



Appeal Decision

Site visit made on 14 December 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2024

Appeal Ref: APP/Z0116/W/23/3325425

64 Dundridge Lane, St George, Bristol BS5 8SH

- 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 A Baugh against the decision of Bristol City Council.
 - The application Ref 22/05011/F, dated 11 October 2022, was refused by notice dated 4 July 2023.
 - The development proposed is new dwelling attached to existing house.
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Decision

1. The appeal is allowed and planning permission is granted for new dwelling attached to existing house at 64 Dundridge Lane, St George, Bristol BS5 8SH in accordance with the terms of the application, Ref 22/05011/F, dated 11 October 2022, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. The revisions do not materially change the provisions pertinent to this appeal. As such, I am satisfied no injustice would be caused to any party by considering the Framework in my assessment.
3. I am advised that planning permission was granted in May 2022 for a double storey side extension and single storey rear extensions to the appeal property (the allowed development). It would seem from the submissions that this permission is extant. I am satisfied there is more than a theoretical possibility the allowed development would be constructed in the event that this appeal is dismissed. This fallback position is a factor in my assessment of the appeal.

Main Issue

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

Reasons

5. The appeal property (No 64) lies on a corner with its front facing Dundridge Lane and its exposed flank elevation onto Avalon Road. It is similar to others in the area being 2 storeys high with a dual pitched roof and a main roof ridge line running parallel with Dundridge Lane. The area is residential, with houses lying side by side, either in short terraces or close to each other. The front of houses tend to be set back from the pavement, although they are clearly seen from the road and strongly influence the street scene.

6. The proposed house would be clearly seen from Dundridge Lane and from dwellings on the opposite side of the highway as well as from Avalon Road to the side and rear. Therefore, it would have a noticeable visual effect.
7. The introduction of a new dwelling would be consistent with the residential nature of the area. The front of the proposed house would align with the front of No 64 and the adjoining line of residences that face onto Dundridge Lane. Also, the house would have the same eaves and ridge heights. Unlike No 64, the proposed dwelling would have no bay window. Even so, it would be compatible with its setting as it would respect the established Dundridge Lane building line and the general form and scale of local properties.
8. The proposed dwelling would be nearer to the pavement to the side than No 64 and the properties behind the site that face onto Avalon Road. However, the nearby houses on the corners of Lavington Road and Avalon Road already extend closer to the highway than the front of the Avalon Road properties. Within this context, the development would not appear unduly prominent nor markedly at odds with the established urban grain.
9. The proposal would erode the open space to the side of the appeal property and it would obstruct views from the adjacent roads across the site. However, the house would only partially interrupt sight of other nearby dwellings rather than any features that make a significant contribution to the visual qualities of the area. Also, I am mindful that the allowed development would reduce the openness to the side of No 64, although it would be slightly narrower than the proposed house. As such, the effects of the development on the openness of the site would not be detrimental to the street scene.
10. For the above reasons, I conclude the development would not harm the character and appearance of the area. In these regards, it would accord with policy BCS21 of the Bristol Core Strategy 2011 and policies DM26, DM27, DM29 and DM30 of the Council's Site Allocations and Development Management Policies Local Plan 2014. Amongst other things, these seek high quality design that responds appropriately to local character and distinctiveness.

Other Matters

11. Interested parties have raised other concerns with the proposal. A parking space to the rear and to serve the proposed house is shown on the appeal plans. There is no obvious reason why this space would be unsafe or inaccessible. Even if the development results in additional street parking, this is allowed on local roads and it is not bound to cause an obstruction to vehicles or pedestrians.
12. The site is in a suburban area with local facilities and links to bus services within a reasonable walking distance. Therefore, the development would be in a suitable location for new houses. The lamppost on the pavement would only obstruct part of the site's frontage and would not prevent access to the dwelling. The proposed house would be positioned so as to avoid any significant overbearing or overshadowing effect on any other residence. The other matters raised do not provide justification to refuse planning permission and so they do not affect my conclusion on the appeal.

Conditions

13. I have had regard to the conditions suggested by the Council in light of the relevant tests set out in the Framework. Where appropriate I have made revisions in the interests of precision.
14. A condition that requires the development to be carried out as shown on the approved plan is needed in the interests of clarity. There is no need for this to refer to the design and access statement, coal mining risk assessment or the sustainability statement as the relevant matters are covered by other conditions.
15. The appellant's coal mining risk assessment identifies the site as being in a high risk area for unrecorded shallow depth workings. As such, condition number 3 is imposed to ensure the safety and stability of the development. A separate condition (number 10) requires verification that the site is or has been made safe prior to the occupation of the house. Conditions numbered 4, 5 and 6 are included to protect future users of the development and the environment in general from potential ground contamination and pollution.
16. I attach condition 7 on the storage of waste to safeguard the appearance of the street scene. Condition 8 is included to ensure the development provides for off road parking. No access point that requires the provision of a dropped kerb is proposed and so the condition regarding a crossover is not needed.
17. Condition 9 on the provision of cycle storage is imposed to promote the use of sustainable modes of transport. A condition that requires a pedestrian and cycle access to the development is unnecessary as this is bound to be provided to allow occupation and use of the house.
18. Condition 11 is imposed to ensure the development mitigates and adapts to climate change. Sufficient information is provided on the approved plan in respect of external materials and so the suggested planning condition on this matter is unnecessary. Also, the proposed vehicular access is off a track and so there is no need for the suggested condition regarding drainage at the point where the access would meet adopted highway.

Conclusion

19. For the above reasons, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: drawing numbered PLN-1.
- 3) No development shall commence until:-

- i) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
- ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 4) No development shall take place until an investigation and risk assessment in respect of ground contamination has been undertaken by competent persons and a written report of the findings has been submitted to and approved in writing by the local planning authority. The assessment of the findings must include:
- (i) details of the survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land
 - groundwaters and surface waters
 - ecological systems, and
 - archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

The assessment shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 5) No development shall take place until a detailed remediation scheme in respect of ground contamination has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the local planning authority.

- 6) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it

shall be reported in writing immediately to the local planning authority. Development works shall cease until an investigation and risk assessment has been undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme has been prepared in accordance with the requirements of condition 5. Development works shall not resume until the investigation and risk assessment and any remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Any approved remediation scheme shall be fully completed prior to the first occupation of the development hereby permitted.

- 7) The development hereby permitted shall not be first occupied until the bin and recycling storage facilities as shown on the approved plan have been provided. Thereafter all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area or internally within the dwelling hereby permitted. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.
- 8) The development hereby permitted shall not be first occupied until the parking space and vehicular access to the space as shown on the approved plan have been provided. Thereafter the parking space and access shall be retained and only used for the parking and manoeuvring of vehicles associated with the development hereby permitted.
- 9) The development hereby permitted shall not be first occupied until the cycle parking facilities as shown on the approved plan have been provided. Thereafter these facilities shall be retained and used only for the storage of cycles.
- 10) The development hereby permitted shall not be first occupied until a signed statement or declaration prepared by a suitably competent person and confirming that the site is, or has been made, safe and stable for the approved development has been submitted to and approved in writing by the local planning authority. The declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity and as required under the terms of condition 3.
- 11) The development hereby permitted shall not be first occupied until the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures as set out in the sustainability statement from Mike Pringle Development Services have been provided. Thereafter, the measures shall be retained in perpetuity.