



Appeal Decision

Site visit made on 27 October 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/Z0116/W/23/3322804

705 Fishponds Road, Fishponds, Bristol BS16 3UH

- 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 NKM Bristol Ltd against Bristol City Council.
 - The application Ref 23/01140/F, is dated 20 March 2023.
 - The development proposed is described as a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 705 Fishponds Road, Fishponds, Bristol BS16 3UH in accordance with the terms of the application, Ref 23/01140/F, dated 20 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 520-PLA- 001 – Existing site location and site plan; 520-PLA-100 A - Proposed site plan; 520-PLA-110 A - Proposed lower ground and ground floor plans; 520-PLA-111 A - Proposed first floor and roof plans; 520-PLA-133 A – Proposed elevations and 520-PLA-140 A – Proposed section.
 - 3) The external finishes including materials used in development hereby permitted shall match those of the existing dwelling.

Preliminary Matters and Main Issues

2. At the time of my site visit, I saw that some development has started on site. However, it is unclear if it relates to the development proposal before me. Therefore, my assessment of the proposal is based on the plans before the Council at the time of the planning application.
3. Following the submission of the appeal against non-determination, the Council did not provide a statement of case or any local policies. I have therefore considered the appeal against the National Planning Policy Framework ("the Framework") and any relevant legislation as set out below.
4. I note that the appeal property is within the Stapleton and Frome Valley Conservation Area (the CA). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the

desirability of preserving or enhancing the character or appearance of that area.

5. Therefore, taking the above into account, along with my observations on site, I consider that the main issues are:
- Whether the development would preserve or enhance the character or appearance of the CA;
 - The effect of the proposed development upon the living conditions of neighbouring residential occupants; and
 - The effect of the proposed development upon servicing, parking, and vehicular movements.

Reasons

Character and Appearance

6. The appeal site features a mid-terrace property fronting Fishponds Road with a service area to the rear. The significance of this part of the CA is defined, in part, by the range of building materials and designs. Architectural features include pantiled and slate roofs, stone walling, painted and rendered walls and red brick walling.
7. The appeal building follows this theme and therefore has some architectural and historic merit. This makes a positive contribution to the character and significance of the CA.
8. The proposed development would be to the rear with limited visibility outside of the rear service area. Additionally, the existing buildings within the terrace feature single storey rear projections and some have been infilled.
9. The materials of the proposed development would match the existing building, and the proposed design takes its cues from the surrounding built form. Therefore, given its siting, proportions and design, the proposed development would preserve the character or appearance of the CA.
10. Consequently, the development as proposed would comply with the relevant provisions of the Framework. These, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Living Conditions

11. The ground floor sections of the proposed development would broadly be separated from facing windows at neighbouring properties. It would also be sunk into the ground and would feature a sloped roof design which inclines away from the closest neighbouring windows.
12. This design would ensure that the eaves of the proposed ground floor extension would be reduced in height when viewed from any effected windows with the bulk of the roof set further away.
13. The first-floor sections of the proposed development would have some impact upon adjacent properties. However, this would be limited as it would sit next to circulation areas used to access upper floor accommodation and would be considerably separated from any neighbouring windows.

14. The appellant indicates the appeal site benefits from extant permission to operate as a restaurant including existing consent for extract ducting. I have no substantive evidence to reach a different conclusion. Additionally, there is limited evidence to show that the proposed development would lead to adverse noise, odour, or disturbance over existing consented details.
15. Consequently, the proposed development would have an acceptable impact on the living conditions of neighbouring residential occupants. The proposal would therefore comply with the relevant provisions of the Framework. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Servicing, Parking and Vehicular Movements

16. Space would be retained for access through the rear of the site and while some informal parking would be lost, there is no evidence before me to suggest the area suffers from poor public transport links or is in an unsustainable location.
17. It has not been robustly shown that the proposed development would lead to obstructive car parking or would not be serviced appropriately. Any rights of access or repairs to private roads would also be a civil matter between the concerned individuals.
18. Consequently, the proposed development would provide appropriate servicing, parking, and vehicular movements in compliance with the relevant provisions of the Framework. These seek, amongst other things, to ensure that developments provide safe and suitable parking and access.

Other Matters

19. The appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.
20. Building site safety, staff welfare and control of waste is a matter of great importance. In addition, the appropriate conduct of builders on site is also of considerable importance. However, these matters are broadly controlled outside of the planning regime.

Conditions

21. I have attached conditions on the time limit for development and plans in the interests of certainty. A materials condition is also necessary to ensure the development would be in keeping with the character and appearance of the area.

Conclusion

22. For the above reasons, having regard to the approach in the Framework and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR