



Appeal Decision

Hearing held on 3 September 2024

Site visit made on 4 September 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/Z0116/W/24/3342055

8-10 Station Road, Shirehampton, Bristol BS11 9TT

- 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 Shirehampton Land Ltd against the decision of Bristol City Council.
 - The application reference is 23/00151/F.
 - The development proposed is redevelopment of the site to include care home with associated facilities, works to include access, parking, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of a bat survey and shading diagrams during the course of the appeal the Council withdrew its objections to the scheme on grounds of overshadowing and potential effects on bats. The Council additionally accepted at the Hearing that the provision of staff cycle parking could be secured by condition, and that minor inconsistencies and inaccuracies on the plans, including in relation to bin store access, could be similarly addressed. Having also arrived at an acceptance that the plans provide an accurate indication of relative scale, the Council also withdrew its objection on grounds of overbearing. As I see no reason to reach a different view in relation to any of these matters, I shall consider them no further.
3. An application for costs was made by Bristol City Council against Shirehampton Land Ltd. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - the effects of the development on the living conditions of occupants of dwellings at 12 Station Road and future occupants of the development in relation to privacy;
 - the effects of the development on the character and appearance of the area, including a protected tree, and whether the development would preserve or enhance the character or appearance of Shirehampton Conservation Area (the Conservation Area);
 - whether the development would provide a net gain in biodiversity;

- whether the development would provide an appropriate response to climate change; and
- whether the development would be appropriately serviced in relation to waste.

Reasons

Living conditions

5. The proposed care home would be a large building of roughly 'H' shaped layout. This would be located between and have wings fronting Woodwell Road and Avonwood Close. These 2 wings would contain the majority of the care home bedrooms, whose windows would provide a sole outlook onto the streets in question.
6. An existing row of 3-storey dwellings at No 12 back onto Woodwell Road which narrows to a single lane in front of the site. Windows within the rear elevation appear to serve habitable rooms. As the Woodwell Road wing of the proposed care home would also stand close to the street, the gap between it and the rear elevation of No 12 would be small. It would furthermore progressively narrow moving north, with the direct line of sight between windows at No 12 and those in the proposed care home falling to around 12.1 metres. Given differences in orientation, the direct line of sight between windows at the proposed care home and dwellings at No 12 would be somewhat less. Notwithstanding the slightly oblique angle of view, it is likely therefore that future occupants of the care home would be able to easily see into some of the dwellings opposite, as well as directly overlook their compact back garden spaces. Occupants of the dwellings opposite would in turn be able to easily see into some of the proposed care home bedrooms. Whilst the effect would be mutually harmful, harm would be amplified in relation to future care home residents given that the bedrooms would provide their only private space.
7. In an appeal concerning a previously proposed scheme of residential development on the site (the previous appeal), an Inspector found that window to window distances of 16.4 metres would be unacceptable, and uncharacteristic of the surrounding area. Notwithstanding the appellant's identification of a street of terraced houses towards the west of the site whose front elevations are closely spaced, I see no reason to disagree with these previous findings. The street in question is not characteristic of the area at large, and the relationship between the terraces is not the same as that which would exist between the proposed care home and dwellings at No 12.
8. At the Hearing the parties considered whether it would be possible to safeguard privacy by simple measures secured by condition. However, none were identified that could be achieved without significant changes to the internal layout and external design of the Woodwell Road wing. As such the matter cannot be resolved through the imposition of conditions.
9. For the reasons outlined above I conclude that the development would provide an inadequate level of privacy for some of its future occupants and cause harmful loss of privacy for occupants of existing dwellings at No 12. This would

have an adverse effect in relation to the living conditions of each. The development would therefore conflict with Policies DM27 and DM29 of the Site Allocations and Development Management Document 2014 (the SADM) which seek to secure appropriate levels of privacy for existing and proposed developments, and Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (the BCS) which seeks to safeguard the amenity of existing development, and create a high-quality environment for future occupiers.

Character and appearance

10. The site falls entirely within, but at the edge of the Conservation Area. Land immediately to the south within Woodwell Road, and that to the east within Avonwood Close, falls outside. The site as such plays a role in informing the character and appearance of both the Conservation Area and the broader streetscene.
11. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the collection and layout of historic buildings and spaces that it contains. Within this context the site lies close to the junction of Station Road with Woodwell Road and The Green, each of which exhibit differences in historic character. Though the glasshouses on site hold no particular significance, the stone boundary wall on the west side of the site helps to define the historically narrow dimensions of Woodwell Road, and the attractive stone-built former cottage/shop is a distinctive historic feature identified as a non-designated heritage asset. Both the cottage/shop and wall make a positive contribution to the significance of the Conservation Area, but the derelict condition of the site detracts from the appearance of the surrounding streetscene.
12. Ground levels both inside and outside the site generally fall from north to south. The past design response has been to step buildings down the slope. This is a feature apparent throughout the broader area and is particularly distinctive where applied to buildings with long frontages or terraces. This is seen in Avonwood Close, and in streets towards the west of the site within the Conservation Area. It is also currently an obvious but less pronounced feature of the cottage/shop and glasshouses on site, and of other buildings along Woodwell Road.
13. To facilitate use of the proposed building as a care home a consistent floor level has been proposed throughout. The design response has been to dig the building in at its northern end. Whilst this would achieve the intended result, sinking the building into the slope would be wholly inconsistent with the established pattern. The effect would be pronounced by the length of the street-facing wings, and the positioning of windows uncharacteristically close to or below the adjacent street level. The scheme's inconsistency with its surrounding setting would be further highlighted relative to the artificially elevated position of buildings directly to the north, including the plinth on which the cottage/shop would be left standing following excavation of the north end of the site. This would diminish the otherwise positive effects of the proposed renovation of the cottage/shop, detracting from appreciation of its significance.

Given the above, the proposed building would otherwise appear acutely incongruous viewed on both sides of the site.

14. The Woodwell Road elevation would be broken into 6 parts, featuring some variation in height, roof detailing, and frontage position. Though this would provide the superficial impression of 6 buildings set in a row, this would do little to disguise the scheme's poor response to local topography. Indeed, whilst the staggered arrangement of the frontage would appear atypical in context, the overall effect would be undermined by consistency in the dimension and positioning of windows across the frontage, and the fact that the ridge height would be the same at either end.
15. The proposed building would be of greater overall scale and mass than other buildings within the immediate setting. This would be particularly apparent within Avonwood Close which is currently characterised by modest 2-storey residential development, but less so on the west side of the site given the existing height of buildings to the west. The proposed layout, treatment of the street frontages, and boundary landscaping would help to limit perception of overall scale. But the failure of the scheme to positively integrate with the topography of the site and its setting would be made more obvious by the size of the proposed building.
16. The Woodwell Road wing would be partly set back from the cottage/shop, but set well forward of dwellings immediately to the south of the site. In each regard the scheme shows similarities with that dismissed in the previous appeal. That case however involved a building whose height at the southern end of the site was greater than that now proposed, and which was set further forward at its northern end. In the current case the attractive southern elevation of the cottage/shop would remain reasonably visible within the streetscene, even if its overall appearance would be harmed by the engineering of levels. And, insofar as the abruptly narrowed dimensions of Woodwell Road currently signal a shift in character upon entering the Conservation Area, this would be reinforced by the positioning of the proposed building. The latter would itself partly reflect the forward position of the existing glasshouses on site. Though the flank wall would be a prominent feature within Woodwell Road, it could be screened and softened by planting.
17. The Council has raised additional objections to various aspects of proposed detailing and materials, including roof forms. These partly relate to a desire for development on the site to reflect late C19th designs in Station Road. However, whilst this would be irrelevant in relation to the Avonwood Close frontage of the site, most of the nearest buildings in Station Road are modern. As noted above, the immediate setting is mixed in character, and positive components of the streetscene around The Green exhibit some of the architectural details proposed. In this regard the development would form at least some relationship with its setting. Details and materials could otherwise be subject of further refinement by condition.
18. A copper beech tree on the Avonwood Close frontage of the site is the subject of a Tree Preservation Order. Undated photos show that it was previously swamped by a high hedge. It is now the only substantial piece of vegetation

left on the Avonwood Close frontage, where its current prominence is accentuated by the lack of any significant planting within the paved front gardens adjacent. The tree does not however appear to be a remarkable specimen, and nor is this claimed by the Council. The tree otherwise makes a negligible contribution to the character and appearance of the broader Conservation Area given its peripheral location within a modern cul-de-sac. Though the tree therefore holds some amenity value, it is limited.

