



Appeal Decision

Site visit made on 1 February 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2024

Appeal Ref: APP/Z0116/W/23/3325222

267 North Street, Bedminster, Bristol, BS3 1JN

- 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 Ella Lovell against Bristol City Council.
 - The application Ref 22/04592/F is dated 16 November 2022.
 - The development proposed is a rear extension at second floor level and erection of new floor of residential accommodation, refuse/recycling and cycle store and ancillary development.
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Procedural matters

1. The appellant submitted a number of revised plans with the lodging of the appeal. These show changes to the building internally and alterations to the rear, which are shown on the 'existing' drawings, as well as a change to the rear roof on a 'proposed' drawing.
2. The Council's Appeal Statement alleges various unauthorised works at the property which, they say, have resulted in these updated existing plans. Whilst I do not comment on the status of these works directly, I have not been made aware of any planning permission or Certificate of Lawfulness for the works to the property. It would therefore not be appropriate for me to accept a new set of drawings that purport to show a different 'existing' situation now to the set of 'existing' drawings at the time of the planning application being made. In any event, in light of the judgement in *Holborn Studios Ltd v LB Hackney [2017]* I consider, to accept the amended drawings, would represent a substantial difference to the application submitted to the Council. Acceptance of the altered 'existing' drawings, and the altered 'proposed' drawing, would also cause unfairness to other parties involved in the appeal who would wish to make representations.
3. I have therefore determined the appeal on the basis of the drawings submitted at the time of the planning application.

Decision

4. The appeal is dismissed and planning permission for a rear extension at second floor level and erection of new floor of residential accommodation, refuse/recycling and cycle store and ancillary development is refused.
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Main issues

5. The submissions from the Council and the appellant led to the following matters being the main issues in this appeal:
 - a) Whether the proposed development would provide a satisfactory standard of accommodation for future occupants.
 - b) The effect of the proposed development on the character and appearance of the surrounding area.
 - c) The effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to odour, privacy and outlook.

Reasons

a) Standard of accommodation

6. There is a dispute between the main parties regarding the number of flats that were contained in the upper floors of the property at the time the planning application was made: the appellant states it was two and the Council says one, and conflicting evidence has been put to me.
7. There is no Certificate of Lawfulness or planning permission to confirm the situation. At the time of my site visit there had been internal building works to reconfigure the interior so there was no semblance of any pre-existing layout as described by either party, or as depicted on the 'existing' plans submitted with the application. I therefore cannot say what the position is, or was, with regards to the number of pre-existing dwellings at the site. It is not my role within this s78 appeal to determine the lawfulness of any pre-existing situation and so I do not make any comment on that matter. In these circumstances, I must determine the current appeal as seeking planning permission for the layout of the three flats as shown on the 'proposed' drawings. This is consistent with the terms of the application itself, as it described the proposal as providing a new floor of residential accommodation (and other matters).
8. Policies BCS18 and BCS21 of the Bristol Development Framework Core Strategy 2011 set out the Council's intention that new development should create a high-quality environment for future occupiers, including sufficient space, and the Council have referred me to the Nationally Described Space Standards (NDSS) in this matter. The National Planning Policy Framework states that development should be well-designed and, amongst other matters, provide a high standard of amenity for existing and future users and refers to the NDSS.
9. The Council state that Flat 1 as shown on the proposed drawings would be below the NDSS. This figure is not disputed, and I see no reason why a figure lower than the Standards should be adopted in this instance: it appears to me in this instance that the deficiency shown would give rise to an unsatisfactory standard of accommodation by virtue of the limited internal area.
10. There are no details regarding the internal layout for Flat 2 and I concur with the Council that, in the absence of such details, there is no robust evidence to demonstrate the NDSS would be satisfied. Furthermore, there is only one window to the whole flat; I cannot envisage an internal layout that would lead to a satisfactory level of natural illumination or outlook to a flat in such

circumstances, and the absence of any floorplans reinforces my concern on this matter.

11. The proposed Flat 3 would meet the NDSS and have acceptable levels of light and outlook. However, on the basis of the evidence before me it is my conclusion on the second main issue that the proposed development would not lead to a satisfactory level of accommodation for the other two flats and hence there would be conflict with the policies referred to earlier, the NDSS, and with the Framework.

