



Appeal Decision

Site visit made on 16 August 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2023

Appeal Ref: APP/Z0116/W/23/3318924

Land At Junction of Church Road and Chalks Road, Bristol BS5 9EN

- 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 CHAPS Property Ltd against Bristol City Council.
 - The application Ref 22/05854/F, is dated 6 December 2022.
 - The development proposed is the erection of a third floor to consented scheme 22/00111/X, to provide 1no. additional self-contained flat, including alterations to approved external appearance.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is understood that a previous application (22/00111/X) has been approved on the site. This appeared to be under construction at the time of my site visit.
3. This appeal follows the Council's failure to provide a decision within the statutory time frame on the above case under section 78 of the Town and Country Planning Act 1990 (as amended). No statement or reasons for refusal have been provided by the Council, however the Council have provided the policies considered relevant to this appeal. Representations have also been made by third parties. Having regard to the policies and representations made, my consideration of the main issues is set out below.

Main Issues

4. The main issues are:
 - The effect of the third floor flat on the character and appearance of the surrounding area.
 - The effect on the living conditions of neighbouring occupiers with particular regard to the effects of outlook, privacy and light; and
 - The effect on the living conditions of prospective occupiers with regard to the amount of private amenity space available to future occupiers.

Reasons

Character and Appearance

5. The land at the junction of Chalks Road and Church Road is a prominent location when viewed from the wider street scene. To either side of the proposed development would be two storey terraced properties.

6. The immediate street scene of Church Road is commercial in character and comprises of a mixture of two and three storey properties. There are a contrast of architectural styles and roof types in the immediate area. Further along Church Road is a four-storey building. This building stands on its own with no immediate relationship with other properties in the street scene due to its unique architectural style set back from the road and its boundary treatment. Chalks Road contains predominantly two storey terraced properties in the immediate vicinity of the appeal site.
7. This scheme would create a four-storey property which would be substantially taller than the extant scheme on the appeal site. This additional storey has been designed with a mansard style elevation and roof. This would have a similar appearance to a property on another corner plot opposite the appeal site. The proposal has been designed to create a building line which follows the site boundary.
8. The proposal would have a similar appearance to the roof structure on the corner plot opposite the appeal site. There is merit in the similarity of this design. However, the key difference is the additional height between the two sites. The property opposite is three stories in height and follows a line of rhythm between the two storey properties adjacent to it due to the one storey increase in height.
9. The appeal property would be four storeys in height and set amongst two storey properties. Therefore, the property would be substantially taller than other properties in the immediate street scene. This would create an imposing building within a prominent location, where the immediate surroundings consist of two storey properties. This elevation contrast to the immediate vicinity would cause a disrupted rhythm between the four-storey element proposed, and the neighbouring two storey elements adjacent to the proposed development. The set back proposed of the additional upper storey of the building would not be sufficient to mitigate this harm.
10. As such, I conclude that the proposal would harm the character and appearance of the surrounding area. Consequently, the proposal would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM26 and DM27 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 and the provisions found in the National Planning Policy Framework (the Framework). These policies require new development to contribute positively to an areas character and identity, respecting the scale, form and overall design of the street scene. Most importantly, these policies follow a set of general principles, requiring development to reflect local characteristic styles, rhythms, patterns and to establish a coherent and consistent building line, amongst other things.

Living Conditions of Future Occupiers

11. The appeal statement provided by the appellant recognises that the proposal does not include a formal private amenity space for any of the accommodation in this proposal. The appellant has suggested that due to the proximity of St George's Park, future occupants would have access to public amenity space, as well as an apartment which would exceed the national living space standards. The Council have concluded in their granting of planning permission for the one bed dwellings in the planning permission which exists on the site that this is considered as acceptable.

12. This appeal is for the provision of an additional floor which would provide a four-bedroom apartment. It is logical and reasonable to expect that there would be a clear difference in occupiers between the one bedroom and four-bedroom apartments. The four-bedroom apartment is likely to be occupied by a family unit, who have a greater requirement for private amenity space.
13. Policy BCS18 of the CS requires residential developments to provide sufficient space for everyday activities. There is a clear policy conflict in this proposal with the CS in this regard. However, due to the proximity of St George's Park, the location of nearby services, the size of the apartment exceeding national space standards, its sustainable town centre location and the conclusion by the Council that this is acceptable for the previously approved one-bedroom apartments, the living conditions of occupiers of the additional four-bedroom dwelling would not be unacceptable. Consequently, I give that policy conflict limited weight.

Living Conditions of Neighbouring Occupiers

14. Adjacent to the site are a row of terraced dwellings on Chalks Road and a pair of semi-detached properties on Church Road. These properties are in close proximity to the appeal site. This is a characteristic of the wider area. The proposal would follow the footprint of the previously approved development. Due to the layout of the site, the development would run alongside the side elevation of the two adjacent buildings found on Chalks Road and Church Road.
15. In the extant permission, the Council had previously considered that there would be no unacceptable level of harm on the neighbouring properties on Chalks Road and Church Road. When viewed from the rear of the site in the rear space of these adjacent properties, the development would appear higher and considered as being overbearing. However, due to the extant permission and the set back of the roof design, this would not introduce a new unacceptable level of harm.
16. The development would contain dormer style windows in all elevations of the fourth storey. Due to the increase in height these would allow visibility across the roofscape of the two storey properties adjacent to the appeal site. The proposal would be in close proximity to the adjacent properties.
17. From the additional fourth storey, it would be difficult to directly view into neighbouring properties or into their rear space due to the close proximity to the neighbouring properties and the height of the fourth storey in this proposal. Additionally, I recognise that a number of window positions are proposed to be amended by this scheme. The new positions of these windows would not cause an unacceptable level of harm in relation to the effect of overlooking when viewed in relation to the extant permission on the appeal site.
18. With regard to the effects of overshadowing of adjacent properties, the proposal would be located to the side of these properties. Due to the position of the proposal and the orientation of the existing neighbouring properties, I consider that the proposal, with the additional storey, would not result in an unacceptable harm on the neighbouring properties.
19. Therefore, I consider that the proposed development would not result in material harm to the living conditions of occupiers of neighbouring properties. As such, it would comply with Policy BCS21 of the Bristol Development

Framework Core Strategy 2011 which requires new development to safeguard the amenity of existing development and create a high-quality environment for future occupiers.

Other Matters

20. Due to the extant permission granted by the Council on this site the principle of development has been considered as acceptable by means of its location in relation to nearby services and its sustainable town centre location. Therefore, it is considered that this proposal would comply with Policy BCS20 of the Bristol Development Framework Core Strategy 2011. This policy seeks development to maximise opportunities to re-use previously developed land effectively across the city.
21. With regard to the housing mix on the appeal site, the proposal would include one-bedroom homes and a four-bedroom home. The delivery of new homes on this previously developed site would contribute to meeting the needs of providing for households in the city. Therefore, this would be in accordance with Policy BCS5 of the Bristol Development Framework Core Strategy 2011 which aims to deliver homes within the built-up area within the city between 2006 and 2026.
22. The proposed development would be located in a prominent location within the commercial area of Redfield, on the outskirts of Bristol City Centre. The extant permission on this site established that no parking provision on this site was necessary. A larger four-bedroom apartment may be more likely to have a car than the one-bedroom apartments which previously benefit from planning permission. Nevertheless, I consider that the provision of a four-bedroom apartment without parking provision would not have an unacceptable effect on parking or highway safety. This is due to the sustainable location of the site which can utilise a range of transport services. Therefore, it is concluded that the proposal would meet the requirements of Policy BCS10 and Policy DM23 which requires development to not give rise to unacceptable or unsafe highway impacts.
23. Refuse and recycling provision is a common requirement of residential developments. The proposed development would provide nine apartments and a restaurant contained within the building with a dedicated refuse area located on the lower ground floor and upper ground floor. The appellant has stated that the additional floor proposed in this application, will utilise the same provision as the other units which benefit from the extant permission on this site. I consider that the addition of one further apartment would not lead to an unacceptable harm to the details approved in the extant permission allowed on this site. Therefore, I conclude that the proposed refuse and recycling provision is considered acceptable and would comply with Policy DM32 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014.

Planning Balance

24. I have found conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 and Policies DM26 and DM27 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 as I have found harm to the character and appearance of the area. I have also found conflict with BCS18 of the CS in relation to the living conditions of future occupiers, albeit

that carries limited weight. On that basis, I conclude that there is conflict with the development plan as a whole.

25. The appellant has claimed that the Council is unable to demonstrate a five-year housing land supply and that the published position by the Council is 3.7 years. The Council have not disputed this claim. As such, paragraph 11 of the Framework states that development plan policies which are most important for determining the application should be considered out of date. As there are no relevant policies protecting areas or assets of particular importance in this case, the requirements of paragraph 11d)ii of the Framework therefore apply.
26. Paragraph 60 of the Framework refers to significantly boosting the supply of housing. One additional four-bedroom unit would make a small contribution to that supply. I have concluded that the proposal would not have an unacceptable impact on living conditions of neighbouring or future occupiers, parking or highways, refuse and recycling provision or the housing mixture proposed. Furthermore, I consider that the location of the site is suitable due to its sustainable location within the area of Redfield, Bristol. In addition, economic advantages would also arise from the construction of the additional four-bedroom apartment.
27. However, the harm to the character and appearance of the area identified would be significant. When assessed against the policies in the Framework when taken as a whole, the adverse impact to the character and appearance of the area would significantly and demonstrably outweigh the benefits when taken as a whole.

Conclusion

28. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. As a result, the appeal shall be dismissed.

J Smith

INSPECTOR