19. The tree presumably underwent past management to avoid damage to the glasshouses beneath, and future management of its canopy would be possible in relation to the proposed development. The practicality of its long-term retention is however uncertain, chiefly given its awkward location and the fact that the extent of any root spread beneath the concrete base/foundation of the adjacent glasshouses is unknown. In view of its limited value, the most pragmatic solution would be to allow its suitable replacement as part of an improved scheme of landscaping if this was to prove necessary. It appears likely that sufficient space would be available within the site to accommodate replacement of the beech tree, and this could be secured by an appropriately worded condition. I appreciate that the Inspector in the previous appeal rejected this idea. However, the nature of that scheme and the landscaping proposed differed. I further note that loss of the tree has apparently been accepted in the past.
20. My findings above indicate that whilst the scheme would be less harmful than claimed by the Council, including in relation to the protected tree, its overall impact on the character and appearance of the surrounding area would be negative. Insofar as this includes the Conservation Area, the scheme would fail to achieve preservation or enhancement. The harm caused to the significance of the Conservation Area, including the positive contribution made to it by a non-designated heritage asset, would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 208 of the National Planning Policy Framework (the Framework) it is necessary to weigh this harm against the public benefits of the scheme.
21. The appeal scheme would see a derelict site within an accessible location put to productive use, providing 56 specialist units of care home accommodation, and in turn releasing 22.76 dwellings onto the market. The linked social and economic benefits would be amplified by a pronounced unmet local need for specialist homes, and the Council's shortfall in deliverable housing sites, the demonstrable supply of which currently stands at 3.75-years. These benefits would however be directly compromised by the scheme's failure to provide acceptable living conditions for some of its occupants, and its adverse effect on those of neighbours. That being so I attach only limited weight to the otherwise modest social and economic benefits of the scheme.
22. Insofar as benefits in relation to biodiversity enhancement have also been claimed, even if the development was to achieve a net gain, this is an expectation of national policy. It is therefore a benefit which attracts little weight in favour of the scheme.

23. In view of the above, the public benefits of the scheme would be insufficient to outweigh the harm that it would cause to the significance of the Conservation Area. Having further regard to the Framework, this provides a clear reason for refusing permission.
24. For the reasons outlined above I conclude that whilst the scheme's effects in relation to a protected tree would not be unacceptable, it would fail to preserve or enhance the character or appearance of the Conservation Area, and cause harm to the character and appearance of the broader area. It would therefore conflict with Policy BCS22 of the BCS and Policy DM31 of the SADM which seek to secure development that safeguards/conserves/enhances heritage assets; Policy BCS21 which expects development to positively contribute to an area's character and identity; and Policy DM26 of the SADM which expects the design of development to contribute towards local character and distinctiveness.

Biodiversity

25. The Council's reasons for refusal refer to the nature conservation value of the site. However, the evidence before me does not indicate that it either has or ever has had any significant nature conservation value.
26. In the absence of a policy within the development plan which specifically requires development to deliver a net gain in biodiversity, a gain has been sought in accordance with national policy set out within the Framework. As the application pre-dates the statutory regime, the gain sought is non-specific in scale. Whilst the Council favours use of Natural England's metric to illustrate a gain, it has adopted an inconsistent approach in relation to the version that it considers appropriate. Whereas it objected to use of version 3.0 as out of date when determining the application, it confirmed that this was the correct version at the Hearing. Consequently, a further submission by the appellant using a more up to date version of the metric was deemed incorrect. It remains the case that there is no requirement to use any particular version of the metric in relation to the non-specific gain sought.
27. Aside from the metric, the principal point of difference between the parties is the effect of factoring in a time period for reestablishment of vegetation previously removed from the site boundaries. The point is not so much that a gain could not be achieved, rather than that the level of gain would be less than claimed. The relevance of the fact that some boundary vegetation has since partly regrown is unclear. So too is additional uncertainty as to when the development would be implemented were the appeal to be allowed. The Council has also refused to take into account a range of proposed enhancements not acknowledged by the metric. I note that the Inspector did the same in the previous appeal. However, in the absence of any requirement to use the metric, and given that the simple objective in this case is to provide an unspecified gain, it appears reasonable to acknowledge any measure which might help to deliver it.
28. Taking all the points above together I see no reason to believe that a net gain in biodiversity could not be achieved on site, and that further details and

implementation could be secured by condition. This would include any adjustment necessary in the event that the beech tree was removed.

29. For the reasons outlined above I conclude that subject to the imposition of properly worded conditions the development would provide a net gain in biodiversity. In this regard it would be compliant with related national policy.

