



Appeal Decision

Site visit made on 10 July 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th August 2024

Appeal Ref: APP/Z0116/W/24/3341251
142 Chakeshill Drive, Bristol, BS10 6PG

- 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 Property Options against the decision of Bristol City Council.
 - The application Reference is 23/00018/F.
 - The development proposed is the erection of 1no. attached 3-bedroom dwelling with parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. attached 3-bedroom dwelling with parking and associated works at 142 Chakeshill Drive, Bristol, BS10 6PG in accordance with the terms of the application, Ref 23/00018/F, subject to the conditions on the attached schedule.

Costs

2. An application for costs has been made by the Appellant against the Council. This application is the subject of a separate decision.

Procedural Matter

3. The Appellant submitted amended plans during the period of determination of the planning application. For reasons of timescale and protocol the Council did not consider the plans as amended and referenced the original drawings; I understand that stance. For my part I would deem the nature of the amendments to be modest, not of relevance to neighbours and not requiring additional consultation. The amended plans represent the scheme the Appellant wishes to be considered and given the foregoing I shall make my assessment on the basis of these revised drawings.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area, b) living conditions for future residents and c) safety of vehicle movements.

Reasons

5. The appeal site is a rectangular plot of garden to the side of 142 Chakeshill Drive; an end-of terrace property. It is at the entrance to a short cul de sac Bensaunt Grove which has some 10 terraced and semi-detached dwellings of two storey mansard roof design. Chakeshill Drive predominantly has terraced and semi-detached properties of traditional 2 storey form. The area is of established residential character and the mid-density estate has an unremarkable but relatively pleasing appearance. The proposal is as described above.

Character and appearance

6. The Council is concerned that the proposed dwelling by reason of its design, scale, and siting would appear as an incongruous feature within the streetscene with an intrusion on the spacious nature of the open corner further exacerbated by unattractive means of enclosures and hardstandings.
7. However, I would deem that in broadly mirroring its neighbour the design would not be jarring on the eye and I see no need for step down in roof form here. I note that the long terrace has one step down after four units and this would make a level row of three. The house to the north west is at a lower level but the Bensaunt Grove street width would enable this transition in a visually suitable form. Fencing and walling are common on side returns locally and many homes have front areas which are primarily hardstanding. Scale of the planned home would seem appropriate to my mind. The properties on Bensaunt Grove are well to the south and south west of the site and from this street outwards there would be no sense of over-crowding.
8. The space at this junction looking along Chakeshill Drive would be reduced but I am not persuaded that this is a precious attribute of the street and I note that over time other side plots at junctions have started to be developed. I take the Council's point that the side wall of the planned home would be relatively close to the back edge of the highway but in the local context and the curved alignments of both relevant roads this would not be visually intrusive and Bensaunt Grove would open out interestingly beyond the new home.
9. Core Strategy (CS) Policy BCS21 and Development Management Policies (DMP) DM21, DM26, DM27 and DM29 are relevant. Taken together and amongst other matters the policies call for well-designed development, at a suitable density, reflective of local architecture, and sympathetic to context and streetscene. Given the above I conclude that the scheme would not run contrary to these policies.

Living conditions

10. The Council was concerned that Bedroom 3 failed to reach the minimum national space standard. However, a slight internal re-arrangement via the amended plans has to my mind overcome this issue. I thus conclude that there is no conflict with CS Policy BCS18 and DMP DM14 in this regard.

Safety

11. In the original scheme parking was shown in the front garden area and close to the junction with Bensaunt Grove; this understandably gave rise to safety concerns. However, with the amended plans the Appellant has reasonably re-positioned the parking space to the end of the rear garden some way down Bensaunt Grove. To my mind this would remove any undue risk of safety related conflict.
12. Concerns were also expressed that the development would not bring forward any secure, well-located cycle parking provision. I am satisfied that plans before me satisfactorily address this matter.
13. In the circumstances I conclude that the development would not run contrary to the relevant elements of CS Policy BCS10 and DMP Policy DM23.

Conditions

14. The Council has not put forward suggestions for conditions. To my mind a standard commencement condition along with a requirement for works to be carried out in accordance with listed, approved, plans is appropriate to provide certainty. Refuse storage and secure cycle parking should be put in place for amenity and sustainable travel respectively. Vehicle parking should be provided and retained for this purpose in the interests of amenity and safety. The Appellant puts forward a range of energy and sustainability related propositions and these should be delivered in the interests of environmental protection. In the interests of visual amenity the extent of the hard-surfaced should be reasonably controlled and accord with the submitted plans.
15. I consider that 'permitted development' rights ought to be removed appropriately in the interests of visual and residential amenity. This is an unusual site arrangement with its restrictive nature, relationship to the side road and other buildings and a potential for intrusion upon neighbouring amenity such that exceptional controlling circumstances should apply.

Overall conclusion

16. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the character and appearance of the area or living conditions for future residents or the safety of vehicle movements. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (8)

1. The development to which this permission relates shall begin no later than three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: B12223 sheets LP, 01B, 02B, 03B & 04.
3. The development hereby permitted shall not be occupied until the bin and bike store shown on the approved plans are in place and these facilities shall thereafter be retained for use at all times.
4. The car/vehicle parking area shown on the approved plans shall be kept free of obstruction and available for the parking of vehicles associated with the development.
5. The garden areas shown flecked on drawing B1223 02B are not to be hard-surfaced or used for vehicle parking at any time.
6. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) no windows, other than those shown on the approved plans shall at any time be placed in any elevation (including roofs) of the dwelling hereby permitted without planning permission obtained from the Local Planning Authority.
8. Prior to occupation of the development hereby approved, the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures set out within the Energy Strategy and Sustainability Statement prepared by Fenton Energy and both dated 15 November 2022 shall be incorporated within the development and retained thereafter.