



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/24/3340347 8 Cordwell Walk, Bristol, BS10 5BZ

- 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 Rob Wilton against the decision of Bristol City Council.
 - The application Reference is 22/05940/F.
 - The development proposed is the erection of two dwellings (use class C3) to the side of 8 Cordwell Walk.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings (use class C3) to the side of 8 Cordwell Walk, Bristol, BS10 5BZ in accordance with the terms of the application, Ref 22/05940/F, subject to the conditions on the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the area and b) living conditions for neighbours.

Reasons

3. The appeal site is land to the side of a terraced property, 8 Cordwell Walk, and at the foot of rear gardens of the terraced properties 44A and 44 Bishop Manor Road which run at right angles. The area is of established residential character and the mid-density estate, with its terraces and semi-detached homes, has an unremarkable but relatively pleasing appearance. The proposal is as described above.

Character and appearance

4. The Council is of the opinion that this scheme would represent overly cramped development not respecting immediate and wider context; there would be over-intensification with inappropriate layout, scale and design.
 5. The area to the side of 8 Cordwell Walk is unquestionably an unusually large one and would be suited to new development in some form or other. In terms of this scheme, I feel it would not look excessive from any public vantage points along highways. The rear elevation distance from the nearest homes round the corner to the main side elevation of the second planned
-

dwelling would be very comparable to that on the western side of Cordwell Walk and indeed at other nearby junctions. The gardens remaining for the two existing right-angled homes would be reasonable by any housing estate standards.

6. On the new build, the elevational design is well considered in detailing and scale to appear as a continued terrace which would not jar on the eye. Frontage width would be about the local norm and frontage parking is a familiar characteristic. The existing building line would be continued. The planned gardens, particularly on new dwelling 2 would be smaller than the prevailing norm but this would not be widely evident, smaller gardens do suit some occupiers, actual built form would have appreciable separation, and the new homes unusually have only two bedrooms. I am not persuaded that infill schemes always have to absolutely mirror in curtilage scale their immediate surroundings provided the character and attributes of an area are not eroded. To my mind this scheme would be a productive and beneficial use of the land bringing forward two good quality homes and would not be over-intensive or aesthetically damaging.
7. Core Strategy (CS) Policy BCS21 and Development Management Policies (DMP) DM21, DM26, DM27 and DM30 are relevant. Taken together and amongst other matters the policies call for well-designed development; at a suitable density, scale and layout; being 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

8. The Council is concerned that the scheme would cause harm to No 46 Bishop Manor Road in terms of overlooking and loss of privacy; this is a property 'round the corner' which would have an end part of the side of its rear garden running behind the scheme at right angles.
9. In this residential-estate two-storey setting there is little in the way of complete privacy available to households' rear gardens or elevations and this is generally further reduced when one comes to a disposition of houses on a corner. Nevertheless, it is a reasonable expectation that direct viewing should not be excessive. However, in this instance my assessment is that a threshold would not be crossed. I am of the opinion that the internal arrangements of the proposed dwellings are well considered and the resultant rear windows would either be obscure glazed or high level. I do not see potential for unreasonable over-looking to No 46 or other nearby homes. I touch on spatial aspects above and I would also underline that I would see no case of neighbours feeling unduly cramped or hemmed-in by the proposed dwellings. The layout and the details are satisfactory in terms of local living conditions in my opinion.
10. I thus conclude that there is no conflict with CS Policy BCS21 and DMP DM30 and their aim to protect the amenity of occupiers neighbouring new development.

Other matters

11. I am cognisant of dismissed appeal reference APP/Z0116/W/22/3297766. I am satisfied that the changed details of this proposal and new information are such that I may reasonably reach a different decision from that of my colleague.

Conditions

12. The Council has put forward suggestions for conditions. 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 and dropped kerbs should be provided and retained in the interests of amenity and safety. I agree that a Construction Management Plan should be a pre-requisite in this residential area in the interests of amenity and safety.
13. The Appellant puts forward a range of energy and sustainability related propositions and these should be delivered in the interests of environmental protection. This covers PV Panels and negates the need for further details to be submitted. In my opinion the suggested clearance on the fine level of detail on landscaping for this scheme is also unnecessary given its nature and scale; similarly, for enlarged detail on windows, doors and boundary treatments. Intended external finishes are embodied in the scheme and need no further submission. In the unlikely event of land contamination at this modest garden site, regulations and best practice can be followed.
14. I consider that 'permitted development' rights ought to be removed appropriately and windows controlled in the interests of visual and residential amenity. This is an unusual site arrangement with its restrictive nature and relationship to other buildings and a potential for intrusion upon neighbouring amenity such that exceptional controlling circumstances should apply.
15. 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

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 on living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR

[Note: Schedule of Conditions Attached]

SCHEDULE OF CONDITIONS (10)

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: A08 Building Strip Sections, A07 Proposed Bin and Bike Storage, A01 Site location plan, A02 Existing block plan, A03 Proposed block plan, A04 Existing & proposed street section, A05 Dwelling 1 Proposed floor plans & elevations and A06 Dwelling 2 Proposed Plan and Elevation – all received by the Council on 20 January 2023; Sustainability and Energy statement, dated 8 September 2021 and Planning Statement, dated 15 December 2022.
3. The development hereby permitted shall not be occupied until the bin and bike storage shown on the approved plans are in place and accessible 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 accessible, kept free of obstruction and available for the parking of vehicles associated with the development and retained at all times.
5. No building hereby permitted shall be occupied until drop kerbs has been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and retained in that form thereafter for the lifetime of 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed bathroom and ensuite windows in the rear elevations shall be non-opening and glazed with obscure glass and shall be permanently maintained thereafter as non-opening and obscure glazed.
9. 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 and Sustainability Statement shall be incorporated within the development and retained thereafter.
10. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The

approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.