b) Character and appearance

12. The appeal property is a three-storey terrace building, stone-faced with parapet, where there is a strong and harmonious character facing North Street. There is a good degree of consistency in the form of this terrace, and the unbroken roof line of the parapet and absence of development behind that is important to the appearance of the terrace and the character of the wider area.
13. The proposal would see a roof extension behind the parapet to provide an additional storey. This would be a significant breach of the established roofline and height and contrary to the claims by the appellant, I saw at my site visit this would be clearly and widely visible in the area in views along North Street and towards the site from Lime Road. I further saw there would be views from the rear in a gap between properties in Friezewood Road.
14. The extension would have a contemporary design approach, but it is a confused design with a set back from the front parapet yet having a continuation upwards from the rear building line. There is a mix of large, glazed elements, four gable ends that have differing roof pitches that do not reflect the building or parapet, and a conventional tiled roof with rooflights.
15. Policy BCS21 of the Core Strategy and Policies DM26 and DM30 of the Bristol Site Allocations and Development Management Policies Local Plan 2014 of the Local Plan require all development, including extensions, to respect the existing building and surrounding area, and contribute positively to the character of the locality. The Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to planning, and good design is a key aspect of sustainable development. There is no coherent explanation of the architectural approach that has been taken for the extension. In my judgement it would not be high quality design. The prominence of the extension, and the incongruous nature of it standing as an extension to the one property above the rest of the terrace, would emphasise the inappropriate nature of the proposal.
16. The appellant has drawn my attention to the roof of 275 North Street. This is a building at the end of the terrace that was clearly designed and built as a separate, standalone building of intentionally different design to that terrace. It does not form part of the character of that original terrace and sits comfortably on its corner site, so is not comparable to the appeal proposal for the roof extension projecting from the mid terraced building.
17. It is proposed to change the roof at first floor to the rear from a pitched roof to flat roof, and to raise the overall height above the existing party wall with No. 265 North Street. I saw at my site visit the general pattern at the rear of

properties are pairs of first floor outrigger projections with balanced pitched roofs of the same height. The proposals would significantly alter this balance, with the raised roof and the new flat roof form being incongruous and harmful to the appearance of the building and its neighbour. This would represent poor design that would be detrimental the character of the wider area.

18. A covered walkway and balustrade at raised rear first floor level is shown on the drawings, running from the rear elevation of the property and projecting beyond the existing outriggers. This would be a clumsy addition to the building that would be widely visible, adding undue clutter to the rear of the terrace in an elevated position.
19. On the second main issue it is therefore my conclusion that the proposed development would be harmful to the character and appearance of the area, and hence conflict with the development plan policies identified above, and with the Framework.

c) Living conditions

20. There is an existing extract flue to the rear of the building that serves the takeaway use on the ground floor. Whilst this would be boxed in, there would be no change in the height, and it would terminate below the level of the proposed rear first floor extension and the level of windows in the proposed dwellings.
21. The Council's Pollution Control Officer has raised concerns this may lead to problems in dispersal of cooking odours, leading to potential harm to existing and future residents; the possibility is raised of either an altered flue, odour treatment, or a technical assessment to demonstrate there would be no harmful impact. There is no evidence from the appellant to reassure me on these concerns: it is just said that the flue would be the subject of a further planning application.
22. I find such an approach unacceptable as I have no reassurance that this important matter could indeed be addressed through a future application to sufficiently control odour, or in a manner that would be acceptable in terms of design, siting and other matters. On the basis of the information before me it is my judgement there would be harm to the living conditions of residents by virtue of unacceptable odour.
23. The proposed rear extension would see a change from the existing pitched roof facing the adjoining property at No. 271 North Street to a vertical wall at second floor, the full depth of the existing outrigger. There is a window on the rear wall of No. 271, and from my observations at the site visit I concur with the Council that the height and depth of the proposed extension would be harmful to the outlook from that window, and is likely to lead to an unacceptable reduction in levels of light to the room it serves.
24. The proposals show a handrail around the existing rear flat roof on top of the ground floor addition, with access that would allow use as a sitting out area from first floor level. This would enable views at an elevated level towards the residential properties that adjoin, leading to a loss of privacy for existing residents.

25. Policy BCS21 of the Core Strategy and Policy DM30 of the Local Plan seek to ensure the living conditions of existing and future occupiers are protected. For the reasons given, it is my conclusion on the third main issue that there would be conflict with these policies.

Other matters and conclusion

26. For the reasons given above I have found that the proposed development would conflict with the development plan as a whole.
27. The Council confirm they cannot demonstrate a five year supply of deliverable housing sites. The proposal would result in addition housing in a sustainable area, which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. There would be a short term boost to economic development during construction of the buildings.
28. I have taken full account of these matters in support of the proposal. However, this support is countered by the poor quality of proposed housing, the harm arising to the character of the area, and the harm to the living conditions of future and existing occupiers, which are matters enshrined in the development plan and the Framework. The adverse impacts of granting planning permission would therefore 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.
29. My overall conclusion is therefore that the proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

C J Leigh

INSPECTOR