



Appeal Decision

Site visit made on 16 August 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/Z0116/W/23/3316087

21 Wick Crescent, Brislington, Bristol BS4 4HG

- 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 Steve Baker against Bristol City Council.
 - The application Ref 22/03734/F, is dated 29 July 2022.
 - The development proposed is proposed development of new two storey detached 2-bed dwelling in land to rear garden of 21 Wick Crescent and associated works.
-

Decision

1. The appeal is dismissed and planning permission for proposed development of new two storey detached 2-bed dwelling in land to rear garden of 21 Wick Crescent and associated works at 21 Wick Crescent, Brislington, Bristol BS4 4HG is refused.

Applications for costs

2. An application for costs was made against Bristol City Council by the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council failed to determine the application within the prescribed period. Following the submission of the appeal, the Council have prepared an Officer Report which advises that had the Council determined the application, planning permission would have been refused for a putative reason related to the proposal's design and effect upon the street scene. I shall formulate the appeal's main issue accordingly.

Main Issue

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

Reasons

5. The appeal site comprises part of the rear garden of 21 Wick Crescent, which is located on a corner plot at the junction between Wick Crescent and Hill Lawn. The site slopes uphill to the west which permits clear views of the site from the surrounding area. The south side of this section of Hill Lawn is addressed by the side elevations of the 21 Wick Crescent and 26 Hill Lawn. Both dwellings are set at a slight angle to the adjacent highway and 26 Hill Lawn has been

- extended at two storeys in height to the side¹. Nonetheless, both dwellings retain a set back from both the site boundary and the adjacent footpath.
6. The dwellings in the surrounding area are traditional detached and semi-detached dwellings of brick and render construction with pitched and hipped tiled roofs. Whilst there are some examples on Hill Lawn of garages which have been constructed close to the edge of the footway, dwellings in the surrounding area are typically set back from the adjoining highway. This results in a pleasant and spacious character to the surrounding area.
 7. The proposal comprises a modern detached dwelling which would front Hill Lawn on a part of the garden which is occupied by a redundant garage. The dwelling, which would be lower in height when compared to the typical composition of other dwellings in the surrounding area, would have a flat roofed element sitting above pitched roof slopes. This uncharacteristic roof form, when viewed in combination with the expansive flat roof dormer window planned to the front of the dwelling, would appear as a dominant, discordant and inherently modern feature which would appear out of keeping with the more traditional and consistent character of dwellings in the surrounding area.
 8. Additionally, whilst the proposed use of red brick cladding would be consistent with the palette of materials found in the surrounding area, the extent of standing seam zinc cladding would look out of place in an area proliferated by tiled roofs.
 9. Furthermore, whilst the entrance to the dwelling would be recessed, there would be no set back between the proposed front elevation of the dwelling and the adjacent footpath. This would be at odds with the prevailing pattern of development and the established spacious character of the surrounding area in which dwellings are generally well set back from the highway. This is even when acknowledging the newly constructed side extension to 26 Hill Lawn.
 10. The appellant has drawn my attention to a previous consent which covers part of this site² and which, it is stated, would be larger than the appeal proposal with similar materials and a similar roof form. However, this permission has now lapsed. I have not been presented with any evidence that it has been implemented and the appellant's submission confirms that this consent has not progressed.
 11. Furthermore, whilst the previously permitted dwelling incorporated a standing seam zinc roof over the entrance hall and dormer windows, the main roof comprised terracotta roof tiles and the walls comprised a mixture of brickwork and render. Thus, the approved palette of materials is not directly comparable. Whilst a similar part-pitched, part-flat roof form was approved, this would have been set back from Hill Lawn and incorporated dormer windows of smaller scale than that proposed. Accordingly, even if this permission were capable of being implemented, it would be less harmful to the character and appearance of the surrounding area. All related matters taken into account I find the previous permission to be of limited relevance to my considerations.
 12. The appellant's comments regarding the potential that the dormer window could be carried out under permitted development rights are noted. Nonetheless this is not an existing dwelling house which benefits from such

¹ Under application reference 21/05544/H

² Application reference 19/03145/F

householder permitted development rights, and the dormer window forms an integral part of this appeal proposal. Therefore, as part of the appeal proposal, it is necessary to consider its effect on the character and appearance of the surrounding area.

13. In light of the above I find that the siting and modern design of the proposed dwelling would appear inconsistent in the street scene and lead to significant harm being caused to the character and appearance of the area. The proposal conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (2014) (LP) in so far as these policies seek to ensure that new developments deliver high quality urban design which contributes positively to an area's character and identity.
14. I also find conflict with the policy set down in Section 12 of the National Planning Policy Framework (the Framework) which requires that developments should be sympathetic to the surrounding built environment.

Other Matters

15. The Council found that the proposal would make adequate provision for cycle parking and refuse storage and would be likely to meet with the relevant development plan policies in this regard and in relation to car parking provision and the effect on the highway network. I also note that the proposal would meet Nationally Described Space Standards including appropriate external amenity space provision and that the Council raised no concerns regarding the living conditions of future occupiers of the proposed dwelling, or the effect upon the living conditions of neighbouring residents. However, compliance with relevant national and local planning policies on these matters would be required in any case and therefore these matters do not weigh in favour of the proposal.
16. The proposed dwelling would be located in an area at low risk of flooding and would make appropriate connections to the drainage system. Nonetheless compliance with relevant national and local planning policies covering these matters would be required in any case and does not therefore weigh in favour of the proposal.
17. Comments made regarding surveillance from windows are noted. Nonetheless, based on my observations on site the local area appears to benefit from good levels of natural surveillance from existing dwellings fronting Hill Lawn. Therefore, this matter does not weigh in favour of the proposal.

Planning Balance

18. The Council has confirmed that it is not able to demonstrate a five-year supply of deliverable housing sites and have failed to meet the housing delivery test by virtue of the recent delivery of housing being substantially below the housing requirement. I have no reason to take an alternative view. As the proposal involves the provision of housing, Footnote 8 of the Framework indicates the most important policies for determining the appeal are deemed to be out of date and paragraph 11. d) ii. of the Framework is engaged. This requires that 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.

19. I have found that the proposal would result in harm to the character and appearance of the surrounding area and have identified associated conflicts with CS Policy BCS21 and LP Policies DM21, DM26, DM27 and DM29. Each of these policies is consistent with the Framework in so far as it promotes development that is sympathetic to local character. In this context, I apportion significant weight to the harm I have identified would be caused by the proposal to the character and appearance of the area.
20. Turning to the scheme's benefits, the proposal would make a small contribution towards the city's housing supply on a small site in a built-up area of Bristol with good access to facilities and public transport. This would contribute to the Government's objective to significantly boost the supply of homes. The delivery of one additional housing unit, which would be energy efficient and incorporate renewable technologies as well as locally sourced materials weighs in favour of the scheme and, when factoring in the supply shortfall and delivery record that apply, attracts moderate and meaningful weight as a scheme benefit.
21. There would also be short-term economic benefits associated with construction and in the longer term contributions would be made by future occupiers to the local economy and additional Council tax revenues would be accrued. Given the limited scale of the development I attach limited weight to the development's positive contributions in these senses. I note that the Community Infrastructure Levy to be obtained would help deliver infrastructure needed to support development on a levied basis and, as such, would weigh neutrally rather than positively in the planning balance.
22. The proposal would also make an efficient use of urban land. However, residential garden land in a built-up area is excluded from the Framework's definition of previously developed land. In this context, I attribute limited weight to the benefit of making an effective/efficient use of land. As a further point, given the site's modest size, I attribute limited weight to any potential biodiversity benefits to be drawn from new planting or new green roof elements.
23. Having considered the benefits and adverse impacts of the scheme that is before me, I conclude that the harm I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development, as set out in the Framework, does not apply.
24. Moreover, the proposal conflicts with the development plan taken as a whole and material considerations including the Framework do not lead me to a decision otherwise.

Conclusion

25. For the reasons given above, the appeal should be dismissed.

Nichola Robinson

INSPECTOR