



# Appeal Decision

Site visit made on 11 November 2024

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 November 2024**

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**Appeal Ref: APP/Z0116/W/24/3337490**

**334 Canford Lane, Westbury, Bristol BS9 3PW**

- 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 & Mr Jasbir and Gurdip Baryah against the decision of Bristol City Council.
  - The application Ref is 23/01883/F.
  - The development proposed is 2 no dwelling houses, including storage for refuse, recycling and bicycles.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr & Mr Jasbir and Gurdip Baryah against Bristol City Council. This application is the subject of a separate Decision.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area,
  - The effect of the proposed development on the living conditions of the occupiers of 332 Canford Lane (No 332), with particular regard to outlook,
  - Whether the proposed development would encourage future occupiers to use a range of transport modes, with regard to the provision of cycle storage facilities,
  - The effect of the proposed development on flood risk; and
  - The effect of the proposed development on highways safety.

## Reasons

### *Character and appearance*

4. There is a greater consistency in terms of the scale and appearance of dwellings on the opposite side of the road to the appeal site. While there is more variation on the same side of the road, features such as stepped pitched and hipped roofs, gable features are characteristic. Dwellings are generally set

back from the road with parking areas to the front and landscaping to the roadside boundary.

5. The properties are predominantly made up of main frontage blocks with rear projections being smaller in terms of depth, with their eaves below that of the main part of the dwelling. Therefore, while filling much of their plot width, properties are wider than they are deep which reduces the bulk and mass of the built form. This, along with a general consistency of roof types creates a not overly complex design and broadly similar scale for each dwelling.
6. The proposed plot width coverage would be comparable with others nearby and the spacing between properties would not be untypical. The external materials, projecting gables and steep pitched roofs would draw on examples on this side of the road. However, the flat roofs and balcony areas to the rear of each dwelling are bulky given their depth and height, which extends above and jars with the eaves of the main crown roof part of the dwellings. The main parts of the dwellings would have a considerable footprint and scale. Along with the rear elements, the proposed dwellings would be uncharacteristically large blocks of built form that would appear discordant with nearby ones.
7. There are examples of dwellings with varied window sizes and shapes at different levels including where there is no symmetry. This is also the case for the existing property. Although there are some dormers and other roof features in the area, there are also properties with largely blank and tall roofs. Therefore, these elements of the scheme would not appear incongruous.
8. The large area of hard surfacing and parking to the front of the existing property are clearly visible over the boundary hedge. There are no obvious bin or bicycle storage areas on site at present. While there are no details of the appearance of the bin and bicycle storage, an area is shown to the front of the proposed dwellings. Due to the size of the area where these could be accommodated, conditions requiring further details of them could be imposed to ensure they did not harm the character and appearance of the area.
9. Several trees are shown as being removed, none of which are subject to the Tree Preservation Order, Tree T01 is said to be in terminal decline and tree protection measures are outlined. Mature rear boundary trees are some distance from the proposed dwellings and there is no indication that these, or the frontage hedge would be affected. Were the appeal allowed conditions could be imposed requiring tree protection and landscaping.
10. Nevertheless, the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policy BCS21 of the Core Strategy<sup>1</sup> as well as Policies DM21, DM26, DM27 and DM29 of the SADMP<sup>2</sup> where they require schemes to positively contribute to an areas character, significantly improve and create quality urban design and be of appropriate scale.

#### *Living conditions*

11. There are rooflights and windows that serve bedrooms at No 332 that face towards the appeal site. Given the angle of views from the rooflights, the outlook from them would be in part, over and beyond the nearest proposed

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<sup>1</sup> Bristol Development Framework Core Strategy

<sup>2</sup> Bristol Local Plan – Site Allocations and Development Management Policies

dwelling. Notwithstanding this, windows in the bedroom in the main part of the dwelling facing the appeal site would look directly towards the proposed one. Currently, the immediate outlook from these is over and to the side of the single storey garage and outbuildings with the appeal property itself set further into the plot.

12. The proposed dwelling nearest No 332, although set in to some degree and in the middle of its plot, would be considerably closer to these windows. The bulk and depth of the built form would be far greater in scale than the existing low-level garage and outbuildings. As such, the proposed dwelling would be a significant and domineering feature from the bedroom even with the proposed clipped gable. This would result in an uninviting and oppressive outlook for occupiers of this room. These are the only windows in the room so there would be no alternative outlook from it.
13. Conditions to remove permitted development rights could be imposed were the appeal to be allowed to prevent extensions, outbuildings and other alterations to the dwelling. Nonetheless, this would not prevent the harm outlined above. Although other properties are positioned similarly close to their side boundaries, it has not been shown that these have the same arrangement of windows and internal layout at neighbouring properties so would be materially different to the appeal scheme.
14. The orientation of the nearest proposed property to No 332 means that there would be greater separation further into the plot. Moreover, the dwelling would step down towards the rear. In addition, landscaping and boundary treatments would partly screen and soften the appearance of the proposed dwelling from the rear garden of No 332. Therefore, while the proposed dwelling would be closer to the boundary than the existing one and would be clearly seen from that rear outdoor space, it would not be a dominant or overbearing feature.
15. As such, the proposed development would unacceptably harm the living conditions of the occupiers of No 332 with regard to outlook. It would be contrary to Policy BCS21 of the Core Strategy and Policies DM27 and DM29 of the SADMP. These, in part, expect development to safeguard the amenity of existing development and enable existing development to have appropriate outlook.
16. Policy DM26 of the SADMP does not relate directly to living conditions of nearby occupiers for this type of development and therefore weighs neither for nor against the scheme with regards to this main issue.

#### *Transport modes*

17. Space to the front of the dwellings has been indicated for bicycle storage. There is no indication that there is insufficient space for provision in line with the Council's standards. Final details of the type and appearance of the storage could be secured by imposing conditions on any permission. This would ensure sufficient and appropriate storage would be provided and retained.
18. As such, the proposed development would encourage future occupiers to use a range of transport modes, with regard to the provision of cycle storage facilities. It would accord with Policy BCS10 of the Core Strategy where it aims

to ensure sustainable travel measures are in place and to maximise cycling opportunities.

#### *Flood risk*

19. There would be changes to the surface materials and areas of hardstanding as part of the appeal scheme, although there is an existing driveway and parking area to the front of the site. In the absence of any clear details to the contrary, an appropriate drainage scheme could be achieved on the site. This matter could be covered by conditions were the appeal to be allowed.
20. Therefore, the proposed development would not result in an increased risk of flooding. It would accord with Policy BCS15 of the Core Strategy where it seeks to minimise vulnerability to flooding.

#### *Highway safety*

21. The number of parking spaces proposed only marginally exceeds the maximum set out in the parking standards and large parking areas are typical of the area and the site at present. Therefore, there is no reason why the scheme would lead to on street parking. There is also sufficient space within the site to turn so vehicles could enter and leave in a forward gear. While gaps between parking spaces and boundary features have not been shown, there is space for this to be accommodated and a condition could be imposed for a final parking layout were the scheme allowed.
22. Boundary treatments and vegetation adjacent to the pavement along this part of Canford Lane is common. There is an existing hedge along the front of the site. To ensure sufficient visibility for road users further conditions could be imposed requiring details of boundary treatments and landscaping.
23. While only a snapshot in time I saw a reasonably regular flow of traffic passing the site at my visit. Given the scale of the scheme and that there is an existing dwelling on the site, the traffic generated would not harm the operation of the highway network.
24. In the absence of evidence to the contrary, details of the siting and design of bin storage could be covered by planning condition were the appeal allowed. This would ensure it did not obstruct sight lines or lead to any other highway safety concerns.
25. Licenses for the widening of the access and drop kerb are not a matter for this appeal and subject to separate legislation. Any other relevant elements of the access could be addressed by way of condition.
26. Consequently, the proposed development would not harm highway safety. It would comply with Policies BCS10 and BCS21 of the Core Strategy where they state developments should ensure safe streets and spaces.

#### **Other Matters**

27. The scheme has been amended from the previous ones. Notwithstanding this, I have found harm from the proposal before me. Given that planning permission has previously been approved at the site and represent a potential fallback position, there is a more than theoretical possibility of the fallback schemes being implemented, or permission sought again for them.

28. Planning permissions 17/02932/F and 18/00921/NMA included a new dwelling with a comparable set in from the boundary with No 332 and front building line to the appeal scheme. Nevertheless, the dwelling in those schemes did not extend as deep into the plot as the scheme before me. The front of the proposed dwelling in these were also only single storey. Consequently, it would not be as prominent in the outlook from the bedroom of concern at No 332. Moreover, the bulk of the property was less.
29. The conversion and extension of the existing property granted under 18/01154/F and 22/03807/F permission to change to a C2 use would not be of the same design, scale, bulk and appearance as the one before me.
30. As such, these would not result in the same harm and are not a reason to allow this scheme. Therefore, they attract little weight.
31. The proposal would contribute to the supply and mix of housing. There would also be economic and social benefits associated with the build and occupation of the units as well as those relating to energy efficiency and biodiversity. Due to the scale of the scheme though, as with any associated with the efficient use of land, these benefits would be small. A lack of harm from some of the main issues is a neutral factor.
32. The proposed properties would allow for intergenerational living for the applicants. Nonetheless, there is no compelling evidence that this scheme and design is the only means of achieving that or that there is no other accommodation that could also enable this. Consequently, this attracts little weight. The appeal scheme would lead to harm to the living conditions of the occupiers of No 332 and to the character and appearance of the area. This attracts significant weight. It is proportionate and necessary to dismiss the appeal.

### **Conclusion**

33. 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.
34. Therefore, I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR