



Appeal Decision

Site visit made on 9 January 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/Z0116/W/23/3324814

19 Capel Road, Lawrence Weston, Bristol City, Bristol BS11 0RD

- 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 Mr Vadims Kapustinskis against the decision of Bristol City Council.
 - The application Ref 22/01083/F, dated 10 February 2022, was refused by notice dated 3 January 2023.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023, with a further update on 20 December 2023. I have consulted the main parties on the changes and have had regard to the representations received.

Main Issues

3. The main issues are:
 - the effect of development on the character and appearance of the area;
 - whether the proposal would meet appropriate energy standards; and
 - the effect of the proposal on green infrastructure.

Reasons

Character and appearance

4. The appeal site is located to the side of 19 Capel Road, a two-storey house forming half of a semi-detached pair. The road primarily comprises a regular pattern of broadly symmetrical semi-detached dwellings set behind modest front gardens. There is also a large block of flats adjacent to the site. I note that residential development is currently under construction on two nearby plots of land on the same road, and these appear to comprise short terraces of similar properties.
5. The proposed dwelling would form a narrow two-storey addition to the existing semi-detached property. Set back from the main building line and substantially narrower than the adjacent dwellings, the proposal would form an unbalanced addition to No 19, and would not reflect either the semi-detached buildings in this context or the short terraces under construction.

6. The uncharacteristically narrow form of the proposal would be emphasised by the crowded features within the front elevation. The proposed windows and front door have clearly sought to reflect the design detailing and horizontal pattern of the adjacent dwelling. However, the limited space available would substantially compromise the proportions of the front elevation, resulting in a cramped and incongruous addition to the street scene.
7. There is some variation in the garden depth and setbacks of dwellings on Capel Road. However, there is consistency within the pairs of semi-detached dwellings, such that staggered frontages are not part of the street scene. I acknowledge that several of the semi-detached properties in the area, including the appeal building, have a side extension which is set-back from the main building line. However, the existing extensions are single storey and clearly subordinate structures to the main dwelling. There is therefore little context to support the layout proposed, and an attached set-back dwelling would be conspicuously different in form to the prevailing pattern of development.
8. I accept that there is a reasonable gap between the appeal site and the neighbouring block of flats, and while the proposal would reduce this gap, it would not substantially fill it. There would remain an obvious space between the two buildings, and I do not find that the proposal would harmfully increase the density of development in this location. However, for the reasons given above, the proposal would result in an uncharacteristic and incongruous dwelling, unacceptably harming the character and appearance of the area.
9. Taking all of the above into account, I find that the proposal would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (the Core Strategy), and Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan – Site Allocations and Development Management Policies (the SADMP). Taken together, these policies seek, amongst other matters, proposals that contribute positively to an area's character and identity, and that respond appropriately to the shape, form and proportion of existing buildings. They also seek proposals which incorporate high quality detail of an appropriate scale and proportion, arranged in a coherent way that contributes positively to the overall design approach of the building. While Policy DM21 is supportive of a more efficient use of land in locations where higher densities are appropriate, the policy is clear that in all cases, any development of garden land should not result in harm to the character and appearance of the area.
10. The proposal would also conflict with Policy H3 of the Lawrence Weston Neighbourhood Plan, which is not supportive of development which would not improve the character or quality of the area. I also find conflict with the Framework where it seeks to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, and are sympathetic to local character including the surrounding built environment.

Energy standards

11. The submitted Sustainability Statement has sought to demonstrate that the proposed dwelling would exceed the minimum 20% reduction in carbon emissions from residual energy use required under Policy BCS14 of the Core Strategy. However, the policy also specifies that new development is expected to demonstrate that the heating systems have been selected according to a six-step heat hierarchy, and the supporting text emphasises that the lowest carbon solution feasible for the development should be achieved.

12. The Sustainability Statement variously indicates that air source heat pumps will be introduced, and mentions the inclusion of photovoltaic panels, but neither feature on the plans or form defined proposals within the 'Detailed Measures' set out in the statement. Instead, this states that the heating and hot water will be provided by an electrical combination boiler. This approach has therefore not demonstrated that the options of the heat hierarchy are not possible or viable at the site.
13. The appellant notes that the use of low or zero carbon measures could be secured by condition, and the Council accepts that the use of air source heat pumps as the source of heating for the property would comply with Policy BCS14. However, given the lack of detail and contradictory statements in the Sustainability Statement and the constrained nature of the site, the scheme's ability to be policy compliant in this respect should be clearly demonstrated at the determination stage as part of the proposal, and not left for subsequent approval by condition.
14. As such, the proposed development would fail to meet appropriate energy standards. It would conflict with Policy BCS14, as described above, which seeks to ensure that development contributes to meeting targets to reduce carbon dioxide emissions.

Green Infrastructure

15. The front garden boundary of the property is formed by a mature hedgerow, comprising mixed deciduous and semi-evergreen species. Several areas of ornamental planting are also present in the front garden. In the rear garden, a short stretch of evergreen hedgerow forms part of the side boundary closest to the appeal site, with various small to medium sized trees on neighbouring land. The two hedgerows forming the front and side boundaries and much of the front garden planting would be substantially reduced to accommodate the proposal.
16. Policy BCS9 of the Core Strategy and Policy DM19 of the SADMP describe the Council's approach to developments affecting green infrastructure and biodiversity. The policies set out that developments are expected to be informed by appropriate surveys, that individual green assets should be retained wherever possible, and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size.
17. No survey information has been provided to describe the potential value of the green assets present, and no information has been presented as to whether the proposal is capable of delivering appropriate mitigation for the loss of green assets resulting from the development. While I accept that such mitigation may be possible, with no indication as to the value of the green assets, and the limited space available for mitigation, it would not be possible to word a condition with sufficient precision to ensure that an acceptable scheme would be delivered. Based on the evidence available, the proposed development would therefore be contrary to policies BCS9 and DM19.
18. The proposals would also conflict with the Framework where it sets out that opportunities to improve biodiversity in and around developments should be integrated as part of their design, and where it seeks to enhance the local environment by minimising impacts on and providing net gains for biodiversity.

19. In relation to this main issue, the Council has also found conflict with Policy DM17 of the SADMP which relates to Development Involving Existing Green Infrastructure. From the evidence before me, the site and its green assets do not fall within any of the identified types of green infrastructure protected by this policy. As such, I find no conflict with Policy DM17.

Planning Balance

20. In accordance with the revised Framework¹ the Council is required to demonstrate a 4-year supply of deliverable housing sites. This position is not contested by the appellant. However, as the Council accepts that it cannot deliver a 4-year supply of housing land, paragraph 11d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
21. In the context of the Government objective to significantly boost the supply of homes, a single dwelling would make a small contribution towards the provision of housing in the area. The proposed development would also likely provide some short-term employment opportunities and economic benefits during the construction phase, and in its subsequent occupation. Given the modest quantum of development, I afford these benefits limited weight.
22. However, the proposal would result in an incongruous form of development, failing to create a high quality and well-designed building that is sympathetic to local character. I have also found that the proposal conflicts with the Framework which, amongst other considerations, supports the transition to a low carbon future and minimising impacts on biodiversity. Even if appropriate details could be secured for energy standards and biodiversity, the adverse impacts of the development resulting from the harm to the character and appearance of the area would significantly and demonstrably outweigh the modest benefits of the proposal when considered against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. For the reasons given above, I find that the proposal conflicts with the development plan when read as a whole. Material considerations, including the provisions of the Framework, do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR

¹ See the Framework, paragraphs 77 and 226