



Appeal Decision

Site visit made on 5 June 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/Z0116/W/23/3332874

11 Elderberry Close, Bristol BS14 0FX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Kevin Patel against Bristol City Council.
 - The application Ref is 23/03471/H.
 - The development proposed is erection of a side boundary wall.
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Decision

1. The appeal is dismissed and planning permission for erection of a side boundary wall is refused.

Preliminary Matters

2. A revised version of the National Planning Policy Framework has been published since the appeal was lodged. However, the provisions relevant to this appeal remain largely unaltered and so there is no need to seek the parties' views on the revisions.
3. In its submissions, the Council refers to policy BCS21 of the adopted Bristol Local Plan 2011. However, it appears this is an error and the reference should be to policy BCS21 of the Bristol Development Framework Core Strategy adopted in 2011 (CS). I have had regard to this policy in my assessment.

Main Issue

4. Having regard to the Council's submissions, I consider the main issue is the effect of the development on the character and appearance of the area.

Reasons

5. A footway that links Elderberry Close to Willow Close runs along the side boundary of the appeal site. From the footway, a brick wall to the side of the appeal property's back garden can be seen. Both the wall and the flank elevation of the dwelling are set back off the edge of the footway with a strip of shrub planting in between. This strip is fairly narrow but it continues alongside the property off Willow Close to the rear of the appeal site. A wider grassed area and a belt of mature vegetation lie on the other side of the path. Overall, the footway has a pleasant and fairly open setting.
6. The proposed wall would be on the edge of the path and in front of the house and the existing boundary wall. As such, it would be at odds with the established building line and the set back from the footway. The wall would not be read as a consistent continuation of boundary treatments as it would

protrude out closer to the path. The use of matching bricks would not address nor overcome the incongruity caused by the position of the wall.

7. Also, the proposal would have the effect of eroding the openness of part of the planting strip. Therefore, it would undermine the appeal site's contribution towards the setting of the footway and the local environment. Only a small part of the planting strip would be affected and there would be no effect on the grassed area and belt of trees on the opposite side of the footway. Nonetheless, harm would be caused to the character of the locality through the loss of open space to the side of the appeal site.
8. The appellant suggests the strip is unsuitable for shrubs due to the shading effects of the house and wall. However, on my visit I saw shrubs apparently thriving on the land to the side of the appeal property. In any event, even if the plants fail, the strip will remain and so it would continue to contribute positively to the open setting to the path.
9. For these reasons, I conclude the development would be harmful to the character and appearance of the area. In these regards, it would not accord with CS policy BCS21 and policies DM26, DM27 and DM28 of the Bristol Site Allocations and Development Management Policies Local Plan 2014 (LP). Amongst other things, these seek high quality urban design and development that responds appropriately to an area's character and identity. The Council's refusal reasons also refer to LP policy DM30 but this relates to alterations to existing buildings rather than walls and so it is not relevant to my assessment. Also, there is mention of the Council's Guide for Designing House Alterations and Extensions 2005 but I am referred to no part of this document that is relevant to the assessment of the appeal scheme.

Other Considerations and Planning Balance

10. The development would cause no harm to the living conditions at any nearby residence. Acceptability in these respects is a neutral factor.
11. The wall would prevent litter being dropped on part of the planted strip and so it would potentially allow for better maintenance of the appeal property. Also, it would improve privacy by obstructing views from the footpath into a ground floor window. However, these benefits attract only modest weight. For the reasons given, I find the proposal would not accord with the development plan when read as a whole. The other considerations are of insufficient weight to justify granting planning permission contrary to the development plan.

Conclusion

12. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR