place. In addition, the external black downpipe on the front elevation is a discordant feature which unacceptably harms the character and appearance of the area particularly given that other downpipes on the terrace are concealed.
9. The existing window, the deeper horizontal band, the proposed pillars and the black downpipe would also disrupt the balanced appearance of the terrace and unacceptably break up the uniform appearance and rhythm of this part of Hobhouse Close. As a result, the development (both as existing and proposed) is, or would be, discordant and alien features in the street scene.
10. I note that in the officer's delegated report, it says that during the lifetime of the application, officers have agreed alterations to the dwelling and received an undertaking that they will be implemented within an agreed timescale. It sets out that the alterations would be to the pillars and bay window. However, no formal undertaking is before me.
11. Further, it is far from clear from the submitted drawings that a rounded bow window has been proposed, as for example, the ground floor plan shows a flat fronted bay window serving bedroom 1. In any event, even if I were to be persuaded that a bow window is part of the proposal, or that an appropriately worded condition could be attached to address this element of the proposal, that would not overcome my concerns about the proposed pillars, the deeper rendered horizontal band and the black downpipe which, as outlined above, would be discordant and alien features in the street scene and would cause unacceptable harm to the character and appearance of the area.
12. Whilst some elements of the design are acceptable, such as the roof line, general form, attached solar panels, other fenestration, brickwork and other materials, these acceptable elements do not justify harmful development at the appeal site.
13. I therefore conclude that the development both as existing and proposed unacceptably harms or would harm the character and appearance of the area in conflict with Policies DM26, DM27 and DM29 of the Bristol Local Plan - Site Allocations and Development Management Policies adopted July 2014. Amongst other things these policies seek to deliver high quality urban design that contributes positively to an area's character, reinforces local distinctiveness, and builds upon the local pattern and grain of development. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character.

### **Other Matters**

14. I note that the appellant has purchased a garage within easy walking distance of the appeal property which provides further extra off-road parking space. I am satisfied that the development provides adequate parking provision to serve the dwelling. However, that is a neutral factor that does not justify harmful development at the appeal site.

### **Conclusion**

15. For the reasons given above, the development, as existing and proposed would unacceptably harm the character and appearance of the area. The development conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed and planning permission is refused.

*S Rawle*

INSPECTOR