

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: 04 December 2024.

Appeal Ref: APP/Z0116/W/24/3346571

Land to rear of 150 Henleaze Road, Bristol, BS9 4NB

- 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 Mr S Khavandi against the decision of Bristol City Council.
 - The application Ref is 22/05845/F.
 - The proposed development is the demolition of garage and construction of a 1 bed dwelling (C3).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposed development relates to the rear of the appeal property and is described in the application form as '*demolition of garage and construction of HMO annexe.*'
3. For the reasons set out in the officer report the Council dealt with the application as a C3 residential use. I share the Council's rationale that having regard to the internal facilities proposed and the design, the proposal is more than capable of being used as a separate dwelling.
4. Accordingly, the Council's description of the development seen in the decision letter is '*demolition of garage and construction of 1No bed annexe (C3)*', and that is the description used by the appellant in the appeal form. However, no explanation is provided as to which C3 property the proposal would be annexed to.
5. The appellant's grounds of appeal clarify that the intention is to create a one bedroomed dwelling¹. Accordingly, I have treated the proposal on this basis, as reflected in the description used in the banner heading above.

Main issues

6. The main issues are: (a) the effect of the proposal on the character and appearance of its surroundings, and (b) whether this is an acceptable location for the proposal having regard to the living conditions of proposed and neighbouring residents with specific reference to outlook, amenity space, visual impact, safety and security.

¹ At Paras 1.1; 2.1.2; 2.3.1; 5.2 & 6.0.

Reasons

Character and appearance

7. The appeal site, as identified by the submitted location plan, relates to the whole of the curtilage of 150 Henleaze Road. This property is sited within a designated shopping area. Although no internal plans of the property have been provided, a fish and chip shop operates on that part of the ground floor facing Henleaze Road. I am given to understand that the remainder of the property is used as a house in multiple occupation (HMO).
8. The garage proposed for demolition is situated to the rear. A new building, taking development closer to the rear elevation of No 150, with a significantly greater footprint than the garage, would be created. The dwelling would be accessed from a service lane at the rear, and I saw that the lane was fronted by several outbuildings.
9. The relatively large number of refuse bins, including commercial bins, in evidence along the length of the lane points to its primary function - to serve and service those properties on the Henleaze Road and Wanscow Walk frontages. Its character reflects its primary useage, and the immediate environment can best be described as functional and dismal.
10. Whilst the scale of the dwelling may not be inappropriate in visual terms, the introduction of a dwelling into this immediate environment would prove entirely out of character. To my mind, tucked away in a service lane and accessed from it, it would prove to be the antithesis of good planning and placemaking. Although a secondary consideration, a successful appeal could also encourage others to pursue similar badly conceived schemes which the Council would find difficult to resist.
11. I therefore conclude that the proposed development would not sit acceptably in its spatial context since it would be perceived as entirely uncharacteristic of and at odds with 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.

Living Conditions

12. The appellant does not dispute the Council's point that the open space to the rear of the main building and the garage is the only external amenity area available to the occupants of the HMO. It would be substantially reduced in size offering, in effect, space only for bin storage and cycle parking, but little or no space for relaxation, sitting out or clothes drying. The reduced amenity area would therefore significantly affect the quality of the HMO's residents' living conditions.
13. It also appears that this space may also be the only external amenity space available for future residents of the proposed dwelling. If so, its smallness is unsuitable to serve the needs of the occupants of both sets of residents.
14. The only window serving the main living area of the proposed dwelling directly faces the reduced external amenity space, so that the privacy which future

residents of the dwelling could reasonably expect to enjoy would be substantially prejudiced as a result of people using the space being able to see directly into the living area at close quarters.

15. The replacement building would be substantially longer than the garage and would be re-sited so that its western side elevation would be set on the common boundary with No 152 Henleaze Road. The rear of the adjoining property was open and appeared to be used as a garden. The erection of a bland featureless wall along virtually the whole depth of the open area would result in an adverse, visual impact being experienced by the immediate neighbours.
16. Future residents would access and egress the property along the unlit service lane. Whilst the applicant considers that an external light could be fixed to the proposed building, this would probably provide limited illumination of the entire length of the lane. This would be less than ideal, and future residents' safety would be put at risk when using the lane, particularly during the hours of darkness.
17. Finally, the outlook for future residents from the proposed dwelling would prove very limited, dismal and well below the standard that could reasonably be expected in a modern housing development.
18. I conclude that future and neighbouring residents living conditions would either be harmfully reduced or not reach an acceptable level for several reasons, as explained above. Accordingly, I find that the proposal would conflict with those provisions of CS policy BCS21 and DMP policies DM27 and DM29 directed to achieving acceptable amenity provision for existing and future residents.

Other matters

19. The appellant considers that the unit would serve to assist in reducing the housing shortage currently experienced in the City. The Council acknowledges, in view of its housing land supply situation, that the 'tilted balance' is engaged. To my mind, however, the benefits arising from the scheme would be modest, but its adverse impacts would in my view significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework² as a whole.
20. The objections raised by neighbours and the Henleaze Society have been considered and I have already dealt with the main planning-related points raised.
21. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

² National Planning Policy Framework

