



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 May 2024

Appeal Ref: APP/Z0116/W/23/3331841
74 Oak Road, Bishopston, Bristol BS7 8RZ

- 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 Stephen Finch against the decision of Bristol City Council.
 - The application Ref 22/03444/F, dated 10 July 2022, was refused by notice dated 26 July 2023.
 - The development proposed is partial demolition of the existing building and the construction of a new three storey building containing six flats.
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of the existing building and the construction of a new three storey building containing six flats at 74 Oak Road, Bishopston, Bristol BS7 8RZ in accordance with the terms of the application, Ref 22/03444/F, dated 10 July 2022, subject to the conditions in the attached Schedule.

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 are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring residential properties with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal relates to a two-storey flat-roofed commercial building located at the corner of Oak Road with Elm Road. The surrounding area is predominantly residential and is characterised by traditional late 19th Century terraced dwellings. There is a degree of design variation in the terraced houses in the surrounding area, with both street facing gables, pitched roofs set behind

parapet walls, and hipped roofed end terraces prevalent. Stone detailing is frequently used around windows and doors, with single storey bay windows on Oak Road and 2-storey bay windows on Elm Road. A large commercial building with an Art-Deco façade adjoins the site to the west along Elm Road.

5. 74 Oak Road has a car workshop at ground floor level and office space above. The building has car repair bays facing onto Elm Road and the ground floor has a high floor to ceiling height to suit its commercial use, resulting in a building with a flat roof higher than the adjacent dwellings' pitched roofed ridges. Whilst there is some pleasing regularity to the openings on the building's Elm Road elevation, the Oak Road façade, in contrast, has a highly irregular facade, that has been altered in an unsympathetic manner, appearing significantly at odds with its surrounding context. Given the building's prominent corner location, the irregular Oak Road façade significantly adversely impacts on the character and appearance of the locality.
6. The proposed development would be of a similar height and bulk as that of the existing building, with the exception of the western end of the site, where there would be an entrance canopy to the commercial units accessed from Elm Road. The proposed external materials and architectural details would reference those of the adjoining dwellings, including simple cast stone door and window surrounds, paired windows, cast stone piers at the party wall, stone string courses, and cast stone coping at the parapet wall. The regular rhythm and massing of the proposed fenestration, in combination with the building's sympathetic architectural detailing, would result in a development that contributes positively to the character and appearance of the area at a prominent corner plot location.
7. As such, the proposal complies with Policy BCS21 of the Bristol Development Plan: Core Strategy (CS), Policies DM26, DM27, DM29 and DM30 of the Bristol Development Plan: Site Allocations and Development Management Policies Document (DMP). 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. The proposal also complies with section 12 of the Framework which requires development to be sympathetic to local character.

Living Conditions

8. The Elm Road elevation of the proposed building would be located approximately 9.6m from the facing rear garden of 78 Oak Road. There would be a degree of overlooking into the rear garden of no 78 from habitable rooms on the first and second floor of the building. The existing building has upper floor windows along its Elm Road elevation. As such the rear garden of no 78 already experiences a degree of overlooking from the existing office windows. The proposal does not have upper floor windows where 2 exist over the alley at present. Those 2 existing windows provide direct views over the rear garden to no 78. Whilst there would be direct views from first and second floor lounge windows of the proposed building, the majority of windows would require oblique views to overlook over the rear garden of no 78.
9. I acknowledge that office and residential uses are likely to result in different time periods of occupation of the site. Nevertheless, there is no evidence before me to suggest that the operating hours of the office floor space is

limited by any legal mechanism. As such, I find that the existing and proposed buildings represent a similar level of overlooking of the rear garden to no 78. The development would not represent an additional loss privacy to the occupiers of no 78.