Climate change

30. In assessing the scheme, the Council considered that measures proposed to reduce carbon dioxide emissions from residual energy use within the building by 20% would be likely to deliver the requirement set out within Policy BCS14. Though this was not specifically demonstrated in detail within the appellant's Energy Statement, proceeding on the basis of likely compliance, the matter could be appropriately addressed by a condition requiring further details. This is otherwise logical given that the detailed construction design of the building has yet to be established. Though the Council has raised further concern over a lack of 'commitment' to install the proposed measures, their provision could again be simply secured by condition.
31. Some of the single aspect care home bedrooms proposed would face south, and others would receive morning and afternoon sun. This could play a beneficial role in providing passive heating during cooler times of the year, but might also give rise to potential overheating during the summer. Though this could cause discomfort to future occupants of the building, the Council has presented its concerns more within the context of energy use than living conditions. Indeed, in the absence of other options a suitable internal temperature can be achieved by various mechanical means. However, this results in greater energy use.
32. Insofar as any potential reliance on mechanical ventilation or cooling would be likely to have a bearing on calculations required in relation to Policy BCS14, this could be addressed at a later stage as set out above. Overheating is otherwise a matter specifically addressed by Part O of the Building Regulations, with which the scheme would be required to separately comply. Notably, this was not the case when the provision of care home on the site was last considered at appeal, and in the context of which the potential for overheating was identified as being of concern.
33. The extent to which limited reliance on mechanical ventilation or cooling might be required remains uncertain. This could nonetheless undermine the overall performance of the scheme against the broad objectives of Policies BCS13 and BCS15 which together seek to maximise energy efficiency. It would not however give rise to direct conflict with these policies nor alter the ability of the scheme to secure compliance with the more specific requirements of Policy BCS14.
34. For the reasons outlined above I conclude that, subject to the imposition of properly worded conditions, the development would provide an appropriate response to climate change. It would therefore be compliant with Policies BCS13, BCS14, and BCS15 of the BCS as considered above.

Waste

35. The proposed care home would contain a dedicated bin store. This is shown on the plans but only 4 of the required bins are depicted within it. A further 6 bins of decreasing size would also need to be accommodated. Subject to sliding doors being fitted to the entrance it appears that sufficient space exists. Sliding doors could be secured by condition.
36. Properties within Avonwood Close are currently serviced on-street by bin trucks which enter and turn at the end of the street. This is despite the presence of some on-street parking. The Council confirmed that it should also be possible for the proposed development to be serviced in this way. The time taken to collect and empty bins would cause a temporary blockage of the street. However, much the same presumably occurs at present in relation to collection from other properties. As Avonwood Close is a short cul-de-sac it is unlikely that this would cause more than a very minor additional inconvenience for a very small number of other road users, and no greater risk to highway safety.
37. In view of the above, the Council's objection to the scheme on grounds of its failure to demonstrate that a bin truck could enter and turn within the site is inconsequential. If, as the appellant claims, a bin truck could back into the site, this would be advantageous. But either way, the development could be appropriately serviced. The finer details of waste management could again be secured by condition.
38. For the reasons outlined above I conclude that, subject to the imposition of properly worded conditions, the development could be appropriately serviced in relation to waste. It would therefore comply with Policy DM32 of the SADM which requires development to provide sufficient recycling and refuse storage facilities, including in relation to access for collection, and Policy DM23 of the SADM which requires development to provide appropriate servicing facilities.

Other matters

39. The application was partly refused on the basis that required contributions related to off-site tree planting, travel plan monitoring and employment/skills training had not been secured. A Unilateral Undertaking (UU) was submitted during the course of the appeal in order to address these matters. Had I been minded to allow the appeal and the conditions existed in which planning permission could be granted it would have been necessary to consider the UU in further detail. However, as I am dismissing the appeal for other reasons no further consideration is necessary.

Conclusion

40. For the reasons set out above the overall effects of the development would be unacceptable, giving rise to conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR

APPEARANCES

For the Appellant

Penelope Merrick	Horizon Homes
Hugh Richards	Counsel for the appellant, No5 Chambers
Kit Stokes	Stokes Morgan Planning

For the Local Planning Authority

Andy Cross	(Planning) Bristol City Council
Jaymi Cue	(Energy) Bristol City Council
Sarah Hawes	(Ecology, BNG) Bristol City Council
David Martyn	(Design and Conservation) Bristol City Council
Luke Phillips	(Highways and Servicing) Bristol City Council
Jacob Stringer	(Trees) Bristol City Council

Interested parties

Ash Bearman	Shirehampton Planning Group
Kim Tudor	Shirehampton Planning Group

Documents presented at the Hearing

Council's 3D models.

Consultee comments for application 22/05967/F.

Council's costs application.