



Appeal Decision

Site visit made on 15 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/Z0116/W/23/3325751

229-231 Gloucester Road, Bishopston, Bristol BS7 8NR

- 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 Andrew & Emily Wenman against Bristol City Council.
- The application Ref 23/01382/F is dated 4 April 2023.
- The development proposed is a new building to provide 2 no. residential flats with refuse/recycling, cycle storage and associated development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 22/P/01289 within the prescribed period. As such, there is no decision notice.
3. The Council have not indicated its concerns with the proposal. However, a previous appeal decision¹ for a recent similar scheme on the site was dismissed for one issue, the effect of the development on the living conditions of the occupiers of neighbouring properties, specifically No 1 Princes Street, No 227 Gloucester Road and the basement flat of No 229 Gloucester Road. I have considered the proposal against the development plan policies referenced under the previous appeal and provided by the Council.
4. The Government published in December 2023 a revised version of the National Planning Policy Framework (the Framework). Given the similarities with the previous Framework with regards to living conditions issues, I am satisfied that no party would be prejudiced by referring to the Framework in this decision.

Main Issue

5. As such, the main issue in this case is the effect of the proposed development on the living conditions of the occupants of the basement flat at No 229 Gloucester Road and No 227 Gloucester Road with respect to privacy, and No 227 Gloucester Road and No 1 Princes Street with respect to outlook.

Reasons

6. The proposed development has been reduced in scale from the previously refused scheme, reducing the number of units from 4 to 2. The footprint of the building has been reduced, setting it further from the southern side boundary

¹ Appeal reference APP/Z0116/W/22/3301148

with No 227 Gloucester Road (No 227) and the rear elevation of No 229 Gloucester Road (No 229). The design of the windows has also been altered, with the oriel style design only including fenestration on one side.

7. However, the structure would remain a substantial two storey building sited in close proximity to part of the gardens of No 1 and No 227 which appear to be well used sitting out areas. The outlook from these garden areas towards the north is currently made up of boundary vegetation and the single storey outbuilding at the rear of No 1 with No 223A Gloucester Road beyond. Despite the urban location, given the scale of gardens, there is generally a sense of space with the taller buildings set some distance away.
8. Despite the setback and reduction in depth, the building would present a prominent blank two storey side elevation when viewed from the south. As shown on drawing 14A, this would be evident from the garden of No 227, even from close to the boundary treatment. It would also be evident from the rear of No 1, as, despite a slight set back, the building would appear prominently over the existing outbuilding at the rear of No 1. Its visual impact would be exacerbated by the reduction in height towards the south and these neighbouring properties. The building, by virtue of its scale and position, would have an imposing nature that would result in a sense of enclosure and cause undue harm to the outlook from both these garden areas. The development would adversely affect the quality of living conditions available to users of the garden areas as a result.
9. The Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' 2005 (SPD) sets out that a distance of 21m is generally accepted as a distance between habitable rooms where privacy can be maintained, but the SPD does suggest that in more densely developed, inner urban locations this distance may be less.
10. The decision of the Inspector for the previous scheme referenced a separation distance of 16m, which the plans for the scheme before me show has been increased to 17.7m. In addition to this increase, the window design means that views from the 2 flats would be directed towards the northwest and views towards No 227 would no longer be possible.
11. Views directly towards the rear of No 229 would be mostly obscured and not clear, and whilst the separation distance falls below the recommended 21m, given the mostly obscured nature of the overlooking, the limited shortfall in this instance, in addition to the surrounding urban location, I am satisfied that any overlooking of the rear of No 229 and its basement flat would not be inappropriate and would not adversely affect the level of privacy afforded to its occupiers.
12. Nevertheless, I therefore conclude that the proposed development would harm the living conditions of the occupants of No 227 Gloucester Road and No 1 Princes Street with regard to outlook. The proposed scheme would therefore conflict with Policy BCS21 of the Bristol Core Strategy 2011 (Core Strategy) and Policies DM14, DM27 and DM29 of the of the Site Allocations and Development Management Policies Local Plan 2014. These policies collectively seek, in accordance with the Framework, to safeguard the amenity of existing development by promoting health and wellbeing as well as achieving appropriate levels of privacy and outlook.

Planning Balance and Conclusion

13. To allow the proposed development on the appeal site would run contrary to the policies of the development plan, which seek to ensure that the living conditions of neighbouring occupiers are safeguarded in terms of outlook. I give significant weight to the conflict with Policy BCS21 of the Bristol Core Strategy and Policies DM14, DM27 and DM29 of the LP, which are generally consistent with the policies in the Framework.
14. The appellants reference a recent appeal decision² in which the Inspector concluded that the Council is falling significantly short of the required housing land supply, and that there is an urgent need for housing in the Bristol area. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
15. The proposal would result in 2 additional units of accommodation, located close to shops and services, which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes, as supported by Framework. The proposal would also result in a short-term economic benefits arising from the construction process. Further economic and social benefits are likely to arise from the occupation of the new units. However, given the quantum of development in this case, I give these benefits limited weight.
16. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The harm to the living conditions of the occupiers of neighbouring properties would conflict with the development plan and the Framework and is a matter to which I attribute significant weight. I acknowledge the significant shortfall in terms of a supply of housing sites, however, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
17. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR

² APP/Z0116/W/23/3317231