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# Appeal Decision

Site visit made on 8 November 2024

**by G Powys Jones MSc FRTPI**

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

**Decision date: 29 November 2024**

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**Appeal Ref: APP/Z0116/W/24/3346598**

**329 Canford Lane, Bristol, BS9 3PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Lucy Sherry against the decision of Bristol City Council.
  - The application Ref is 23/01535/F.
  - The proposed development is a 1 no. two storey detached dwelling adjacent to existing property with garden and off street parking.
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## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The site has a planning history for broadly similar development, including an appeal<sup>1</sup>. The current submission attempts to address the reasons for the previous appeal's dismissal. The recent planning history is material to my considerations.
3. The Council has not submitted a statement of case for the appeal but relies on the delegated officer report on the application. This is a comprehensive document which more than adequately sets out the Council's stance on a variety of issues.
4. The Council's second reason for refusal is directed to the absence of ecological information with the original submission. A preliminary ecological assessment (PEA) has been submitted with the appeal. The Council has not commented on this document but having regard to its findings and recommendations I consider it to have satisfactorily addressed issues in respect of ecology and biodiversity. In this respect the appellant's reminder as to the original application's submission date is noted in the context of biodiversity gain.
5. The Council acknowledges the shortage in the City's housing land supply and that the so-called 'tilted balance' as set out in the Framework<sup>2</sup> applies.

## Main issue

6. The main issue is the effect of the proposal on the character and appearance of its surroundings.

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<sup>1</sup> APP/Z0116/W/22/3294652

<sup>2</sup> National Planning Policy Framework paragraph 11(d)

## Reasons

7. The character and appearance of the site and surrounding area is aptly described by the Inspector in his decision letter in the following terms:

*The northern side of Canford Lane is defined by semi-detached two storey dwellings with a largely uniform building line and a consistent scale, height and simple form. The dwellings, for the most part, sit within spacious plots with long rear gardens and are set behind generous front gardens and driveways, which are mostly open with low-lying enclosures. There is a distinctive character and appearance to the area, which is enhanced by the uniformity and conventional form of the dwellings as well as the simple pattern of development and spacious plots. Furthermore, the openness to the front provides views of a woodland area to the east, resulting in an open and green character and appearance to the area.*

*The appeal site is the side garden of 329 Canford Lane, which is a corner location adjacent to the woodland. The side elevation of No 329 is set behind the building line on Canford Lane (A4162) but the property fronts a private road also known as Canford Lane. The garden is landscaped with mature trees and a hedgerow boundary. A car port is located on the garden but is largely concealed by its single storey height, the trees and the hedgerow boundary. Consequently, there is an appreciable gap to the side of No 329, which together with the trees on the site and views of the wooded area to the east, contributes to the openness and green character and appearance of the area.*

8. Nothing of significance has changed either on site or in the area surrounding it in the two years or so since my colleague visited the site.
9. The Council acknowledges that the appellant's most recent design addresses some of the previous Inspector's concerns, particularly in terms of its re-siting to more respectfully tally with the building lines apparent on the A4162 and the private Canford Lane. However, the Council considers that the scale, height and what it considers the contrived design of the proposed dwelling would result in a prominent and unsympathetic addition to the street scene devaluing and harming the openness of a prominent and valuable green space.
10. The appellant has gone to considerable lengths to dispute the Council's concerns, particularly in terms of its view as to the impact on the green space. In this respect I note the appellant's account of the surface condition of the garden, but it is the general perception of what the space appears from outside the site that is of most concern to the Council, the previous Inspector and, indeed myself.
11. The perception of the impact of development is a matter of personal and professional judgment. However, there are certain facts that are apparent. Firstly, that the development, if built, would not be apparent when approaching along the A4162 from the east – it would be masked by the intervening woodland on the northern frontage of the main road. In this respect, considerable defoliation had taken place when I visited, but the density of the tree cover would continue to effectively act as a screen throughout the depths of winter.
12. The upper part of the proposed dwelling would however be clearly apparent for a significant distance when approaching along the main road and its footways from the west across the open frontages of the neighbouring dwellings. The closer to the site, the more apparent it would come despite the presence of a

hedge on the site's boundaries. It would also be seen from a limited viewpoint from directly outside the site in the private Canford Lane.

13. That a development could be seen does not automatically render it unacceptable or harmful, otherwise very little new development would be built. In this case, however, despite the appellant's attempts at mitigation in terms of design and siting, the open and verdant character of this valuable space, important to the local townscape, would to my mind be eroded, devalued and harmed by the prominent nature of the proposal and the consequent visual intrusion caused by the introduction of a dwelling of the scale proposed.
14. I therefore conclude that the proposed development would not sit harmoniously in its visual and spatial contexts and would harm the character and appearance of the green space and its surroundings. Accordingly, a material conflict arises with those provisions of policy BCS21 of the Bristol Development Framework Core Strategy (CS), and policy DM26 & DM30 of the Site Allocations and Development Management Policies (DMP), directed to protect an area's distinctiveness.

### **Other matters and planning balance**

15. As mentioned earlier the 'tilted balance' is engaged. The additional housing plot created is the main benefit of the scheme, together with some benefit to the local economy arising from construction activities. These, to my mind, are fairly modest benefits. However, it is apparent from the Council's representations that having taken urban design advice they would not be averse to the development of the site for a single dwelling, albeit one of a single storey having less visual impact outside the site. Whereas no planning permission exists for such a development, it is a relevant matter to take into account in considering overall balance. However, notwithstanding this aspect, I consider the adverse impacts of the development would significantly and demonstrably outweigh the modest benefits that would accrue.
16. The objections raised by neighbours have been considered. For the same reasons as the Council, I do not consider that any neighbouring property's living conditions would be impaired, and neither do I consider that any harmful highway safety consequences would arise. Nor with appropriate mitigation, as envisaged, would ecological or arboricultural interests be materially affected.
17. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions. The appeal is therefore dismissed.

*G Powys Jones*

INSPECTOR

