



Appeal Decision

Site visit made on 8 October 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Z0116/W/24/3345451

14 Barbour Gardens, Hartcliffe, Bristol BS13 0PN

- 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 Mr David Bonner against the decision of Bristol City Council.
 - The application Ref is 22/05499/F.
 - The development proposed is 1 no 3 bedroom dwelling and garage.
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Decision

1. The appeal is allowed, and planning permission is granted for 1 no 3 bedroom dwelling and garage at 14 Barbour Gardens, Hartcliffe, Bristol BS13 0PN in accordance with the terms of the application, Ref 22/05499/F and subject to the conditions in the schedule attached to this decision.

Main Issue

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

Reasons

3. The appeal property is an end of terrace dwelling in a spacious corner plot. It is located on a short cul-de-sac that is lined by semidetached and terraced properties of a similar appearance. The properties have a distinct mid-20th century domestic architectural style, with tile clad first floors and mansard shaped roofs. This built form and its linear development pattern provide consistency and uniformity which positively characterises this street scene.
4. No 14 is at the junction with Barbour Road. The residential properties on that neighbouring road are mixed in style. Also, it is a short stretch of road which bends near the appeal property. With these features, development on Barbour Road does not have the distinct rhythm that is evident in Barbour Gardens.
5. Barbour Gardens has an edge of settlement location, and the appeal property is bounded to the west by public open space. The back to back rear gardens of properties on Barbour Gardens and Maidenhead Road also provide a significant relatively green break in this short road. As such the appeal property and its immediate surroundings have a pleasant sense of verdant spaciousness.
6. The development would extend the existing terrace by a single dwelling. When viewed from the front, the appearance of the proposed dwelling would largely match properties in the existing terrace in terms of mass, scale, materials and height. Importantly, the new dwelling would be tile clad and have the locally distinct mansard roof shape. In this regard the proposal would be sensitive to

the prevailing architectural style, and this would protect the consistency and uniformity of built form in this area.

7. The new dwelling would extend beyond the original common building line at the rear of the terrace. However, as a modest protrusion, this would be sympathetic in scale to the modest proportions of the built forms that already comprise the terrace. Moreover, as a single storey, flat roofed structure, this extension would not visually compete with the mansard roof of the proposed dwelling. Furthermore, the new dwelling would align with the existing common building line at the front of the terrace, and with space retained at the front and rear, the addition would be in keeping with the locally characteristic plot layout and linear development pattern evident in this immediate vicinity.
8. The development would replace the existing single storey conservatory on the side of No 14. This would increase the footprint of development at this side, as well as the height of the built form in this space. However, this would be a modestly scaled, single dwelling, with a clipped roof shape. As such, only a small section of existing space would be lost at the side of No 14. Also, some space would be retained at this boundary with Barbour Road such that the new dwelling, similar to surrounding corner properties, would be set back from that road.
9. The proposed addition would stand proud of the existing side building line of the opposite terrace on Barbour Gardens and the corner properties on Maidenhead Road. However, this existing building line does not appear a strong feature in this short stretch of road. Moreover, the side boundary of No 14 has a curvature that is formed by the bend of Barbour Road. With this anomalous existing feature, the resultant altered side building line at the appeal property would be readily assimilated without significantly disrupting any current uniformity in the wider area.
10. The proposed garage would be located at the rear of the plot. The ground falls away at the part of the property, such that this structure would appear a subservient addition in this section of the street. As a single storey building, the existing sense of space in the immediate vicinity of the appeal property would not harmfully be eroded. Moreover, as a modest structure, the backdrop of the existing mature trees that fringe the nearby public open space would still be visible, and in turn the prevailing wider sense of spaciousness would be largely retained.
11. It is asserted that the proposal is similar in appearance to that which was previously refused permission by the Council. Be this as it may, for the reasons outlined, I find the proposal would be sensitive to the appearance of existing built forms and would not adversely impact on the verdant openness that currently characterises the wider area.
12. Accordingly, I find that the proposal would not have a significant harmful effect on the character and appearance of the area. In this regard the proposal would accord with Policy BCS21 of the Bristol Development Plan Core Strategy (Core Strategy) and Policies DM21, DM26 and DM27 of the Bristol Local Plan Site Allocations Management Policies (Local Plan). These Policies collectively seek high quality design, and amongst other matters, state that development of gardens should not result in harm to the character and appearance of the area.

Other Matters

13. There is concern that the bedrooms of the new dwelling would be rented to individuals living independently and that this may impact the existing community. I find nothing before me which would prevent the dwelling being used in this manner. But even if this was the outcome, this is a small development. In my judgement, allowing this small scale development would not harmfully imbalance the existing community.
14. My attention is drawn to two Neighbourhood Plans. The appeal property is within the Hengrove and Whitchurch Park neighbourhood planning area. However, the policies of this Neighbourhood Development Plan focuses on a Park regeneration area and therefore are not directly relevant to this proposal. This aside, policies of this Neighbourhood Development Plan seek good design and I find the proposal is consistent with that aim for the reasons already stated.
15. Attention is also drawn to the National Planning Policy Framework (the Framework). With regards this, this proposal would develop under-utilised land in a manner that would not harm the prevailing character of the area. In this respect it would be well-designed and would be an effective use of land. These matters have support in both national and local policy. As a small site the development could be built quickly and would contribute to the supply and mix of much needed homes in Bristol. It is also in a built up area with local services and reasonable access to public transport. The proposal accords with the Framework with regards these matters, and this weighs in favour of the development.

Conditions

16. Accordance with approved plans is necessary for certainty and to protect the character of the area. Requiring that external surfaces accord with the details stated on the approved plans is also necessary for these reasons.
17. It is necessary to approve drainage details at an early stage. However, I find no clear justification for this to be prior to any development on the site. The scheme is necessary to prevent flooding and to protect the environment. It is also reasonable to monitor land contamination during construction in the interest of the local environment.
18. Local policy seeks renewable energy generation to achieve at least 20% carbon reduction. Policy BCS14 of the Core Strategy goes on to say an exception will be made where a development is appropriate and necessary, and it is demonstrated that meeting the required standard would not be feasible. The submitted Energy Statement indicates this target is feasible. On this basis it is necessary and reasonable for certainty that this outcome is achieved. Implementation of the other sustainable construction measures identified in the Energy Statement is necessary to achieve the aims of local policy on this matter.
19. Requiring cycle and bin storage to be in place is necessary to protect living conditions and, in the interest of encouraging sustainable patterns of transport.
20. The reasons for the two noise conditions is unclear. If this is concerning disturbance during the construction phase, this is for a short period only and

therefore not reasonable or necessary. If this is to ensure the potential heat pump equipment is acceptable in respect of neighbours living conditions, this is a matter to be addressed when approving the energy scheme. In the absence of a clear justification or precise reasoning I have not imposed these conditions in their suggested form.

Conclusion

21. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal is allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - Site Location Plan Drawing No: 22.040-001
 - Site Plan Drawing No: 22.040-002a
 - Site Plan Drawing No: 22.040-002b (Drive and Parking)
 - Proposed Elevations Drawing No: 22.040-005a
 - Proposed Floor Plans Drawing No: 22.040-004a
 - Garage floor plan & elevations Drawing No: 22.040-006a
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plans Ref Proposed Elevations Drawing No: 22.040-005a and Garage Floor Plan & Elevations Drawing No: 22.040 – 006a.
- 4) No development above ground level shall take place until a drainage scheme (based on sustainable drainage principles) and associated detailed design, management and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and maintained thereafter.
- 5) No development above ground level shall take place until a scheme (including a timetable for implementation) to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20% has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable and thereafter retained in operation.
- 6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the first occupation of the development hereby permitted, the refuse store and area/facilities allocated for storing of recyclable materials shall be completed in accordance with the approved plans Ref Site Plan Drawing Nos: 22.040- 002a and 22.040-002b. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this store/area shown on these approved plans, or

internally within the buildings on this site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

- 8) Prior to the first occupation of the development hereby permitted, the cycle parking provision shown on approved plans Ref Site Plan Drawing No: 22.040-002a and Proposed Floor Plans Drawing No: 22.040-004a shall be installed, and thereafter retained for this intended use.
- 9) Prior to the first occupation of the development hereby permitted, the development shall incorporate the sustainable design and construction measures relating to materials, technology, adaptability and water consumption detailed in the Energy Statement dated 4 December 2022 and these measures will be maintained in the development thereafter.

End Schedule.