



Appeal Decision

Site visit made on 17 October 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/Z0116/W/23/3322047

48 Station Road, Shirehampton, Bristol City, Bristol BS11 9TX

- 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 Oliver Lewis against the decision of Bristol City Council.
 - The application Ref 22/01456/F, dated 22 March 2022, was refused by notice dated 15 November 2022.
 - The development proposed is demolition of the existing workshop at the end of the rear garden of 48 Station Road and the construction of 2no. three bedroom dwelling houses (3b5p).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the Council's statement of case refers to the wrong site address. It is clear from the content of this document that it refers to the appeal proposal and the appeal site. I have therefore had regard to it in reaching my decision.
3. I have taken the description of development from the appeal form as this more accurately describes the proposal following the receipt of amended plans during the course of the planning application. This is reflected in the banner heading above.
4. It has been brought to my attention that since the determination of the planning application the boundary of the Shirehampton Conservation Area has been extended to include the appeal site. The main parties have been given the opportunity to comment on the implications of this for the appeal proposal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I therefore have had regard to the site's location within the Shirehampton Conservation Area in the determination of this appeal.

Main Issue

5. The main issues are:

--the effect of the proposal on the site's landscape value and whether the proposal would provide adequate mitigation for the loss of green infrastructure and trees; and

--the effect of the proposal on the character and appearance of the area including the Shirehampton Conservation Area.

Reasons

Landscape Value

Trees

6. The appeal site comprises 48 Station Road, a large, detached property which occupies a substantial corner plot at the junction between Station Road and Hung Road. The site slopes gently downhill from north to south and the rear of the site contains a workshop with vehicular access onto Hung Road. A thick screen of vegetation runs along the site boundary, which appears as a prominent feature within the street scene. This boundary vegetation, in addition to mature planting within the appeal site and on neighbouring land close to the site boundaries, contributes to the site's verdant suburban landscape character.
7. It is proposed to erect a pair of semi-detached dwellings following the demolition of an existing workshop. The proposed dwellings would be accessed from Hung Road and would be set back with car parking to the front and small gardens to the rear.
8. The Arboricultural Report Impact Assessment & Method Statement (dated 27 January 2022) (AR) states that 3 trees would be felled to facilitate the proposal. Based on my observations on site these trees are set back from the site frontage and do not make a significant positive contribution to the character and appearance of the area. Two of the trees to be removed are 'Category C', which are 'trees of low quality with an estimated life expectancy of at least 10 years' and one is a 'Category B' tree which is a 'tree of moderate quality with an estimated life expectancy of at least 20 years'.
9. The Council suggest that, in order to facilitate the proposal, a further tree on neighbouring land (identified as T12 in the AR) would be affected by the proposal. This is a substantial tree which, by virtue of its height and position close to the site frontage, makes a positive contribution to the verdant qualities of the street scene and contributes to the landscape value of the appeal site, so the effect on it needs to be understood.
10. The AR states that no works to this tree would be required to facilitate the proposal, although the document states that it relates to a creation of a double garage rather than the current proposal, so I cannot be certain of its conclusions. I note the AR gives no details of the Root Protection Area (RPA) of T12. Based upon the plans before me, it would appear that retaining walls would be required to facilitate the proposal due to changes in site levels, and that these retaining walls would be located very close to this tree, impacting upon the tree's RPA. Whilst the AR specifies tree protection measures, and these could be secured by conditions, given the close proximity of the development to this tree and the lack of information regarding the RPA of this tree, it has not been adequately demonstrated that they would be successful in safeguarding the health of this tree.
11. Whilst I note the appellant's assertion that a number of trees on the site would need to be felled in any case as a result of honeycomb fungus, no information regarding its likely impacts and the number and location of the affected trees have been provided. Therefore, there is no evidence that the impact of

honeycomb fungus on these trees would result in the same effects as the appeal proposal.

12. Based on the 3 trees the AR identifies would need to be felled, the tree compensation standard set down in Policy DM17 of Site Allocations and Development Management Policies (2014) (SADMP) sets out that it would be necessary to plant 24 replacement trees. However, based on my observations above, further compensatory tree planting of 8 additional trees (32 in total) may be required to compensate for the loss of T12. A row of 9 trees is proposed to the north of the dwellings. Dependent on the effect of the proposal on the health of T12 and the number of trees that would be felled to facilitate the proposal, this represents a shortfall of either 15 or 23 trees.
13. Whilst the appellant has confirmed that he is willing to enter into a legal agreement to secure off-site tree provision, nonetheless I have not been provided with this agreement as part of this appeal. Therefore, this carries no weight in the determination of this appeal. The appellant states that the retained garden for the host dwelling has the capacity to accommodate additional planting. However, the appeal is not supported by a detailed landscaping plan setting out this compensatory planting. I acknowledge that this is a large garden. However, in the absence of a landscaping plan, I cannot be certain that there would be the capacity to accommodate adequate compensatory tree planting for up to 23 trees to mitigate against the required tree felling. In light of this, it is not appropriate to require the approval of a landscaping scheme for compensatory tree planting by condition.

Green Infrastructure (GI)

14. The proposed garden spaces would be sufficient to provide amenity space and would be capable of fulfilling the likely needs of occupants. The proposed garden spaces would allow for additional planting by future occupants and the proposal incorporates planting to the north of the proposed dwellings. Nonetheless, the appellant confirms that the proposal would result in the loss of 60m² of green space, and these spaces would fail to adequately compensate for the amount of GI and trees which would be lost to the proposal.
15. My attention has been drawn to planning applications¹ which it is stated incorporated smaller front gardens than the appeal proposal and an appeal decision² in which the Inspector found that the amenity space, whilst constrained, would be capable of fulfilling the likely needs of occupants. The full details of these planning applications are not before me. Nonetheless, I have found that, in the particular circumstances of this case, whilst the proposal would make provision for appropriate levels of amenity space, it would fail to provide adequate GI to compensate for the green space and trees that would be lost. The amount of GI provision does not appear to have been a pertinent issue in the appeal decision referred to by the appellant, and I have no information before me which indicates that it was determinative in the applications to which my attention has been drawn. Thus, these decisions do not provide a justification for the proposal, which in any case must be considered on its individual merits.

¹ Application references 20/00663/F and 22/02459/F

² APP/Z0116/W/21/3281748

16. Therefore, whilst the proposal would provide some opportunities for the re-provision of GI and would provide some compensatory tree planting, nonetheless, it would fail to mitigate for the loss of GI and trees, and it cannot be guaranteed that the development could be carried out without harm to the site's landscape value. Therefore, I find conflict with those aims of Bristol Development Framework Core Strategy (2011) (DFCS) Policy BCS9 and SADMP Policies DM17, DM21 and DM26. Collectively these policies seek to ensure that development responds to and incorporates new and/or enhanced green infrastructure of an appropriate type, standard and size and that where tree loss or damage is essential to allow for development, replacement trees of appropriate species should be provided.

Character and appearance

17. The appeal site is located within the Shirehampton Conservation Area (CA). The Shirehampton Conservation Area Character Appraisal (2023) sets out that the appeal site is located within CA character area 3 which comprises the dwellings on Station Road, a late Victorian and Edwardian tree-lined avenue. Dwellings on the south side of Station Road typically comprise large properties set within substantial plots with long rear gardens. These dwellings incorporate ornamental rooflines, a traditional palette of materials and many retain original architectural features. This, and the presence of trees within the street scene and mature planting in private gardens gives this part of the CA a distinctive verdant and spacious character and appearance that reflects the historic settlement pattern and appears to be a key part of its significance.
18. The design, siting and scale of 48 Station Road, and its siting within a large, landscaped plot, make a positive contribution to the character and appearance of the area. Whilst views of the existing workshop, which is located in the eastern corner of the site, can be seen from the street scene, this building is single storey and well set back within the plot where only the top part of the building can be seen above boundary treatment. Consequently, it contributes neutrally to the overall character and appearance of the area. Whilst I observed that there was rubbish stored to the front of the workshop, this is hidden from view from the street scene by boundary treatment and does not detract from the particular qualities of the CA.
19. The proposed dwellings would be 2 storeys in height with a pitched roof. The dwellings would have a traditional form and would incorporate design features which are prevalent in this part of the CA including projecting gables, stone window cills and quoins, decorative bargeboards and scalloped fascia boards. The proposed dwellings would be finished using render and red clay pantiles and would incorporate uPVC sash windows. At my site visit I observed a number of rendered properties in the CA and a number of properties with uPVC windows, including in the character area in which the site is located. Therefore, the proposed palette of materials and design of the dwellings would not be inconsistent with properties found in the surrounding area. Additionally, the proposed dwellings would be smaller than the substantial dwellings on Station Road and would be located on lower land. Consequently, the dwellings would be subservient to the substantial properties on Station Road.
20. The proposal would result in the subdivision of the existing site. The remaining garden associated with No. 48 would be sizeable and sufficient to meet the amenity space requirements of the occupiers of this property. Nonetheless,

given the prominence of this garden in views from the surrounding area, the loss of this garden space, and the loss of trees without adequate compensation, would erode the general sense of spaciousness and the green and verdant character experienced within this part of the CA.

21. The proposed dwellings would sit closer to the western site boundary than the existing workshop and, given their height, would appear more prominent when viewed from the road. The proposed dwellings would occupy a significantly smaller plot than the dwellings on the south side of Station Road, and there would be limited separation between the proposed dwellings and the site boundary. This plot size and limited separation would be clearly perceptible from the street scene where the proposed dwellings would appear cramped and contrived and at odds with the rhythm of built form and the current sense of spaciousness within the surrounding area.
22. Whilst the proposed dwellings would be located close to the boundary of the CA and would have a similar plot and dwelling size and separation to the site boundary to properties on Hung Road, the area in which these dwellings are located is more tight-knit with limited planting within the street scene and does not reflect the spacious and verdant character of dwellings on the south side of Station Road in which the appeal site is located.
23. Given the mature landscaping to the site boundaries the proposal would not appear harmful in views from neighbouring properties. Nonetheless, the proposed dwellings and associated areas of hardstanding would be clearly visible from the street scene and existing and proposed landscaping would fail to mitigate against the cramped appearance of the dwellings in such views.
24. In light of the above the proposal would result in harm to the character and appearance of the CA. Whilst this harm would be localised to the area surrounding the appeal site, nonetheless it would result in less than substantial harm to the significance of the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a Conservation Area. The National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of the designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal as set out in Paragraph 202 of the Framework.
25. In this case the public benefits include the delivery of 2 new market dwellings, which it is stated would comprise starter homes, on a small site in an accessible location close to local services and facilities and public transport. The proposal would offer the opportunity for ecological enhancement and would contribute towards the Council's housing supply. The Council cannot demonstrate a five-year supply of deliverable housing sites.
26. Given this, the delivery of 2 additional housing units, which would be energy efficient and incorporate renewable technologies, 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. 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. Nevertheless, the 2 dwellings in this case would make only a moderate contribution to the Council's housing supply.

27. Paragraph 199 of the Framework gives great weight to the conservation of designated heritage assets including conservation areas. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. I must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. Given this, whilst a number of public benefits would arise, in my opinion they do not individually or cumulatively outweigh the less than substantial harm I have identified to the significance of the CA. Furthermore, given the harm that I have identified, the proposal would not result in opportunities to enhance or better reveal the significance of the CA. Consequently, there would not be compliance with Paragraph 206 of the Framework.
28. The proposal would result in harm to the character and appearance of the surrounding area including the CA. Accordingly, the proposal would conflict with DFCS Policy BCS21 and SADMP Policies DM21, DM26, DM27 and DM29. Collectively these policies seek to ensure that new buildings are designed to a high standard and that development does not result in harm to the character and appearance of an area and contributes to the creation of quality urban design, respecting the local pattern and grain of development including the historical development of the area. I also find conflict with the Framework which requires that great weight should be given to the conservation of heritage assets.

Other Matters

29. I appreciate that the appellant has undertaken the required surveys and that this has come at an expense. Nonetheless, this does not alter my findings in relation to the main issues. I also note that there were no objections to the planning application from interested parties. Nonetheless, the absence of objection does not in itself render the scheme acceptable.
30. I appreciate that the appellant has attempted to overcome the concerns raised by the Council, including the feedback made during the pre-application enquiry. However, the amendments would still result in a proposal that would harm the character and appearance of the area and would fail to provide adequate mitigation for the loss of GI and trees for the reasons I have already outlined.
31. I note that the appellant is dissatisfied with the Council's handling of the planning application. Nonetheless, that is not a matter for consideration as part of this planning appeal.
32. The appellant has referenced a letter of commendation from Queen Elizabeth II, which it is stated demonstrates the quality of workmanship of the people working on this project. Nonetheless, this does not overcome the specific harm I have identified in relation to the main issues. Therefore, this does not weigh in favour of the appeal proposal.
33. 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 dwellings, 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.

Planning Balance and Conclusion

34. 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 below the housing requirement. I have no reason to take an alternative view. In such circumstances, Paragraph 11d) of the Framework is engaged.
35. Paragraph 11 of the Framework provides that this means granting permission unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed, or, if any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
36. The policies within the Framework that protect assets of particular importance include those protecting designated heritage assets. In this case, I have concluded that there would be (less than substantial) harm to the Shirehampton Conservation Area and public benefits do not outweigh this harm. Accordingly, planning permission should be withheld as the application of policies in the Framework that protect heritage assets provide a clear reason for refusing the development proposed.
37. I have found the proposal would conflict with the development plan, read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Nichola Robinson

INSPECTOR