



Appeal Decision

Site visit made on 8 October 2024 by E Street BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/Z0116/W/24/3346036

Land Adjacent To 22 Rackham Close, Bristol BS7 9TQ

- 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 James Hellmann against the decision of Bristol City Council.
 - The application Ref is 22/06060/F.
 - The development proposed is described as "erection of a dwelling (use class C3) including hard and soft landscaping of the site, changes to site levels and other associated development (Self Build)".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are the effect of the proposed dwelling on a) the character and appearance of the area; and b) the living conditions of the neighbouring properties with specific regard to overlooking.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is a corner plot of land at the junction of Rackham Close and Romney Avenue. Land levels slope downwards to the west which results the houses staggering in height and, generally, cascading down the hill in the direction of the next cul de sac, Gilray Close. There are a mix of terraced and semi-detached houses with a harmonious material palette, matching rooflines and a marked consistency in the form, shape, design and configuration of units within the street scene. These elements contribute positively to a strong sense of uniformity in the character and appearance of the area.
5. The proposed roofline, due to its design and asymmetry, would appear awkward in the largely uniform context. This, along with the use of contrasting brick, timber cladding and unconventional window sizes and locations, would jar against the quality of the street scene's consistency. Examples of other material options and design changes have been given; however, I remain unconvinced that they would address my concerns with the other, more fundamental, design elements.

6. A dwelling has been recently erected on the opposite side of Rackham Close. Along with this scheme, it would add to a greater presence and something of a crowding effect at the traditionally open and uninterrupted entrance to one of Romney Avenue's designed cul de sacs. However, the new dwelling would be in line with Nos 160, 162 and the new one and despite being slightly taller, it would not unacceptably compromise the cascading effect of buildings as they run down the hill. The resultant building would be viewed as a two-storey dwelling even with the additional rooms in the roof space and resultantly would be in conjunction with the street read as a whole.
7. Be this as it may, this lack of harm would be neutral and the inappropriateness of the aforementioned design elements would still be sufficiently harmful to find, overall, that the scheme would not sit suitably with the character and appearance of the area. There would thus be conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (Local Plan) which amongst other things, seek to ensure that development proposals are of a high-quality design and standard.

Living Conditions

8. The balcony would be set within the rear elevation of the property. Due to being on the first storey and the siting, the views when looking towards the new dwelling (164A Romney Avenue) would be directly into the private amenity space. Even with the land level changes and new boundary treatments, the views from the end of the balcony would be directly into the private amenity space and towards the primary usable space. As a result, it would present clear views and an unacceptable impact of overlooking and loss of privacy would arise. However, a form of screening has been proposed which would be inserted on the side elevation of the balcony. The addition would mean limited views would be had from the side of the balcony and would mitigate the impacts of overlooking.
9. Whilst the appellant has referred to neighbouring properties to the rear overlooking No 164A, there is a reasonable amount of mature planting which would contribute to some natural screening with a sufficient separation distance. In any event, the circumstances differ and would have a different impact on the property.
10. In relation to 160 and 162 Romney Avenue, when standing on the proposed balcony, the views towards the properties would be shielded by the built form of the unit. In addition, the proposal of new boundary treatments would have an improvement on the current situation in which views of the garden are seen from the public realm. Therefore, the only views had from the balcony would not differ from rearward windows with some mutual overlooking which is common in a residential setting such as the appeal site's context.
11. Therefore, the proposal would not harm the living conditions of the occupiers of neighbouring properties. It would therefore comply, in regard to this main issue, with Policy BCS21 of the CS and Policy DM29 of the Local Plan which, amongst other things, seek to ensure that living conditions of the occupiers of properties are protected.

Other Matters

12. The appellants have raised concerns with the handling of the original application. This is for them to take up with the Council directly and not for me to resolve here. I appreciate that the appellants are recommending the use of sustainable materials to which I would give moderate weight.
13. I do not object to the use of modern design per se, or indeed certain elements as a matter of principle, but context is important, as I have explained. The example cited at Turner Gardens shows more than one use of such elements as part of a larger scheme. The component parts of which can be read together holistically and thus take on more of their own identity as a collective rather than appear awkwardly anomalous as in the case of the appeal scheme.

Conclusion and Recommendation

14. The proposed development would not comply with the development plan, specifically in regard to the first main issue. I have found in the appellant's favour on the second, but this would be a lack of harm and thus neutral in any balance. I have been given no compelling reason, taking into account other material considerations advanced, to deviate from the development plan. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR