



Appeal Decision

Site visit made on 30 July 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/Z0116/W/24/3344075

113 Small Lane, Stapleton, Bristol BS16 1AW

- 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 Mrs Heather Turpin against the decision of Bristol City Council.
 - The application Ref is 23/02843/F.
 - The development proposed is proposed erection of a detached dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the application form. The appellant has used this revised description in the appeal form and so I am satisfied that no party would be prejudiced as a result.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the Stapleton and Frome Valley Conservation Area (CA), within which the site sits,
 - whether the proposal would provide adequate living conditions for its occupiers, with regard to outlook, daylight and outdoor amenity space, and
 - whether the proposal would accord with the spatial strategy of the Development Plan, including in respect of accessibility to services and facilities.

Reasons

Character and Appearance

4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA consists of land abutting the River Frome including linked villages and natural features such as wooded valleys. The area includes properties of varying eras but generally of traditional layout and form, with reasonably sized gardens. Relevant to this appeal, the significance of the CA hereabouts is its spacious character and layout.

5. The appeal site lies adjacent to housing of mixed ages fronting Small Lane. To the side and rear, the site is close to a garage block associated with low density, suburban housing at Cromwells Hide. The site itself consists of a modest piece of undeveloped land. By providing visual relief between the existing buildings, the site makes a minor but positive contribution to the CA.
6. The proposal seeks to erect a detached two-storey dwelling on the site. It would have a gable-end pitched roof, and be faced in stone to the front, with brick quoins and plinth. As such, the height and external appearance of the proposal would not be dissimilar to the adjacent dwellings on Small Lane, with which it would be broadly aligned. A short section of stone boundary walling would be built, and the existing hedgerow retained.
7. Nevertheless, the size of the plot is small, being constrained by existing buildings including the garage block. As a result, the proposed dwelling would be located very close to the edges of the site on three sides. Accordingly, despite the space proposed to the front, it would have a cramped and overdeveloped appearance, particularly when viewed from Cromwells Hide. Consequently, the proposal would undermine the spacious character and layout of the area and the CA.
8. As such, the proposal would have a harmful effect on the character and appearance of the area, including the CA as a whole. It would therefore conflict with policies BCS21 and BCS22 of the Bristol Core Strategy (the Core Strategy), adopted June 2011, and policies DM21, DM26, DM27, DM29 and DM31 of the Site Allocations and Development Management Policies Local Plan (SADM), adopted July 2014. These require proposals to contribute positively to the character of the area, including preserving heritage assets and reinforcing local context and distinctiveness.
9. For the same reasons, the proposal would conflict with the National Planning Policy Framework (the Framework) which requires that I give great weight to the preservation of designated heritage assets. In the language of the Framework, the harm to the CA would be less than substantial. Accordingly, I will weigh this harm against the public benefits of the proposal below.

Living Conditions

10. The side windows serving the ground floor kitchen and living area of the proposed dwelling would be close to the existing garage block. This close proximity would limit the daylight and outlook available to the room and its occupiers. The area would also be served by another window, facing to the front. However, this would be partially blocked by the frontage boundary treatments. As a result, the proposal would provide a poor degree of daylight and outlook to its future occupiers.
11. There is no dispute that the amount of outdoor space proposed would significantly exceed that required by the Council's standard for a one-bedroom, two-person unit. However, the space proposed includes awkward triangular-shaped pieces of land of limited practical usability. A more regular garden area would be provided adjacent to Small Lane, but it would be fairly narrow. Its usability would be restricted by the width of the retained frontage hedgerow as well as the proposed bin and cycle store.

12. Number 11 Cromwells Hide has a side garden area of similar width but its occupiers have much larger garden areas available to them. As such, it does not justify the proposal. Public open spaces are available at Wickham Hill Allotments, Snuff Mills and Eastville Park nearby. They would not provide private open space though and so do not provide sufficient compensation for the limited on-site space. Consequently, future occupiers of the proposal would have insufficient usable outdoor space.
13. For these reasons, the proposal would not provide adequate living conditions for its occupiers, with regard to outlook, daylight or outdoor space. It would therefore conflict with Core Strategy Policy BCS21 and SADM Policy DM27, which require attractive, usable spaces, to create a high-quality environment for future occupiers, and appropriate levels of outlook and daylight. For the same reasons, it would conflict with the aim of the Framework for a high standard of amenity for future users.

Spatial Strategy

14. SADM Policy DM1 only permits development where, amongst other things, it would represent a more efficient use of land, such as the proposal, in a location where higher densities are appropriate. Core Strategy Policy BCS20 seeks higher densities of development within or close to centres, or along or close to main public transport routes. That said, Policy BCS20 does not preclude higher densities in other locations.
15. The site would not be within 400 metres of a main public transport route, if defined as one with three or more services. However, the site is close to bus stops on Blackberry Hill, which have regular services to a range of destinations including Fishponds, Eastville and the city centre. The site is not within a centre, but there are convenience shops and a public house within reasonable walking distance from the site. It would also be close to a university campus, potentially providing facilities to some. As a result, the proposal would have sufficient access to services and facilities, such that higher densities would not be inappropriate in principle.
16. For the reasons given above, the proposal would not conflict with the spatial strategy of the Development Plan, including in respect of accessibility to services and facilities. There would be no breach of SADM Policy DM1 or Core Strategy Policy BCS20 in respect of this issue. Core Strategy Policy BCS9 relates to Green Infrastructure and so I find no conflict with this policy in respect of this issue.

Planning Balance and Conclusion

17. In accordance with the Framework, the less-than-substantial harm to the designated heritage asset must be weighed against the public benefits of the proposal. It would positively contribute to housing supply. However, being for a single dwelling, this contribution would be small. I therefore give this benefit only limited weight.
18. Future occupiers of the proposal would make a positive social and economic contribution to the area. Additionally, it would have economic benefits, for example to local businesses and the building industry, and could be delivered quickly. It would be built to high environmental standards and would result in modest ecological advantages. It would also provide passive surveillance of the

area. Nevertheless, I give these benefits only limited weight because of the modest size of the proposal.

19. Given my concerns about the suitability of the site for the proposal, the substantial weight referred to in Framework Paragraph 124 does not apply. I conclude that the public benefits of the proposal are not sufficient to outweigh the less-than-substantial harm to the CA. Nor do these benefits outweigh the overall harm resulting from the proposal identified above.
20. The Council cannot demonstrate an adequate supply of deliverable housing land. However, the policies in the Framework that protect the designated heritage asset provide a clear reason for refusing the proposal. As such, the tilted balance of Framework Paragraph 11(d) is not engaged.
21. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR