



Appeal Decision

Site visit made on 30 October 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/Z0116/W/24/3347111

Garden of 126 Broad Walk, Knowle, Bristol, Avon BS4 2RS

- 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 Andrew Cole against the decision of Bristol City Council.
 - The application Ref is 22/04252/F.
 - The development proposed is demolition of an existing garage and sub-division of garden to form two plots for two new 2-bedroom houses. Installing a new dropped kerb and driveway for one of the houses (2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have set out the relevant planning history related to the site, which includes a permission in principle application¹ for two 2-bedroom dwellings, and an application² for a dropped kerb associated with the existing dwelling at 126 Broad Walk. I am also aware that a Building Regulations application³ has been approved at the same site. The appeal now before me is against a refusal to grant full planning permission, and I have determined it on that basis.
3. A number of additional plans were submitted with the appeal which relate to the Building Regulations application, along with an amended plan suggesting the potential use of the neighbouring garden land. While the additional plans appear to show substantially the same scheme as that before me, the amended plan would represent a fundamental change to the appeal proposal. It is important that what is considered at appeal is essentially what was considered by the local planning authority. In this case the amended plan would result in a different application. Moreover, I cannot be certain that interested parties have been given the opportunity to make representations on the additional or amended plans, giving rise to procedural unfairness. For these reasons, I will not accept them.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;

¹ Application ref 22/00205/PIP

² Application ref 22/01466/H

³ Application ref 22/52136/FD

- The effect of the proposal on the living conditions of neighbouring occupiers at 126 Broad Walk, with regard to outlook and daylight;
- Whether the proposal would provide for adequate vehicle parking, cycle parking, and refuse/recycling storage;
- Whether the proposal would meet appropriate energy standards; and
- Whether the proposal would provide suitable surface water drainage.

Reasons

Character and appearance

5. This part of Broad Walk is characterised by semi-detached properties faced with a mixture of render, pebble-dash and brick. Although there have been various additions and extensions to properties in the area, there remains a regularity in the semi-detached form and spacing of the plots. Properties are typically set behind a modest open front garden which is frequently laid to hardstanding to provide off-street parking. The garden of 126 Broad Walk creates a noticeable break in the street scene, with the unusual property alignment marking the corner between Broad Walk and Salcombe Road.
6. The proposed dwellings would substantially fill the gap formed by the rear garden of No 126, which lies to the side of the property. While their height would be broadly comparable to neighbouring dwellings, the narrowed semi-detached form of the proposals would reflect neither the wider semi-detached properties on Broad Walk, nor the narrower gable elevation of No 126. This would result in a confused and visually compressed addition to the street scene.
7. Although the proposed materials would reflect the presence of rendered and brick properties on Broad Walk, the proposed dwellings would also fail to reflect the prevailing building line, orientation, and spacing of dwellings, being set at an angle to the road edge and uncharacteristically close to the boundary of No 126. In addition, the elongated projections to the front comprising the downstairs bathrooms, cycle, and bin store structures would represent uncharacteristic built features extending towards the front wall of the properties. This would result in two small and cluttered frontages, at odds with the prevailing open character of front gardens and parking areas.
8. Consequently, the proposal would create an incongruous and cramped addition to the street scene, resulting in unacceptable harm to the character and appearance of the area. This would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (the Core Strategy), and Policies DM21, DM26, DM27, and DM29 of the Bristol Local Plan – Site Allocations and Development Management Policies (the SADMP). Taken together, these policies seek, amongst other matters, proposals that contribute positively to an area's character and identity, and that respond appropriately to the shape, form, and proportion of existing buildings.

Living conditions

9. The existing dwelling at 126 Broad Walk lies to the west of the appeal site, with its principle rear elevation facing the side wall of the proposal at a distance of approximately 2m. There is a rear door and several windows in the facing

elevation of No 126, which the appellant identifies as secondary windows. However, one small upper-floor window has the appearance of a bathroom window. The remainder appear to be clear-glazed and are often larger windows, indicating that at least some serve habitable rooms.

10. The Council's reason for refusal refers specifically to a 'front window', however no front windows of No 126 appear to be in proximity to or affected by the proposal. Based on the remainder of the Council's officer report which outlines its concerns regarding the facing rear windows, I have treated this reference to a front window as a typographical error.
11. The Proposed Street Elevations indicate that the proposed facing wall would be taller than the rear elevation of No 126. In combination with the proximity of the new dwellings directly opposite this aspect, the proposal would introduce an overly dominant structure, creating an oppressive outlook from the facing windows of the neighbouring property. There is no technical information in respect of the potential impact on light. However, based on its height and proximity, I also find that the proposal would have a harmful effect on the levels of daylight reaching the facing windows of No 126.
12. I therefore conclude that the proposal would harm the living conditions of the neighbouring occupiers at No 126, with regard to outlook and daylight. This would conflict with Policy BCS21 of the Core Strategy, and Policies DM27 and DM29 of the SADMP insofar as they seek to safeguard the amenity of existing development, and ensure that existing development achieves appropriate levels of outlook and daylight.

Vehicle and cycle parking, and refuse/recycling storage

13. The area to the front of each proposed dwelling is shown to comprise a driveway containing one vehicular parking space, cycle storage for one bicycle, and a refuse/recycling store.
14. Taking each feature in turn, the proposed driveways would be very narrow, representing the typical minimum size of a parking space. Enclosed by solid features to each side, including access to the proposed bin stores, this would make the spaces difficult and impractical to use. Policy DM23 of the SADMP requires that parking provision be useable and accessible, and Appendix 2 to the SADMP sets out that additional space for clearance may be needed where parking spaces are adjacent to solid structures, indicating an additional 0.5m where adjacent to a solid wall.
15. There is a reasonable level of unrestricted on-street parking available locally. Nevertheless, while one vehicular parking space to each two-bedroomed dwelling would be a sufficient provision in this context, the driveways and parking spaces provided would not meet the space and usability requirements of Policy DM23 or Appendix 2 of the SADMP.
16. Policy DM23 and Appendix 2 also indicate that a two-bedroomed property should provide storage for two cycle spaces. The proposal includes one cycle space within a narrow store to each dwelling, and there is no indication that sufficient space would be available to increase the size of the store to accommodate two cycle spaces. The proposal would therefore also fail to provide an appropriate level of cycle parking in accordance with Policy DM23.

17. Waste storage would be provided within narrow timber stores, accessed from the driveway of each property. It is not clear how the stores would be enclosed, however such detail could be secured by an appropriately worded condition. There also appears to be sufficient space to accommodate a number of different waste and recycling containers. However, the overall narrow width of the areas to the front of each property mean that the bin stores would be largely inaccessible when a vehicle was parked on the respective driveway. This would conflict with Policy DM32 of the SADMP, which requires safe and convenient access to recycling and refuse storage for occupants.
18. Overall therefore, the proposed development would fail to provide for adequate vehicle parking, cycle parking, and refuse/recycling storage. This would conflict with the detailed requirements of Policies DM23 and DM32 of the SADMP as set out above. There would also be conflict with the broader objectives of Policies BCS10 and BCS15 of the Core Strategy insofar as they seek to ensure the provision of safe streets, maximise the opportunities for cycling, and provide satisfactory arrangements for the storage of refuse and recyclable materials.

Energy standards

19. The submitted Energy Statement demonstrates that the proposed dwellings would exceed the minimum 20% reduction in carbon emissions from residual energy use required under Policy BCS14 of the Core Strategy. However, the policy also specifies that new development is expected to demonstrate that the heating systems have been selected according to a six-step heat hierarchy. High efficiency gas condensing boilers are proposed to each new property, which fall outside the heat hierarchy.
20. The appellant identifies that combined heat and power, biomass heating, and air source heat pumps had been discounted due to the space constraints of the site and the potential for noise issues in an urban location. However, the supporting text to Policy BCS14 makes provision for scenarios in which meeting the policy requirements are not feasible on a site, which include contributions to city-wide low-carbon initiatives, or directly linked or near-site provision. There is no substantive evidence indicating that either option is proposed by the appellant.
21. As such, the proposed development would fail to meet appropriate energy standards. It would conflict with Policy BCS14, as described above, which seeks to ensure that development utilises appropriate heating and cooling systems, contributing to meeting targets to reduce carbon dioxide emissions. There would also be general conflict with Policies BCS13 and BCS15 of the Core Strategy insofar as they expect development to contribute to mitigating and adapting to climate change.

