
Appeal Decision

Site visit made on 7 June 2024

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/Z0116/W/24/3340708

55 Highridge Road, Bishopsworth, Bristol BS13 8HJ

- 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 S McCarthy against the decision of Bristol City Council.
 - The application Ref is 23/02965/F.
 - The development proposed is removal of garage and erection of new dwelling (re submission of application no 22/02719/F).
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Decision

1. The appeal is allowed and planning permission is granted for removal of garage and erection of new dwelling (re submission of application no 22/02719/F) at 55 Highridge Road, Bristol BS13 8HJ in accordance with the terms of the application, Ref 23/02965/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issue

2. Planning permission was granted for the erection of a dwelling at the appeal site in March 2023. The significant difference between the approved scheme and this appeal scheme is that the proposal now includes a rear dormer window to allow for the provision of accommodation on the second floor within the roof space. The Council's concern, as set out in its first reason for refusal, solely relates to this dormer window and in particular its effect on the character and appearance of the Bishopsworth and Malago Conservation Area.
3. The Council's second reason for refusal relates to a potential under provision of cycle parking. However, it has subsequently confirmed that this matter could be adequately dealt with via a planning condition. This issue has therefore been addressed in the conditions section of this decision.
4. Given the above, the main issue for this appeal is the effect of the development, through the inclusion of the rear dormer window, on the character and appearance of the Conservation Area.

Reasons

5. The appeal site is located within the Bishopsworth and Malago Conservation Area. This area is characterised by suburban residential development and several areas of public open space. The appeal site forms the garden area associated with 55 Highridge Road. The proposal would result in the subdivision of the site with the new dwelling constructed in the rear portion of the garden close to King Georges Road, replacing a small garage.

6. King Georges Road primarily consists of dwellings which face towards the road but set back behind areas of parking. There is a range of detached and semidetached dwellings along with some short terraces of houses. There are a few examples of garden areas and outbuildings associated with the dwellings on Highridge Road, including the appeal site and its immediate neighbour to the west.
7. In the immediate area, there are examples of dormer windows on both the front and rear roof slopes of the host dwellings. This includes a rear dormer window at 55 Highridge Road which covers much of the width of the roof slope and its height is broadly similar to the ridge height. This dormer window is highly visible from King Georges Road through the gap created by the appeal site. In addition, there are front and rear dormers on number 41 King Georges Road. The front dormer is very prominent from the street. Although it is not as high as the ridgeline and this dwelling is a bungalow, it covers much of the width of the roof slope. Given the colour of the materials used for this structure, it forms a strident feature.
8. The front elevation of the proposed dwelling would face onto King Georges Road, and it would be seen as forming part of that street scene. It would be broadly inline with the front elevations of the neighbouring dwellings. It would close the gap between number 39 to the immediate east of the site and the much larger garage building to the immediate west of the site. The rear of the dwelling would not be readily visible from the public domain including King Georges Road and Highridge Road.
9. The proposed dormer would cover much of the rear roofslope with its maximum height consistent with the ridgeline, albeit the sides of the dormer would have a pitched roof section. Given that it would not be readily visible from the public domain and, where it could be seen it would be visible in the immediate context of other large dormer windows, it would preserve the character and appearance of this part of the Conservation Area.
10. In view of the above, there would be no conflict with Policies BCS21 and BCS22 of the Bristol Core Strategy (2011) or Policies DM26 and DM31 of the Bristol Allocations and Development Management Policies (2014). Together these Policies seek to ensure new development contributes to an area's character, local distinctiveness, identity, and that it safeguards heritage assets including conservation areas. There would also not be conflict with the National Planning Policy Statement which has similar aims.

Conditions

11. Although given as a specific reason for refusal, the provision of cycle parking in line with the requirements of Policy DM23 of the Bristol Allocations and Development Management Policies (2014) and the associated Appendix 2 could be secured by condition. This would allow for policy compliant provision. It would therefore deal with this area of concern and would be necessary for these reasons.
12. Conditions relating to the commencement of the development and that it is carried out in accordance with the submitted plans are necessary in the interests of clarity and precision.

13. There is a risk that the site may contain contamination and as such a package of conditions is necessary to ensure investigations, the creation of a remediation scheme and the implementation of remediation, if required, is secured appropriately is necessary. Given that remediation would need to be integral to site preparation, it is necessary that some of these conditions require the submission of details before development commences.
14. To ensure that adequate energy efficiency measures are provided, conditions relating to the provision of an air source heat pump and solar PV systems, and compliance with the submitted sustainability statement, are necessary. Given the nature of such technology, it is necessary that details of the heat pump system are provided prior to commencement.
15. To ensure an adequate landscape setting and in the interests of the character and appearance of the area, a landscaping scheme, and its maintenance is required along with a scheme to ensure refuse and recycling is stored appropriately.
16. A condition to secure adequate parking, and that it is appropriately surfaced, is necessary in the interests of highway safety.
17. I have amended the wording of some of the conditions suggested by the Council to ensure they comply with the Policy in the National Planning Policy Framework and the advice in the Planning Practice Guidance.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I consider that the development accords with the development plan when considered as a whole. I conclude that the appeal should be allowed.

K Taylor

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the location plan the submitted solar panel details and drawing no PLN-1 REV 1a.
3. No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,
 - * groundwaters and surface waters,
 - * ecological systems,
 - * archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal for the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.
4. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two

weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by the Local Planning Authority.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 3; and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 4, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

7. No development shall take place until details of an Air Source Heat Pump system, including location, dimensions, design/ technical specification have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless the Air Source Heat Pump has been installed in accordance with the approved details.
8. Prior to the occupation of the dwelling, evidence of the PV system as installed including exact location and technical specification shall be submitted to and approved in writing by the Local Planning Authority.
9. No development shall take place until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. This shall include at least one tree to be planted within the redline boundary. It shall show Biodiversity Net Gain measures including, but not necessarily limited to, green roofs on the cycle and bin stores.

The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

10. The dwelling hereby permitted shall not be occupied until detailed designs of dedicated and secure storage for at least 3 cycles have been submitted to and approved in writing by the Local Planning Authority. The storage shall thereafter be provided in accordance with that approval and shall be in place before the occupation of the dwelling hereby approved and thereafter be retained and kept available solely for the use of the storage of cycles.
11. The dwelling hereby permitted shall not be occupied until the refuse store and area and facilities allocated for storing of recyclable materials, as shown on the plans have been completed in accordance with the approved plans.

Thereafter, the store and area shall be retained and kept available solely for the use of the storage of refuse and recyclable materials associated with the development.

12. 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 and sustainability statement (Sustainability Statement, by Mike Pringle; submitted with the appeal) prior to the occupation of the dwelling. A total 31 % reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.
13. The dwelling shall not be occupied until the car/vehicle parking area shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.