



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/23/3330413

5A Somer Lane, Bristol, BS3 5DL

- 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 Mr. Woodman against the decision of Bristol City Council.
 - The application Reference is 22/05164/F.
 - The development proposed is the conversion of residential annexe to a separate dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of residential annexe to a separate dwelling at 5A Somer Lane, Bristol, BS3 5DL in accordance with the terms of the application, Ref 22/05164/F, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is whether the proposal would be served by practical and safe means of access for vehicles, pedestrians, cyclists and emergency services.

Reasons

3. The appeal property is detached with a small curtilage and is single aspect at ground floor (southeast facing) and dual aspect at first floor. It has a GIA of approximately 75m². It lies at the end of an unadopted lane (Somer Lane). This lane has a scattering of buildings fronting it, mainly garages in the rear gardens of the houses to the west but also a limited degree of residential or commercial premises. The proposal is as described above.
 4. The Council is concerned that the unadopted lane, with its condition, lack of segregation and lighting, would fail to provide practical, safe, and adequate and sustainable means of access to and from the site for all sections of the community, particularly those walking and cycling and would also not suitably serve emergency vehicles.
 5. However, I found the lane to be in good condition in surfacing terms, of straight alignment with excellent forward visibility, with good quality junction arrangement to the principal road, of a width which allowed practical movement and with places for passing. It seemed to me to be well suited to walking and cycling and to serve any vehicular traffic which clearly would be low in volume. There is space for different travel modes at the same time and no practical need for segregation on this relatively short stretch of
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unadopted highway. I do take the Council's point about part of this lane being unlit but I am not persuaded that this would overly skew transport towards the private car. There are wide angles of view and a degree of natural surveillance and this development would further assist in this. The wider locality is suburban, readily accessible from the appeal site and served by public transport.

6. On the emergency vehicle front I would be confident that a fire appliance or other service on a call-out would drive down the lane forwards and not reverse as suggested by the Highway Authority. Thereafter it would almost certainly use one of the nearby abutting open areas, which I observed, to turn around, albeit I acknowledge that these are in private ownership. At worst, any need for, on an exceptional occasion, reversing out along a straight route would not justify rejection of this appeal.
7. Given the nature of the scheme I conclude that the proposal would not run contrary to Core Strategy Policy BCS10 (2011) and Development Management Policy DM23 (2014). Taken together and amongst other matters these policies seek to prioritise active travel, meet disabled needs, and deliver sustainable travel patterns, with safe streets and links to existing public transport, pedestrian and cycle networks. In my opinion these factors would be met by the appeal scheme which would in a small but positive way add to housing supply within this authority.

Conditions

8. I would agree with the Council's suggestion of the standard commencement condition along with a requirement for works to be carried out in accordance with listed, approved, plans; to provide certainty.
9. Contrary to the Council, I see no need for an extraordinarily onerous condition relating to the surfacing and form of the access lane which to my mind would serve the appeal property adequately in its current condition and layout. Similarly, a flood evacuation plan would be burdensome and unnecessary. Drainage systems are subject to other legislation and not needing review on change from an annex to separate dwelling in my opinion.
10. I agree that refuse storage should be determined in the interests of amenity. Dropping kerbs is not necessary here, no cross-over is needed, and access is already available for cars and cycles. Vehicle parking is in situ but should be retained for this purpose in the interests of amenity and safety; cycle storage should be provided to encourage sustainable travel – pertinent conditions are thus justified. I would agree that energy efficiency and sustainability measures should be put in place in accord with the application, to help address climate change.
11. I would also concur with the Council that 'permitted development' rights ought to be removed appropriately in the interests of visual and residential amenity. This is such an unusual site arrangement with its restrictive nature, relationship to the lane and other buildings and potential for intrusion upon neighbouring amenity that exceptional controlling circumstances should apply.

12. On occasions I include some variation from the wording set out by the Council in order to aid precision and accord with national guidance and legislation.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would be served by practical and safe means of access for vehicles, pedestrians, cyclists and emergency services. 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: 21137P1-A: All existing and proposed drawings, Sustainability and Energy Statement, and Transport and Highways Technical Note; all as received by the Council on 24 October 2022.
3. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
4. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
5. 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.
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 Sustainability Statement/ Energy statement prepared by Maddox Design LTD and dated Oct 2022 shall be incorporated within the development and retained thereafter.