



Appeal Decision

Site visit made on 1 October 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/Z0116/W/24/3346158

30 Elvard Road, Bishopsworth, Bristol, Bristol City BS13 9BW

- 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 V Garashchenko against the decision of Bristol City Council.
 - The application Ref is 23/02116/F.
 - The development proposed was described as “new dwelling.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the application form, as also included in the banner heading above, differs to that within the decision notice. It is unclear whether this description amendment was agreed upon between the parties. Although the application form description has less detail, it is not inaccurate, and it is ultimately what the appellant has sought permission for. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed access off Ashland Road on highway safety, with particular reference to the provision of adequate visibility splays.

Reasons

Character and appearance

4. The appeal site (No 30) comprises a two-storey end-of-terraced dwelling facing Elvard Road, sited on a corner plot by the Ashland Road priority junction and at a right angle with this road, within a suburban residential area of Bristol. No 30's side elevation is at considerable distance away from the side boundary, and its chamfered low-level fencing along the junction splay allows for open views along Ashland Road. There is a taller fence and hedge enclosure towards the rear, but the spacious character of No 30 is nonetheless readily apparent when viewed from its surroundings.
5. Nearby terraced rows of dwellings share many similar designs, proportions and regimented layouts, with noticeable gaps to the side between buildings or towards the road. The appearance and spacious setting of No 30 therefore

forms a positive contribution to the character of the immediate area. Its more prominent location at a road junction heightens its role and importance as a spacious corner plot in the surrounding public realm.

6. The proposed dwelling would be attached to No 30 and its roof form and elevations would fully integrate with No 30. It would be of similar width to No 30 and would noticeably protrude beyond the building line of Ashland Road behind. The proposal would therefore form a prominent addition and whilst some separation space to the side boundary would be provided, this would appear cramped and squeezed in when compared to surrounding built forms. This would significantly detract from the spacious character of the site and surrounding area, and the proposed provision of new hedge planting along the front and side boundaries would not mitigate this harmful impact.
7. The proposed front elevation fenestration would include two first floor windows alongside the one existing first floor window of No 30. Several other nearby end-of-terraced dwellings also have one first floor front window, which make them appear less wide than the other dwellings within the terraces. This divergent fenestration would therefore further accentuate the proposal's dominance and cramped appearance in its surrounding context.
8. My attention has been drawn to several extended corner plot terraces in the local area. The nearest appears to be a new end-of-terrace dwelling on the southeastern side of the Elvard Close cul-de-sac junction. I noted a considerably more spacious gap to the side boundary than the current proposal, and a similar front fenestration design as the adjoining dwelling. The development does not appear cramped and the projection beyond the rear building line is not as significant as currently proposed.
9. Another cited example is on the southeastern side of the Ashland Road junction with Gay Elms Road. Its front fenestration projection beyond the rear building line is similar to the appeal proposal, and it is also of similar width as the original adjoining frontage. The appellant indicates that planning permission¹ was granted by the Local Planning Authority (LPA) for this dwelling in 2004 and refers to another planning permission² for a part single and part two-storey extension to the front and side. The full details of these permissions are not before me. However, the built form as it currently exists has a much greater gap to the side boundary than the appeal proposal, and does not appear cramped or over-dominant.
10. The final cited example is on the southern side of the Fair Furlong junction with Molesworth Drive. This dwelling extension has a similar width as the original but has a significantly more spacious gap to the side boundary than the appeal scheme, with no significant projection beyond the rear building line. This is sufficient to avoid a cramped or otherwise harmful appearance.
11. I have therefore found that none of the above cited examples justify allowing the appeal. A Ward Councillor also commented in representation that the proposal is similar to many other corner plots nearby, where similar applications have been approved, including recently. However, no specific details are before me, and I found no examples in the surrounding area to justify the grant of planning permission.

