



Appeal Decisions

Site visit made on 9 April 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal A Ref: APP/P0119/W/23/3332339

46 Queensholm Drive, Downend, South Gloucestershire BS16 6LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Ashford and Mrs J Parfitt against the decision of South Gloucestershire Council.
 - The application Ref P23/00978/F, dated 6 March 2023 was refused by notice dated 2 May 2023.
 - The development proposed is described as 'proposed dwelling'.
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Appeal B Ref: APP/P0119/W/23/3332340

46 Queensholm Drive, Downend, South Gloucestershire BS16 6LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Ashford and Mrs J Parfitt against the decision of South Gloucestershire Council.
 - The application Ref P23/02236/F, dated 27 July 2023, was refused by notice dated 21 September 2023.
 - The development proposed is describe as 'demolition of existing detached garage and erection of 1 no. dwelling with associated works.'
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Decision

1. Appeal A is allowed, and planning permission is granted for a proposed dwelling, at 46 Queensholm Drive, Downend, South Gloucestershire BS16 6LG, in accordance with application Ref P23/00978/F, dated 6 March 2023, and the submitted details and subject to the conditions appended to this decision.
2. Appeal B is dismissed.

Procedural Matters

3. The Arboricultural Report was not submitted with the original application that is subject to Appeal A. However, an Arboricultural Report, guided by recommendations in relevant standards, was submitted with the revised proposal that is subject to Appeal B. The Council and interested parties had opportunity to consider that information at that stage. Also, the report, submitted with Appeal A, does not alter the original proposal considered by the Council. On this basis, considering this information in Appeal A does not disadvantage the interested parties in this case.

Main Issues

4. The main issues are:

- In respect of Appeals A and B, the effect of the proposal on the character and appearance of the area; and
- For Appeal B, whether the proposed dwelling would provide satisfactory living conditions for future occupants, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site is the side garden of a semi-detached dwelling. It is a corner plot, which is bounded by a footpath that leads to green spaces to the rear of the property. It forms part of a residential area which comprises a mix of terraces, semi and detached dwellings. While there a variety of housing types and properties have been extended, the area has a sense of coherency through its linear pattern of development and the traditional mid-20th Century architectural style of the dwellings. Green and natural features are largely limited to gardens and the open spaces to the rear of Queensholm Drive.
6. The proposal under Appeals A and B would subdivide the existing plot and the existing garage would be replaced by a single detached dwelling. The new dwelling would have a traditional architectural style, the appearance of which would be in keeping with the surrounding built form. The dwelling would also be constructed in materials to match the neighbouring property. As such the proposed design would be sensitive to the prevailing local character.
7. The immediate vicinity of the appeal site is characterised by semi-detached dwellings. However detached dwellings are not an uncommon feature in the area, particularly in corner plots. Therefore, the proposed dwelling would not appear incongruent in this location.
8. The new dwelling in Appeal A, would be set back from the front building line of No 46 and its neighbouring dwellings. However, this would only be by a modest amount, and given the relatively open and low boundary treatment at the front of the property, the new dwelling would have a reasonable street frontage, reflective of surrounding properties.
9. Also, this proposed dwelling would roughly align with these existing properties. The height of the new dwelling would be lower than No 46. However, the submitted plans show that the eaves of the respective dwellings would match, and the roof height of the new dwelling would just be a little shorter than the ridge of the neighbouring dwelling. Moreover, the new dwelling would be at the end of this short row of properties such that these slight variations would not harmfully disrupt the rhythm and pattern of development in this area.
10. The gap between the side elevations of this new dwelling and No 46 would be narrow. However, that gap would not be dissimilar in size to the existing gap between Nos 46 and 44. There would also be a reasonable space between the new dwelling and the side boundary of the property. Moreover, the new dwelling would be largely confined to a part of the plot that already contains structures. As such the nature of the site would not considerably change, inasmuch as when viewed from the neighbouring footpath, a side elevation

would be present, albeit closer to the side boundary than is currently the case. For these reasons, the new dwelling would not appear overly cramped in the plot nor would it harmfully erode the existing sense of space in this part of the street scene.

11. The Arboricultural Report assesses the quality of the trees at the rear boundary. The report also includes measures to ensure that the trees are protected during the construction phase of the development, and this is a matter which can be secured by condition. Consequently, I am content that the positive green features at the rear of properties would not be adversely impacted by this development.
12. While the style of the new dwelling is the same in both proposals, the position of the dwelling in Appeal B would not align with No 46. Instead, the front elevation of that proposed dwelling would be angled to partially face the side elevation of the existing dwelling. This positioning would be at odds with the linear pattern of development which strongly characterises this area. As a consequence, the new dwelling proposed under this scheme would appear an awkward and poorly designed addition to the street.
13. In summary, in light of the above, I find the proposal, subject of Appeal A, would not have a harmful effect on the character and appearance of the area. With regards this matter, this proposal would not conflict with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Core Strategy) and Policies PSP1, PSP3 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Local Plan). These Policies collectively, amongst other matters, seek high quality design and state that development proposals should minimise the loss of existing vegetation on a site.
14. The proposal in Appeal A would also accord with guidance set out in the Trees and Development Sites Supplementary Planning Document, which seeks to protect valued trees, and with provisions of the National Planning Policy Framework – December 2023 which seek well designed places.
15. In respect of Appeal B, I have found that proposal would have a significant harmful effect on the character and appearance of the area for the reasons outlined. In this regard the proposal in Appeal B would conflict with the Policies and guidance set out above.

Living Conditions

16. Similar to the dwelling proposed in Appeal A, the new dwelling under Appeal B would be stepped back from No 46. There would also be a narrow gap between the new dwelling and that existing dwelling. Moreover, the new dwelling in Appeal B, would be positioned such that the outlook from the living room and the front bedroom would be towards the side elevation of No 46.
17. It is asserted that the angle of the new dwelling would ensure that the outlook from these windows would not be overbearing. However, even with this angle, rather than views over the street, as is the case with surrounding properties, the outlook from these habitable rooms would be dominated by a two-storey solid brick wall, close to these proposed windows.
18. Even if adequate light would reach these windows, the outlook from these rooms would be unpleasant. The proposed configuration in this scheme would

provide a poor outlook for the future occupants when using these habitable rooms, and this would result in unsatisfactory living conditions.

19. Consequently, I find that the proposal, subject to Appeal B, would provide unsatisfactory living conditions for future occupants, having particular regard to outlook. In this respect, this proposal would conflict with Policies PSP38 and PSP8 of the Local Plan. These Policies collectively state, amongst other matters, that proposal will be acceptable provided that they do not create unacceptable living conditions.
20. The proposal in Appeal B would also not be consistent with guidance set out in the Council's Householder Design Guide Supplementary Planning Document in respect of protecting residential amenity.

Other Matters

21. The Parish Council has raised concerns about tandem parking. However, the proposed plans show that off street parking provision for the existing and new dwellings can be safely accommodated in the site. The Highways Authority is content with this arrangement, and in light of the above, I find no reason to dispute this conclusion.

Conditions

22. In addition to the statutory time limit, compliance with the approved plans and ensuring materials match are necessary for certainty and to protect the character of the area.
23. Protecting the identified trees during construction is necessary in the interest of nature conservation and to protect the appearance of the area.
24. Electric vehicle charging points in new dwellings is a matter generally dealt with by a regime separate from the planning system. A condition dealing with this matter is therefore not necessary. Local policy and guidance supports the provision of cycle stores and suitable bin arrangements. This condition is reasonable and necessary to ensure the aims of the relevant policies are achieved.
25. On site parking arrangements are also necessary to ensure suitable parking provision at the property.

Conclusion

26. Having regard to the development plan and all other material considerations, Appeal A should be allowed, and Appeal B should be dismissed.

A J Sutton

INSPECTOR

Appendix
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 plans: Site Location Plan and Block Plan Drawing Number 101, Site Plan As Proposed Drawing Number 102, Site Plan As Proposed - showing Tree Root Protection Area Drawing Number 102 and Plans and Elevations As Proposed Drawing Number 103.
- 3) The dwelling hereby permitted will be constructed in accordance with the details, method statement and tree constraints plan set out in the Silverback Consultancy Ltd Arboricultural Report (dated June 2023).
- 4) The external surfaces of the dwelling hereby permitted shall be constructed in the materials to match the existing dwelling at this property, and retained as such thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the car parking arrangements for the new dwelling have been laid out and constructed in accordance with the approved plans. The parking provision shall thereafter be retained for use by vehicles at all times.
- 6) The proposed development hereby permitted shall not be occupied until two covered and secure cycle parking spaces and a bin store have been provided for the new dwelling. The cycle storage and bin store shall thereafter be retained for their intended use.

End.