Surface water drainage

22. The proposed development is not located in an area at risk of flooding and would provide permeable paving to the driveways leading to a new soakaway. While limited detailed information regarding the proposed drainage has been submitted with the appeal, the site is of a sufficient size and layout that drainage features could be provided to prevent discharge of surface water onto the highway.

23. Subject to an appropriately worded condition requiring the submission of detailed information I am satisfied that the proposal would provide suitable surface water drainage. In light of this, the proposed development would accord with Core Strategy Policy BCS16 which seeks to ensure that developments incorporate water management measures to reduce surface water runoff.

Other Matters

24. I acknowledge the appellant's concerns regarding the permission in principle process, and their view that the detail of the proposal has been previously accepted by the Council. However, permission in principle is part of a 2-stage planning consent process which provides an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for proposed development on a site (location, land use, and amount of development) (Stage 1) from the technical details consent of that development (Stage 2). There is no requirement for a Stage 2 application to automatically be granted following approval of Stage 1, and a full planning permission is only secured when both Stages 1 and 2 have been passed.
25. A Building Regulations application has been approved for the site. However, the consideration of Building Regulations applications is a regulatory process separate from planning permission, and considers the design and construction of buildings to ensure the safety and health of people in or around them. The granting of building regulations approval has not therefore established that the technical detail of the proposal is acceptable in planning terms.
26. The appeal before me is a full planning application. No technical details consent (Stage 2) application appears to have been made. As such, only the principle (location, land use, and amount of development) has been established as being acceptable, and these matters do not form part of the main issues under consideration in this appeal. In line with the Planning Practice Guidance⁴, the permission in principle (Stage 1) decision should have set out the amount of development as a range, stating the maximum and minimum number of dwellings permitted. The information before me indicates that the Council did not do this. Nevertheless, the planning history of the site and the previous approvals do not provide a fallback position for, or otherwise establish the acceptability of the detailed proposals now before me.
27. I recognise the appellant's frustration with the Council's processes and communication in determining the application. However, I have considered this appeal proposal on its own merits and concluded that it would cause harm.

Planning Balance

28. In accordance with the National Planning Policy Framework (the Framework) the Council is required to demonstrate a 4-year supply of deliverable housing sites. However, as the Council accepts that it cannot deliver a 4-year supply of housing sites, paragraph 11d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

⁴ Paragraph: 052 Reference ID: 58-052-20180615, Revision date: 15 06 2018

outweigh the benefits when assessed against the policies of the Framework as a whole.

29. While the development plan predates the current Framework, it is clear existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework. There is no inherent conflict between the development plan's policies in relation to the main issues above and the Framework in terms of its aims regarding achieving well-designed places, creating places which are accessible with a high standard of amenity for existing users, making parking integral to the design of schemes and promoting cycling, and meeting the challenge of climate change. As such, I afford significant weight to the conflict of the proposal with these policies.
30. In the absence of the necessary supply of housing sites and in the context of the Government objective to significantly boost the supply of homes, two dwellings would make a modest, but nevertheless important, contribution towards the provision of housing in the area. There would also be social and economic benefits associated with the construction and subsequent occupation of the dwellings in an urban area with convenient access to goods and services. In addition, there would be some environmental benefits associated with the installation of photovoltaic panels and the thermal efficiency of the buildings. However, given the modest quantum of development, cumulatively I afford these benefits moderate weight.
31. The proposal would result in an incongruous form of development, failing to create a high quality and well-designed development that is sympathetic to local character. In addition, I have found that it would not provide appropriate living conditions for neighbouring occupiers, nor adequate vehicle or cycle parking and refuse storage, and would not meet appropriate energy standards. Taken together, these are matters which significantly and demonstrably outweigh the stated benefits of the proposal when assessed against the policies of the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

K Jones

INSPECTOR