



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: 1st November 2024

Appeal Ref: APP/Z0116/W/24/3344878

Cranford, Lodge Hill, Speedwell, Bristol BS15 1LW

- 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 D Clark against the decision of Bristol City Council.
 - The application Ref is 23/03546/F.
 - The development proposed is change of use from Annexe to separate dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from Annexe to separate dwelling at Cranford, Lodge Hill, Speedwell, Bristol BS15 1LW, in accordance with the terms of the application, Ref 23/03546/F, and subject to the schedule of conditions appended to this decision.

Procedural Matter

2. At the time of the site visit, the development appeared largely constructed.

Main Issues

3. The main issues are:
 - The effect of the development on the living conditions of occupants of nearby dwellings and whether the new dwelling provides satisfactory living conditions for its occupants, having regard to privacy;
 - Whether the development provides safe access;
 - Whether the dwelling provides satisfactory living conditions for the occupants with regards outdoor space; and
 - Whether the development provides appropriate on-site renewable energy and low carbon measures, having regard for development plan policies.

Reasons

Living Conditions - Privacy

4. The appeal property is an incidental building associated with Cranford House. The development subdivides the plot of this house and changes the use of the existing annex building to form a separate dwelling.
5. The new dwelling is a dormer style, one and a half storey building. The front elevation of this dwelling faces the rear of Cranford House, and the two built forms are separated by outdoor space. The Council asserts that this space is less than the usual 'rule of thumb' required for the separation of dwellings.

This may be so, but the rear garden of Cranford House is bounded by a reasonably high fence, and this gives a good sense of enclosure for the retained private garden at that property. This fence, at the shared boundary, also largely restricts views between the rear of Cranford House, at the ground floor, and the ground level of the appeal dwelling, thereby safeguarding the privacy of the occupants of both properties at this level.

6. The new dwelling has a single first floor window on the front elevation and this faces Cranford House and neighbouring dwellings on Lodge Hill. However, the glazing in this window is obscured such that it does not provide an outlook over the rear of those neighbouring properties. As such the privacy levels that occupants of those dwellings should reasonably expect is protected. Certainty that this window would remain obscured could be achieved by condition.
7. Taking account of these factors, the occupants of Cranford House and its immediate neighbours on Lodge Hill do not have an unacceptable sense of being overlooked from the appeal property. In turn, the change of use at the appeal property has not harmfully altered the level of privacy that the occupants of those properties have come to expect when using their rear gardens and when in their rear habitable rooms.
8. Obscured glazing in the window will reduce the levels of light reaching the only bedroom in the appeal property. However, this bedroom also benefits from two rooflights which provide this habitable room with a reasonable source of natural light even if the first floor window remains frosted.
9. Also, while the obscured window limits the outlook from this bedroom, the rooflights provide views of the sky and space at the upper floor level. Moreover, this little dwelling has a good sized window serving the ground floor living space and, in this regard, has an acceptable outlook for its occupants. Therefore, requiring the window to remain obscured would not result in unsatisfactory living conditions for occupants of the new dwelling.
10. Rear windows on the upper floors of properties on Lodge Hill overlook the outdoor space of the new dwelling. However, this space aligns with the end of rear gardens in this part of the road and given the linear pattern of development in this area, these gardens already experience some overlooking from neighbouring dwellings. Moreover, the appeal property's outdoor space is bounded by high fences on two sides, and this partially screens this area. Not only does this feature limit the scope for overlooking, but the fences create a sense of seclusion, and this positively contributes to the quality of accommodation at this small residential unit.
11. There is also a first floor dormer window on the side elevation of the new dwelling. However, the floor plans show this serves a bathroom. Even if this was not the case, while the dormer faces residential units above commercial premises on Charlton Road, there is a good degree of separation between this dormer and the rear of those neighbouring properties. The distance between these respective residential units limits the potential for overlooking such that this change of use has not harmfully altered the privacy of residents on this part of Charlton Road.
12. In light of the above, I find that the development does not have a harmful effect on the living conditions of occupants of nearby dwellings and that the new dwelling provides satisfactory living conditions for its occupants, having

regard to privacy. The development, in this respect, does not conflict with Policy BSC21 of the Bristol Development Framework Core Strategy (Core Strategy) and Policies DM27, and DM30 of the Bristol Local Plan Site Allocations Management Policies (Local Plan). These Policies collectively, amongst other matters, seek to safeguard the amenity of the host premises and neighbouring occupiers.

13. The development also accords with provisions of the National Planning Policy Framework (the Framework) which requires a high standard of amenity for existing and future users.

Access

14. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on the highway.
15. Access to the appeal property is via a side lane off Lodge Hill. The lane is not tarmacked. However, it has a relatively compacted gravel surface, not dissimilar to treatments used for driveways. Also, the lane has a paved section at the crossover to the carriageway on Lodge Hill. As such the lane's surface appears potentially suitable to convey motor vehicles from the appeal property to the public highway.
16. This lane is located between properties that front Lodge Hill and the rear of properties on Charlton Road. Alongside Cranford House, the lane entrance is flanked by a commercial property that also has primary access from Lodge Hill. Next to this commercial premises, there is a separate pedestrian access to the rear of the residential units above properties on Charlton Road. With this arrangement of built form, the lane is limited to providing access to a small hardstanding at the rear of properties on Charlton Road and to the one bedroomed dwelling comprising the appeal property.
17. Serving such a small number of properties, there is likely to be a very low number of vehicles using this lane, and the existing reasonably robust surface of the lane would be adequate for such a relatively light flow of traffic. As such, even if I accept the principle of a 'Grampian' style condition, a condition requiring the resurfacing of the lane would not satisfy the test of necessity or reasonableness in this case.
18. Although this is a single tracked lane and only wide enough to accommodate one vehicle at a time, there is some space for vehicles to turn at the end of the lane. Therefore, any vehicle using the lane can re-enter the public highway safely in forward gear.
19. There is no dedicated pedestrian footway along the lane. However, it is short and straight, and this allows good intervisibility between pedestrians and vehicles. Moreover, as already outlined, there would be a small volume of vehicles using the lane. With these factors and subject to road users adopting due care, the scope for conflict between pedestrians, cyclists and motorists on the lane is minimised. In turn pedestrian access for the occupants of the appeal property would be reasonably convenient and safe.
20. The appeal property has limited outdoor space. However, there is space at the front of the dwelling where a car could be parked. As long as the car is modest in size, there would also be space for bins and a cycle store.

21. In addition to this, there is some on-street parking spaces on Lodge Hill, and they are reasonably close to the appeal property. Moreover, I find no compelling evidence that this on-street parking provision is particularly under pressure. In any event this is a small dwelling, such that the development is unlikely to harmfully increase the existing demand for on-street parking in this area if occupants prefer not to park vehicles directly in front of the appeal property.
22. Also, the appeal property is in an urban location with local services in walking distance and close to bus stops. As such occupants of the dwelling would not be dependant on a car to access a range of services. In light of these factors, I am content that this development offers reasonably accessible and adequate parking provision as well as opportunities to make use of modes of transport other than the car.
23. Consequently, I find that the development provides safe access. In this regard the development accords with Policy BCS10 of the Core Strategy and Policies DM23 and DM32 of the Local Plan. These Policies collectively require that development should not give rise to unacceptable traffic conditions and will be expected to provide, amongst other matters, safe and adequate access.
24. The development in this regard also accords with provisions of the Framework which require, amongst other things, safe and suitable access.

Living Conditions – Outdoor Space

25. The outdoor space for the new dwelling is limited to a block paving area at the front of the property. While this area is small, it serves a small dwelling and appears proportionate in this regard.
26. The space is open on to the lane, and this allows a car to be parked if required by the occupants. Again, as already outlined, although small, the area at the front of the property is sufficient for a car, a cycle store and bin area. In the event this was used for parking, there would be no space for occupants to sit outside. However, there are on-street parking options, close to the appeal property for times when the occupants wish to use their outside space for sitting and relaxing. As this area is not fully enclosed, it would be unsuitable as a play area for small children. However, this is a one bedroomed, small dwelling which is unlikely to appeal to families.
27. If occupants of the new dwelling choose to use this outdoor area for seating, the space is relatively regular in shape and could easily accommodate a small table and chairs and still have room for pots for growing plants. In this regard not only would the area be proportionate to this small residential unit, but it would offer sufficient, useable outdoor space for the occupants of the dwelling.
28. As the paved area is open to the lane, there would be some overlooking from vehicles accessing the other hardstanding, and from the rear first floor windows of properties on Charlton Road. However, as outlined before, this is likely to be a very small number of vehicles such that this would not be unacceptably intrusive for the occupants of the dwelling. Also, as previously concluded the distance between the new dwelling and properties on Charlton Road ensures that occupants of the dwelling would not feel harmfully overlooked from this aspect when in their outdoor space.

29. Therefore, I find the development provides satisfactory living conditions for the occupants of the dwelling with regards outdoor space. In this respect the development accords with Policies BCS18, BCS20 and BCS21 of the Bristol Core Strategy and Policies DM14, DM27 and DM30 of the Local Plan. These Policies collectively seek, amongst other matters, a well-designed environment, and sufficient usable external private space for the occupiers of the building.
30. The proposal would also accord with provisions of the Framework with regards a high standard of amenity.

Low Carbon Development

31. The submitted Sustainability Statement summarises potential renewable/low carbon energy generation solutions for this development. The Statement concludes that Photovoltaic (PV) modules would be the only suitable renewable energy generation option for the dwelling. While this is a dormer roof form, it has clear sections, either side of the dormer and to the rear, that could accommodate PVs of a suitable size for this small dwelling.
32. Moreover, it is stated that installing the PVs would achieve a 21% CO₂ reduction, and that taking account of other energy efficiency measures, the development could deliver a 23% CO₂ reduction. No compelling evidence has been advanced that this outcome could not be achieved at the appeal property.
33. The Statement shows that the development takes account of the energy hierarchy set out in Core Strategy policies. Also, the potential to satisfy the target set out in Policy BCS13 of the Core Strategy which seeks sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the building by at least 20% has been demonstrated. The PV units did not appear to be installed at the time of the site visit. However, this is a matter which could be secured by condition.
34. In light of the above, and subject to the imposition of conditions, I find the development would provide appropriate on-site renewable energy and low carbon measures, having regard for development plan policies. In this respect, the development is consistent with Policies BCS13, BCS14 and BCS15 of the Core Strategy. These Policies collectively, amongst other matters, require development in Bristol to reduce carbon dioxide emissions.
35. The development would also accord with guidance set out in the Bristol Climate Change and Sustainability Practice Note and provisions of the Framework to meet the challenge of climate change.

Conditions

36. Time limit for the development is not necessary as works have commenced. Accordance with the approved plans is necessary for certainty and to protect the character of the area.
37. The installation of energy efficiency measures is reasonable and necessary to ensure the aims of local low carbon policies are achieved. The provision of a cycle store and refuse bin area is also necessary to protect living conditions, and, in the interest of encouraging sustainable patterns of transport.

38. It is necessary to ensure obscured glazing at the first floor window to protect neighbours' privacy.
39. Removal of permitted development rights for the enlargement of a dwellinghouse, additional buildings, windows and roof alterations to the dwelling is requested. National guidance cautions that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. There is limited space to extend the footprint of the dwelling or for additional buildings in this plot and these rights are subject to conditions and restrictions. It is therefore unnecessary to restrict rights related to these matters for these reasons.
40. However, the enlargement of the dwelling by the construction of additional storeys, alterations to the roof or the creation of additional windows could have consequences which may warrant further consideration in respect of occupants and neighbours living conditions. For this reason, it is justified and necessary to remove these rights.

Conclusion

41. For the reasons stated above and having regard to the development plan, and material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR

Appendix

Schedule of Conditions

1. The development hereby permitted shall accord with the following approved plans:
Location Plan Ref PP-12448890v1 and Site Location Plan
Site Block Plan Number 4314/P2, and
Proposed 1st Floor Plan, Elevations, Ground Floor and Layout Plan
Number 4314/P1.
2. The use hereby permitted shall cease and all materials brought onto the land for the purposes of such use shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) and ii) below:
 - i) Within 3 months of the date of this decision, a cycle store shall be installed at the location shown on the approved Layout Plan Number 4314/P1 and retained for the storage of cycles thereafter.
 - ii) Within 3 months of the date of this decision, the energy efficiencies (including the Photovoltaic modules) in accordance with the detailed in the Sustainability Statement (Complete Energy Consultancy - dated 2 October 2023) shall be installed in the development hereby permitted and retained thereafter.
3. Refuse bins for the dwellinghouse hereby permitted shall be stored in the area shown for Bins on the approved Layout Plan Number 4314/P1.

Thereafter, all refuse and recyclable materials associated with the dwellinghouse shall either be stored in this dedicated area, as shown on the approved plan, or internally within the building that forms this application 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.
4. The first floor window on the front elevation (as shown on approved Plan Number 4314/P1) of the dwellinghouse hereby permitted shall be fitted with obscured glazing, and obscured glazing shall be retained in this opening thereafter.
5. 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) no enlargement by additional floors, roof alterations or windows and openings (other than openings shown on the approved plans) shall be constructed or installed at the dwellinghouse hereby permitted.

End of Schedule.