¹ LPA Ref: 04/00362/H

² LPA Ref: 07/05049/H

12. The proposal is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (BDFCS) and Policies DM26, DM27, DM28 and DM29 of the Bristol Local Plan - Site Allocations and Development Management Policies 2014 (BLP). Collectively, these policies require, amongst other things, development to be designed to a high quality, contribute positively to an area's character and identity, respect the local pattern and grain of development, and respond appropriately to the proportion of existing buildings and building lines.

Visibility splays

13. The proposal includes one off-street parking space from Ashland Road. The LPA considers that safe access has not been demonstrated, as no visibility splays have been submitted to show that motorists would have a clear and unimpeded view from the proposed driveway of approaching vehicles and pedestrians.
14. I noted that the hedge by the existing rear garden side and rear boundaries of No 30 was tall, but appeared to be within its garden boundary and not on highway land. I also noted visibility splays either side of the Ashland Road junction with Elvard Road. Both roads are relatively narrow and had some vehicles parked on footways. Whilst my site visit was only a snapshot in time, vehicle movements were infrequent and at low speed.
15. The proposed site plan indicates that the garden boundary line of the proposed dwelling adjacent the northeast side of its driveway would be chamfered at a 45-degree angle. Although the precise height or form of this boundary is not before me, its positioning would provide adequate visibility at this location for vehicles and pedestrians, and its final design could be secured by means of planning condition. The appellant states that No 30's hedge to be retained parallel to No 1 Ashland Road's driveway can be reduced to 600mm height, and is willing to accept a planning condition to secure this.
16. In light of all the above, I am satisfied that the proposal is capable of providing appropriate sight lines either side of the proposed Ashland Road access, subject to suitably worded planning conditions requiring additional boundary and sight line details to be submitted to the LPA for their consideration. This would comply with Policy BCS10 of the BDFCS and Policy DM23 of the BLP which require, amongst other things, developments to be designed and located to ensure the provision of safe streets, and safe and adequate access for all sections of the community.

Other matters

17. A previous application for two flats at the appeal site³ was refused by the LPA, and the current proposal is described as forming a reduction in size to match No 30. A Ward Councillor has also commented that the Council itself is promoting the development of extensions and stand-alone homes in gardens in the neighbouring ward of Filwood. No specific details of the above schemes are before me, and I must assess the appeal proposal on its own merits, having regard to its site-specific circumstances and the overall submitted evidence.

Planning balance

³ LPA Ref: 22/03344

18. I have found significant harm to the character and appearance of the area, contrary to Policy BCS21 of the BDFCS and Policies DM26, DM27, DM28 and DM29 of the BLP. Good design is also one of the fundamental tenets of the National Planning Policy Framework (the Framework). I therefore conclude that the appeal proposal is contrary to the development plan as a whole.
19. The Council cannot currently demonstrate a four-year housing land supply and has indicated a supply of 3.75 years which has not been disputed by the appellant. Paragraph 11 d) of the Framework is therefore engaged by footnote 8, which states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. Paragraph 60 of the Framework refers to significantly boosting the supply of housing provision. The proposal would form an efficient use of land to provide a small positive contribution to the Council's housing supply. Cumulatively, small sites such as this can provide a sizeable overall contribution to supply. Given this along with the current level of housing supply shortfall across the City Council area, this benefit is afforded moderate weight.
21. The submission includes a sustainability statement which advises that the proposal could be provided with solar panels, an air source heat pump, energy saving measures including high levels of insulation, and an electric vehicle charge point to allow for sustainable living. Overall, the co2 emissions could be a minimum 31% less than building regulations requirements. These environmental benefits are afforded moderate weight.
22. The site is within a built-up area of Bristol served by public transport and local shops, which would encourage active and sustainable modes of travel. However, accordance with the Council's spatial strategy neither weighs in favour nor against the proposal. The Framework is also clear that the efficient use of land should take into account the importance of securing well-designed places. Due to the harm that would result from the proposal, at best this would only be an environmental benefit of very limited weight.
23. In the particular circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. It would not therefore be the sustainable development for which paragraph 11 d) ii of the Framework indicates a presumption in favour.

Conclusion

24. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR