



Appeal Decision

Site visit made on 12 March 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2024

Appeal Ref: APP/Z0116/W/23/3325163

25 Dominion Road, Fishponds, Bristol City BS16 3EP

- 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 and Mrs Gamlin against the decision of Bristol City Council.
 - The application Ref 22/02582/F, dated 23 May 2022, was refused by notice dated 17 January 2023.
 - The development proposed is demolition of existing garage and erection of one semi-detached dwelling on land to the side of the existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of no 25, with particular regard to outdoor space;
 - flood risk and drainage; and
 - green infrastructure, ecology and biodiversity.

Reasons

Character and Appearance

4. Dominion Road is a residential street characterised by 2-storey semi-detached and terraced dwellings that are consistently set back from the road behind small front gardens/driveways. Whilst there is some limited variation in the finishing materials and architectural details of the dwellings, they are predominantly hip-roofed, with rendered walls, and pantile roofs. The

- consistency of the forms, scale, and building lines of the dwellings on Dominion Road provides a sense of place and distinctive character to the area.
5. No 25 Dominion Road is a rendered, hip-roofed, 2-storey end terrace dwelling located on a wedge-shaped plot that turns the inside corner of a sharp bend in the road. The main elevation of the dwelling faces north, and an area of side garden separates the dwelling's eastern flank from the highway, providing an open corner which improves sightlines on the street. Due to its corner plot location and set back from the highway, the dwelling is visually perceived as consistent with both a north facing building line and an east facing building line. The appeal site contributes positively to the distinct character of the area through both the dwelling's congruent design, and through its set-back and spacing from the highway consistent with prevailing building lines.
 6. The proposal seeks to subdivide the existing plot at no 25, constructing a part 2-storey, part single-storey, dwelling attached to the side of the existing dwelling. I note that the 2-storey element of the proposed dwelling would continue the hip-roofed form and ridge height of the existing dwelling, and that matching tiles and render would be used. The proposed dwelling would, however, encroach into the side garden to such an extent that its 2-storey flank would project beyond the established building line, appearing visually prominent from the entrance to Dominion Road. Whilst fenestration in the flank elevation of the proposed dwelling would provide visual relief, it would not ameliorate the harm arising from its visually discordant and overly prominent position forward of the building line.
 7. The proposed dwelling would have a substantially narrower frontage in comparison to the other dwellings on Dominion Road, thereby appearing incongruous and cramped. Whilst porches exist elsewhere within the street, the proposed porch structure would lack symmetry with the attached dwellings, representing an awkward addition, detrimental to the character and appearance of the terrace.
 8. In terms of layout, the existing rear garden to no 25 is already significantly smaller than typical of surrounding properties. The subdivision of the plot would further exacerbate this contrast, resulting in awkward and cramped garden layouts at odds with the existing grain and character of the area. I have had regard to the development of the corner plot at no 69 Dominion Road and the variations in building line drawn to my attention by the appellants. These considerations do not define the predominant character of the area or represent justification for the erosion of the established character of the area that would result from the current proposals.
 9. Consequently, the development would result in harm to the character and appearance of the area contrary to the requirements of Policy BCS21 of the Bristol Development Plan: Core Strategy (2011); and Policies DM21, DM26, and DM27 of the Bristol Development Plan: Site Allocations and Development Management Policies Document (2014). Taken together these policies require, amongst other things, that development delivers high quality urban design that contributes to an area's character and identity, reinforcing local distinctiveness, and responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street.

Living Conditions

10. The appropriate type and level of provision of outdoor space will vary according to the characteristics of the development. No 25 is 3-bed and is therefore suitable for occupancy by a small family. Appropriate outdoor space would be required for several purposes, including, for example, drying space for washing, storage, play areas for children, as well as areas for sitting and relaxing outside.
11. Following the subdivision of the site, the area of outdoor space associated with no 25 would be significantly reduced. The existing garage, side garden and a section of the private rear garden would be lost to the new dwelling development. The remaining rear garden would have an awkward long and narrow shape, squeezed between the high fencing necessary to provide privacy. The rear garden, given its limited area, awkward shape, and proximity to fencing, would feel uncomfortably enclosed and would limit potential uses. It would not provide high quality garden space commensurate with the requirements of future occupiers noted above. Nearby open space would not provide a realistic alternative for private enjoyment and domestic purposes.
12. The proposal would, therefore, be harmful to the living conditions of the occupiers of no 25 contrary to Policies BCS18 and BCS21 of the Bristol Core Strategy (2011); and Policies DM26, DM27, and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014). Taken together these policies require, amongst other things, that residential developments should provide sufficient space for everyday activities, safeguarding the amenity of existing development and creating a high-quality environment for future occupiers. It would also conflict with the Framework requirement for high standard of amenity for residents of new development.

Drainage

13. The site is not within in an area identified as at risk of flooding. It is proposed that rainwater runoff drainage from the roof of the new dwelling is to be directed to a soak away system within the site. A modular buried soakaway crate system is proposed, with the existing cast concrete hard standing to the driveway and paths replaced with permeable concrete block paving. The final details of the surface water drainage measures could reasonably be secured by planning condition to ensure they are sustainable.
14. The proposal would not result in increased flood risk and is in accordance, therefore, with Policies BCS13 and BCS16 of the Bristol Core Strategy (2011) and the Framework insofar as they seek to minimise flood risk.

Green Infrastructure, Ecology and Biodiversity

15. Whilst the proposal may result in the loss of some existing planting, new planting could be secured through an appropriate landscaping condition. Ecological enhancement and net biodiversity gain could also be secured through an appropriate condition. As such, the proposal in these regards would not be contrary to policy BCS9 of the Bristol Core Strategy (2011), or policies DM17 and DM19 of the Site Allocation and Development Management Policies (2014), or the provisions of the Framework.

Planning Balance

16. Paragraph 11(d) of the Framework is engaged because the Council is unable to demonstrate a five year supply of deliverable housing sites. In such circumstances, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
17. The proposal would make a limited contribution to the Government's objective of significantly boosting the supply of homes. Furthermore, the dwelling would be in a sustainable location with good access to services and facilities. Whilst the Framework definition of previously developed land (PDL) excludes land in built-up areas such as residential gardens, the development would involve an element of PDL. However, in light of the small scale of the proposal, the benefits identified attract limited weight.
18. Weighing against these benefits would be the above identified harms to the character and appearance of the area, and to the living conditions of the occupiers of no 25. The Council's policies seeking high quality design and protection of living conditions are broadly consistent with the Framework. The identified conflict with the development plan therefore attracts significant weight.
19. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Given the very limited scale of the benefits identified, the substantial adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.
20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

21. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR