



Appeal Decision

Site visit made on 18 June 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Z0116/W/23/3331150

13 Charlton Lane, Brentry, Bristol, BS10 6SG

- 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 Surosh Heirani against the decision of Bristol City Council.
 - The application Ref is 22/02120/F.
 - The development proposed is described as "demolition of existing house and construction of 4No. dormer bungalows including altering of access off Rose Acre."
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Decision

1. The appeal is dismissed.

Main Issues

- The main issues are the effect of the proposed development on; the character and appearance of the area; highway safety; the living conditions of nearby residents; surface water drainage; and biodiversity.

Reasons

Character and Appearance

2. The appeal site comprises a detached single storey detached dwelling and associated curtilage. The area comprises a mix of property types including detached and semi-detached single and two storey properties characterised by having front gardens and private driveways. Dwellings are largely set in generous plots, which is a noticeable feature that contributes positively to the character of the area. Many properties have landscaped boundaries, which combined with the front gardens and grass verges creates a pleasant sense of spaciousness and verdant feel.
3. The proposal is for the demolition of the existing dwelling and the construction of two pairs of one and a half storey semi-detached dwellings. Plots 1, 2 and 3 would be accessed via Rose Acre with Plot 4 being accessed from the narrow lane.
4. The submitted plans showing the extent of the appeal site would provide a very small curtilage for each of the proposed dwellings, significantly lacking the spaciousness of others around it, leading to a much higher building to space ratio. It would result in a cramped form of development which would be at odds with and erode the established development pattern and urban grain of the area.

5. I have had regards to the appellants submission that the proposed dwellings would have a large overhang. Even taking account of the overhang, the plot sizes would appear much smaller than nearby dwellings.
6. For the reasons set out above I consider that the proposed development would harm the character and appearance of the area. Accordingly, I find conflict with Policy BCS21 of the Bristol City Council Development Framework Core Strategy (2011) (CS) and Policies DM26 and DM27 of the Bristol City Council Site Allocations and Development Management Policies (2014) (SADMP) which seek, amongst other things, to ensure that development contributes positively to an area's character and identity and the broader street scene. The proposal also conflicts with paragraph 135 of the National Planning Policy Framework (Framework) which seeks good design sympathetic to local character.

Highway Safety

7. The appeal site is accessed via a narrow lane from Charlton Lane and from Rose Acre, a cul-de-sac in a residential area of Bristol. Plots 1, 2 and 3 would be accessed from Rose Acre, and Plot 4 from the existing lane. Rose Acre is a residential cul-de-sac with detached dwellings with drives. At the time of my site visit cars were parked on Rose Acre which reduces the width of the road significantly.
8. In response to the Council's reason for refusal the appellant has suggested a reduction in car parking spaces to provide appropriate cycle parking and to comply with the maximum parking standards. Nevertheless, the proposed layout details a shared access arrangement through an access gate, with cars parked behind the gates.
9. In the absence of details demonstrating the location of the cycle and bin storage or swept paths detailing how cars can manoeuvre within the site, particularly those parked behind the gates, I am not satisfied that the proposed development provides safe access and parking. The current layout could lead to complicated movements within the site or reversing on to Rose Acre to the detriment of highway safety.
10. Whilst some details, such as the design of the cycle and bin store, could be conditioned. Due to the restricted nature of the appeal site and its access of to a cul-de-sac the swept paths and location detail of the cycle store cannot be left to condition.
11. In light of the above I am not satisfied that the proposed development would not harm highway safety. The proposal therefore runs contrary to SADMP Policies DM23 and DM32 which seek, amongst other things, to ensure that development provide safe and adequate access and provide sufficient space for recycling, refuse and cycle parking.

Living Conditions

12. The boundary between the appeal site and dwellings on Stoulton Grove are separated by an area of mature landscaping. Some fifteen metres of this area of landscaping will be removed to accommodate the proposed development. Plot one will adjoin the boundary with dwellings on Stoulton Grove, with an approximate separation difference of ten metres from their rear elevations. The proposed dwellings, being one and a half storeys, would measure approximately seven metres in height. They would have a hipped roof which,

due to their orientation, would slope down towards its boundary with Stoulton Grove.

13. The removal of the trees and replacement with a dwelling would change the view from the rear windows and gardens of dwellings on Stoulton Grove. Given the one and a half storey nature of the proposed, combined with its sloped roof and distance would lessen its impact when viewed from Stoulton Grove. The proposal would not therefore have a harmful overbearing effect on the residents of properties on Stoulton Grove.
14. 5 Rose Acre is located to the west of the appeal site. It is located at the end of the cul-de-sac and benefits from a large front and rear garden. The front garden is bound by a low wall and trellis, meaning that the front garden area is visible from the surrounding road, as with other properties along Rose Acre. The side and rear garden of No 5 is bound by taller fences and benefits from more privacy than its front garden.
15. First floor dormer windows within the proposed dwellings would face towards No 5 and its front garden. The proposed first floor windows would provide light into the upstairs bedroom. Conditions requiring obscure glazing and limiting the opening of the window would ensure that overlooking from the proposed development does not occur. However, as I am dismissing the appeal on other matters, I have not pursued this further.
16. In light of the above, the proposed development would comply with CS Policies BCS21 and SADMP Policies DM27 and DM29 which seek, amongst other things, to ensure that developments safeguard the amenity of existing development. It would also accord with paragraph 135 of the Framework that seeks a high standard of amenity for existing users.

Surface Water

17. The proposed development is not located in an area at risk of flooding and would provide permeable paving that would allow for surface water to be stored and discharged at a greenfield rate. Whilst no detailed information regarding the proposed drainage has been submitted with the appeal, the site is of a sufficient size that attenuation features could be provided under the paving.
18. Subject to an appropriately worded condition requiring the submission of detailed information I am satisfied that surface water could be appropriately managed.
19. In light of the above, the proposed development would comply with CS Policy BCS16 which seeks to ensure that developments incorporate water management measures to reduce surface water runoff.

Biodiversity

20. The proposed development would involve the demolition of a dwelling and the removal of mature trees and hedgerows. It would also reduce the green space area within the site. The proposed development would therefore have the potential to impact on biodiversity features.
21. In support of the appeal the appellant has submitted a Preliminary Ecological Assessment (PEA) and a Biodiversity Net Gain calculation. These reports note

that no bats are present within the building but the site has the potential to support slow worms, hedgehogs, and breeding birds. The net gain calculation details an 8% loss; however, the PEA suggests that subject to additional tree planting and the provision of a green roof that a net gain could be achieved. In light of these reports the Council are satisfied that appropriate conditions securing additional landscaping and the mitigation noted within the PEA would make the development acceptable.

22. Based on the evidence before me, I am satisfied that the biodiversity on the site can be adequately mitigated and enhance through the imposition of conditions.
23. I conclude that the proposed development would comply with SADMP Policy DM19 which seeks to ensure that developments be designed to avoid harm to identified habitats and species.

Other Matters

24. The appellant has put forward, what they consider to be, benefits which includes the provision of housing for older people, single level housing, reduction in care costs and economic benefits associated with construction.
25. The proposal has been put forward as open market housing. Whilst reference has been made to carers accommodation on the first floor and reducing demand on the NHS, future occupiers would not be restricted to specific age groups. Furthermore, the proposed development has first floor rooms and therefore does not wholly provide single level accommodation.
26. Whilst there would be a short-term economic benefit in relation to the construction of the dwellings, this would be limited by the small scale of the proposal.
27. As such, the benefits put forward by the appellant would only attract limited weight and would not overcome the harm I have identified above.

Conclusion

28. The proposed development would conflict with the development plan. None of the material considerations raised would outweigh this conflict. The appeal is therefore dismissed.

Tamsin Law

INSPECTOR