10. Similarly, there are upper floor office windows on the existing building's Oak Road elevation facing the front elevation windows of nos 67 and 65. Diminished levels of privacy due to the limited separation distance between the office windows and facing windows already exists. There is a generally high level of mutual overlooking due to the tight pattern and grain of development in the area. Whilst the proposal would introduce additional upper floor windows facing nos 67 and 65, I am not persuaded that this would represent a material detriment to privacy levels given the existing views between facing windows.
11. Overall, therefore, the proposal would not be harmful to the living conditions of surrounding occupiers by virtue of overlooking or loss of privacy. As such the proposals comply with CS Policy BCS21 and DMP Policies DM27 and DM29. Taken together, amongst other things, these policies require new development to safeguard the amenity of existing development. It would also meet with the Framework requirement for a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. I have noted the many representations from interested parties. I have taken them all into account. The issues raised, including regarding parking, are largely identified and considered within the Council officer's report on the appeal development. The Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions on the other matters raised by interested parties, subject to the imposition of planning conditions.

Conditions

13. I have considered the conditions suggested by the Council against the requirements of the PPG and the Framework. The conditions I have included have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
14. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty.
15. It is necessary to include a condition to address potential issues of unexploded ordnance and contaminated land to ensure the development can be safely occupied.
16. In the interests of the character and appearance of the area, it is necessary to attach conditions in relation to: materials to be used externally on the building; elevational design details; refuse storage; and external lighting.
17. Conditions requiring submission of a construction management plan, and an assessment of noise emitted from air source heat pumps is necessary to ensure the satisfactory living conditions of neighbouring residents.

18. In the interests of highway safety and accessibility, conditions securing highway/footway details and cycle parking are necessary. A condition securing energy efficiency measures is necessary in the interests of sustainability.
19. Several of the conditions set out in the Schedule of Conditions below require details prior to commencement of development. These details need to be agreed before works begin in order to prevent the development resulting in harm.

Conclusion

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, indicate otherwise. The proposal would accord with the development plan when read as a whole. There are no other considerations that would lead me to depart from determining the appeal in accordance with the development plan.
21. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/Z0116/W/23/3331841
74 Oak Road, Bishopston, Bristol BS7 8RZ

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby authorised shall be carried out in accordance with the following approved plans and details unless otherwise required by the conditions below:
 - 2302-1000-02 - Site location plan and existing site block plan
 - 2302-3001-05 - Proposed Oak and Elm Road elevations
 - 2302-3002-08 - Proposed side rear and part Elm Road elevations
 - 2302-3100-02 - Proposed site block plan
 - 2302-3101-10 - Proposed ground floor plan
 - 2302-3102-07 - Proposed first floor plan
 - 2302-3103-08 - Proposed second floor plan
 - 2302-3104-01 - Proposed roof plan
 - 2302-3301-01_Existing and Proposed Sections Across Elm Road
 - 2302-3120-01_Upper Floor Sightlines
- 3) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

- 4) Prior to commencement of development a detailed unexploded ordnance survey shall be carried out at the site to establish whether there is any unexploded ordnance, the details of which shall include any necessary mitigation measures and shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in full accordance with any approved mitigation measures.
- 5) No development excluding demolition and groundworks shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 6) No development above slab level shall occur until the following detailed drawings have been submitted to the local planning authority and approved in writing:
 - a) 1:10 elevation details and 1:5 section details of all proposed new windows, and other glazing, showing all proposed materials, profiles, frames, opening lights, glazing bars, and fabric connections at head, reveal and cills.

The development shall be completed in accordance with the approved drawings.

- 7) No development (excluding demolition) shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development (excluding demolition) begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 8) No building hereby permitted shall be first occupied until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for

collection on the adopted highway (including the footway), except on the day of collection.

- 9) No development shall commence (excluding demolition) until detailed highway drawings of the footway adjoining the site and the vehicle cross-over providing access to the site have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the footway and vehicle cross-over have been constructed in accordance with the approved details.
- 10) No building hereby permitted shall be first occupied or use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, the cycle parking shall be kept free of obstruction and available for the parking of cycles only.
- 11) Prior to first occupation of the development hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and the approved lighting scheme shall be retained as such thereafter.
- 12) No building hereby permitted shall be first occupied or use commenced until an assessment of the potential for noise from air source heat pumps at the development to affect residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use of the development.
- 13) The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy/sustainability statement (Falcon/1013452, June 2022).