



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/24/3341713

Garage 10 Lying To The South West Of, Cossins Road, Bristol, BS6 7LY

- 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 DML Development Managers Ltd against the decision of Bristol City Council.
 - The application Reference is 23/00665/F.
 - The development proposed is the redevelopment of existing garages to provide 6 dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal site is presently occupied by single storey pitched roofed disused garages in a U-shape arrangement around hardstanding. Cossins Road forms the site's north/north-east boundary, a residential street primarily characterised by 1920-1930s semi-detached properties. Rear gardens from Coldharbour Road elevated dwellings border the site to the west and north-west. To the south and south-east the site abuts steep tree-planted slopes going downwards within Redland Green which is an attractive area of public open space. The stretch of park along Cossins Road is enclosed by a metal-railed fence and planted boundary with mature trees at the top of the slope. The locality generally is one of well-established residential character with open land, interesting buildings, spaces, trees and other planting all coming together to form an area of extremely pleasing appearance with an air of spaciousness and verdancy.
 4. The proposal would provide five 3-bed 2-storey residential dwellings with private rooftop terraces and one 3-bed single-storey dwelling with two private courtyard gardens. All access to the site would be provided through the enhancement of the existing arrangement and the scheme would incorporate six parking spaces, one accessible parking space and twelve cycle parking spaces
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5. As noted above the site abuts open space and this is part of Redland Green which is designated as an Important Open Space and a Local Historic Parks and Garden. The same boundary is the edge of the Cotham and Redland Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy BCS22 of Bristol Core Strategy (2011) (CS) and Policy DM31 in the Site Allocations and Development Management Policies (2014) (DMP). Both policies also highlight the importance of Historic Parks. The policies aim to ensure that, with new development, heritage assets and their settings are conserved or enhanced.
6. One of the key characteristics of Redland Green is that whilst it is surrounded by, often substantial, houses these properties are set back off the edges and they certainly do not intrude upon the experience of space or openness. The existing garage block is extremely unusual in that it is set right on the park, and the Conservation Area, boundary. However, given its height and form it is almost innocuous in the scene. A concern I have is that the planned homes would not be this benign. I am not persuaded that the garage block should necessarily set the building line for a very different form and substantial scale of development. Current wider context must play a part in the determination of layout. Notwithstanding relatively significant filtering of views of much of the planned scheme by trees, when in leaf, there would nevertheless be a harmful intrusive visual impact upon views along and out of the park and Conservation Area by reason of the scale and proximity of walling and glazing. There would be a detrimental prominence of built form which would be out of sync with the landscaped character, informality and setting of the heritage assets.
7. A further part of the difficulty I have with the appeal scheme stems from the requisite removal of trees and the lack of scope for meaningful replacements. I appreciate the offer, albeit not formal existence, of an agreement to fund off-site planting but, like the Council, I struggle to see how or where this could successfully be undertaken within any meaningful proximity to the appeal site. To my mind the whole question of any tree removal and planned replacement, as well as tree integration, needs additional consideration within any development proposition. Similarly, treatment of and account taken of the over-hangs from neighbouring trees has not, to my mind, been sufficiently key in the determination of the layout and form of development for this site.
8. Existing sizeable trees in the park alongside, on a side offering potentially attractive views out and with a westerly orientation, would be so close to homes and their windows and outside spaces that I am in no doubt there would be potentially difficult-to-resist post-development pressure for pruning or removal. This would result in further conflict with the policy-based reasonable objective to protect or enhance green spaces generally and heritage assets in particular. Safeguarding of the important trees should be to the fore and in this important instance I consider that a precautionary approach should be taken which would effectively weigh heavily against the appeal proposal.

9. I do note the Appellant's Habitats Management and Monitoring Plan intents but I simply do not see how this would overcome the concerns I express in the above paragraphs.
10. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and CS Policy BCS22 and DMP Policy DM31. Additionally, the proposal would conflict with CS Policy BCS21 and DMP Policies DM26, DM27 and DM29. Taken together and amongst other matters these policies call for well-designed development, suitably detailed and laid out for its context, protective of the streetscene and local distinctiveness, with appropriate form given setting and site constraints, a suitable response to the public realm and generally making a positive contribution to the area. At the same time the scheme would run contrary to CS Policy BCS9 and DMP Policies DM15 and DM17 which all relate to green assets and trees and seek appropriate retention, mitigation and integration.
11. In line with many of the above policies the scheme would also run contrary to parallel objectives of the guidance within the Council's Cotham and Redland Conservation Character Area Appraisal; this document could not be expected to cover all views or every eventuality.

Other matters

12. The Council originally raised concerns over the matter of net gains for biodiversity. However, following consideration of submitted material this has now been withdrawn. I would agree with the latest stance of the Council and concur that had I been minded to allow the appeal there would have been no conflict with CS Policy BCS9 and DMP 19 to be cited on this front.
13. Similarly, the Council also raised concerns over the alleged uncertainty of risks arising from land instability. Again, this has been addressed by the Appellant. The Council does not now wish to pursue this criticism. For my part had I been minded to allow the scheme I would not have seen this matter in any negative light; there would not be conflict with pertinent DMP Policy DM37.
14. I note that parking issues are raised by a number of local residents but I would agree with the Appellant that because of scale, location and on-site provision in reality the scheme would not add unacceptably to any parking pressures.
15. The Appellant comprehensively sets out the housing supply situation. I recognise that the scheme would help on this front. However, my conclusion is that the disbenefits would outweigh this and the positive social and economic factors set out in the submissions. The contribution from the proposal would be modest and I am of the view that this appeal scheme by reason of its environmental impacts would not reasonably be termed sustainable development.
16. Whilst I have not been persuaded on the current proposal taken as a whole, I do appreciate that the scheme before me is the result of the Appellant

working constructively to create a reduced proposal following pre-app consultation and also introducing a range of beneficial amendments during the application's processing period. The quantum and quality of the material lodged with the scheme is impressive. I do understand the brownfield arguments and appreciate the development allocation in the emerging Local Plan. I have not held it against the Appellant that its intended numerical use of the land was below the Council's higher density estimation. I also recognise matters the scheme would have brought forward benefits such as footway improvement and removal of the somewhat unsightly fence.

17. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue above.
18. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of landscape and the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage assets however there are no public benefits which would outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area and Historic Park which I have identified.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR