



Appeal Decision

Site visit made on 2 November 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27.11.2023

Appeal Ref: APP/Z0116/D/23/3328845

18 Abbotsford Road, Bristol, BS6 6HB

- 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 Mrs Helen Oakley against the decision of Bristol City Council.
 - The application Ref 22/05200/H, dated 26 October 2022, was refused by notice dated 13 June 2023.
 - The development proposed is creating a parking space in the front garden and lowering the kerb in front of the house to facilitate access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

3. The appeal property is villa style home at the end of a terrace of three. It has attractive elevations with similarities to most of the generally semi-detached properties in this verdant road. The area is of well-established residential character. The buildings themselves, along with front boundaries and gardens, and bold elevations with decorative detailing all lead to an area which is extremely attractive. The proposal is as described above.
 4. The site lies within the Whiteladies Road Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy BCS22 of Bristol Core Strategy (2011) (CS) and Policy DM31 in the Site Allocations and Development Management Policies (2014) (DMP).
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5. In this street front walling and front garden planting are truly locally distinctive features of merit. There are some examples of demolition of front walls to create off-street parking spaces in garden areas but in the main the original quantum and positioning remains and makes for a pleasing scene. Where on-site parking has been instigated there is a disruption to the rhythm and alteration to the scale and degree of enclosure of the street. Additionally, hard surfaces for parking are less aesthetically beneficial than garden planting and cars in close proximity to elevations detract from their appearance in the streetscene. I do not know the planning background to most instances where on-garden parking does take place but its unfortunate effects indicate to me that it should not be replicated or seen as some sort of benchmark or precedent.
6. I must deal with this case on its own merits and regrettably I am of the view that there would be incongruity, development which would be uncharacteristic, and harm to the Conservation Area were this scheme to progress. I say this whether one is considering the plans submitted with the planning application or the more modest proposal which has been put forward at appeal stage.
7. I am fully cognisant that the Appellant wishes to provide on-site charging for an electric car and all other things being equal almost all would see that as an environmental benefit. However, the question of how to deal with electric vehicle charging in areas such as this is a strategic and difficult one. It may need greater collective public or private initiatives because it is quite clear that convenience of charging and the sustainability merits attached thereto should not automatically trump other planning factors such as character and appearance and the value of heritage assets; these must form part of any sustainable development equation and planning balance. In my opinion, in this instance, I give greatest weight to the harm to the character and appearance of the locality, whatever the propulsion system of the car to be parked in the curtilage.
8. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and CS Policy BCS22 and DMP Policy DM31. Additionally, the proposal would conflict with CS Policy BCS21 and DMP Policies DM26, DM27 and DM30. Taken together and amongst other matters these policies call for well-designed development, suitably detailed and laid out for its context, protective of the streetscene and making a positive contribution to the area. The scheme would also run contrary to parallel objectives of the guidance within the Council's SPD2 and PAN6 albeit I recognise these documents could not be expected to cover every eventuality.

Other matters

9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a

heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

10. I say this having regard within the planning balance to the Appellant's point about electric vehicle charging. As evident above I do also appreciate there are a number of examples nearby which the Appellant understandably cites. I do not know the planning background to these but as I say above to my mind these only serve to highlight the harm that this type of development generally brings to the Conservation Area. I know the appeal plan provides for the retention of the piers and new planting could be undertaken but I have to consider the sum of the unfortunate proposed works in the round.
11. I note that some local people are concerned about the loss of an on-street residents' parking zone space. To my mind this amenity-based point is a valid concern and to a degree does weigh against the proposal. I appreciate the Appellant argues it is 'one for one' but an on-street space is open to a wider audience than a front garden.
12. I need not enter the debate as to what may or may not be possible on this frontage area as 'permitted development' – a planning application was submitted and I have the appeal to determine.
13. In addition to the main issue above the Council is concerned that the proposed driveway materials pose risk of overspill on to the highway and therefore risk safe road and pavement user movement. However, I would agree with the Appellant on this point - had I been minded to allow the appeal a suitable planning condition relating to materials could have been applied. In this way, and on this matter, there would thus be no conflict with the development plan or applicable guidance.
14. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

Overall conclusion

15. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR