

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: 10 December 2024

Appeal Ref: APP/Z0116/W/24/3346640

4 Hollway Road, Stockwood, Bristol, Bristol City BS14 8PX

- 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 R Earrey against the decision of Bristol City Council.
 - The application Ref is 24/01069/F.
 - The development proposed is new dwelling to garden area.
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Decision

1. The appeal is allowed and planning permission is granted for new dwelling to garden area at 4 Hollway Road, Stockwood, Bristol, Bristol City BS14 8PX in accordance with the terms of the application, Ref 24/01069/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and,
 - The effect of the proposed development on the living conditions of surrounding neighbours and future occupiers, with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal proposal site comprises part of the private garden area of No 4 Hollway Road, a two-storey semi-detached dwelling forming an irregular shaped corner plot within a suburban residential area of Bristol and near to Stockwood Local Centre. The site is along a bend in the road and near the junctions with Bagnell Road and Stockwood Lane.
4. The surrounding area contains mainly semi-detached dwellings with fairly consistent designs and plot widths, with some detached two storey dwellings near road junctions, and bungalows within small cul-de-sacs such as Bagnell Close nearest the appeal site. I understand that a new two storey dwelling has recently been granted planning permission by the Council¹, attached to the nearby semi-detached dwelling of No 11 Hollway Road on the opposite side of the road, and appeared to have been implemented at the time of my site visit.

¹ Ref: 19/02040/F

5. The irregular plot size along the curvature of the road means that No 4 Hollway Road has a larger private garden area than many of its neighbours. This allows for the proposed dwelling to be sited at sufficient distance away from No 4 and from No 2 Stockwood Lane on the other side. The dwelling would be set back from the road to provide front parking, which would also respect the building lines to each side.
6. This layout would lead to the proposed rear garden for the new dwelling being not as deep as many of its neighbours. However, this garden depth would not be appreciable from surrounding roads, as views would be restricted by surrounding fencing and buildings. Similarly, the variety of garden depths in the nearby area are not readily appreciable from surrounding locations along the streetscape, including the new dwelling at No 11 Hollway Road which, as indicated on the site plan provided with the appeal, appears to have a smaller rear garden than that currently proposed.
7. I have therefore found that the proposed development complies with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (BDFCS) and Policies DM21, DM26, DM27 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 be of appropriate layout.
8. The decision notice cites conflict with Policy DM30 of the BLP. However, this policy relates to extensions and alterations to existing buildings, whereas the proposal is for a new detached dwelling. I therefore do not interpret this policy as being relevant to this appeal.

Living conditions

9. The proposed dwelling would be sited closest to the rear garden boundaries of No 2 Hollway Road and No 101 Stockwood Lane. These neighbours have reasonable garden depths. The resultant rear-side elevation distances would be commensurate with many typical suburban residential layouts. Sufficient levels of outlook for these neighbouring dwellings would therefore still be provided.
10. Given the irregular corner plot layout of the appeal site and the overall rear garden depth of No 2 Bagnall Road alongside it, the proposed dwelling would sufficiently tilt away from No 2's rear elevation and garden area adjacent to its rear elevation. This would be sufficient to avoid an adverse degree of overshadowing upon this neighbour, and the resultant layout would also retain a sufficient degree of outlook.
11. Similarly, the proposed dwelling would tilt away from the rear elevation of the retained dwelling of No 4 Hollway Road. There would be no direct views from this neighbouring elevation towards the proposal. The site orientation would result in some overshadowing of a section of No 4's garden. The separation distance and juxtaposition between the dwellings would however allow for sufficient light to be received by the main garden area throughout the day and would also provide sufficient outlook for No 4.
12. The proposal therefore complies with Policy BCS21 of the BDFCS and Policies DM27 and DM29 of the BLP. Collectively, these policies require, amongst other things, development to safeguard the amenity of existing development and achieve appropriate levels of outlook, privacy and daylight.

Other Matters

13. No side elevation windows are proposed apart from a small first floor window which serves a hallway, which is shown on the elevation plan as obscure-glazed and can be secured by means of planning condition. The separation distances to surrounding elevations and primary garden areas are sufficient to avoid adverse impact in terms of privacy or loss of views. Given the number of surrounding houses, the proposal is unlikely to result in significantly increased levels of noise and disturbance.
14. The proposed off-street parking areas would be sufficient for the size of the new dwelling and the retained dwelling of No 4 Hollway Road within a sustainable location, and I am satisfied that sufficient visibility splays can be provided. The level of additional traffic generation from the proposed dwelling in this location would not be significant.

Conditions

15. I have considered the Council's suggested conditions against the tests in the National Planning Policy Framework and Planning Practice Guidance (PPG), and have amended their wording, where necessary. I agree that a condition specifying time limits for the development (condition 1) is necessary in the interests of certainty. Condition 2 is necessary in the interests of clarity, as it specifies the approved plans and details. I have added a condition (condition 3) to ensure that the external materials used are as set out in the submitted application form and plans, in the interests of the character and appearance of the area. I have amended the condition 4 wording to make more specific reference to Sustainable Drainage Systems methods, in the interests of clarity. This condition is necessary to prevent increased risk of flooding.
16. Condition 5 is necessary in the interests of living conditions, the character of the area and highway safety. I have however deleted the Council's suggested restriction of storage of refuse on the highway outside of collection day as I consider this to be an unreasonable requirement, bearing in mind that collection times could be made early in the morning or be subject to change. The requirements within the Council's suggested condition 6 duplicate those of condition 5, so I have deleted it.
17. The Council has suggested three compliance conditions in respect of the means of access for vehicles, pedestrians and cyclists, including the vehicular crossovers. However, the submitted plans do not include full details of the crossovers (including for the retained dwelling of 4 Hollway Road), and the specific pedestrian/cycle access locations from the highway are also not clear. I have therefore imposed one condition (condition 6) restricting development above ground level until the above details are submitted to and approved in writing by the local planning authority, which is necessary in the interests of highway safety.
18. I have amended the condition 5, 7, 8 and 9 wording to refer to the dwelling hereby approved and to make specific reference to the approved plans. Conditions 7 and 8 are necessary to ensure that the dwelling is served by adequate vehicle and cycle parking. Condition 9 is necessary in order to minimise climate change impacts.
19. I have added a condition (condition 10) to ensure that the first floor side elevation window facing the retained dwelling of 4 Hollway Road is obscure

glazed with a high-level opening, in the interests of privacy. Given the proximity of the proposal to neighbouring boundaries, and having regard to the PPG, it is necessary and reasonable to remove permitted development rights (condition 11) for further extensions, outbuildings and external alterations to the dwelling. In line with the PPG, I have reworded this condition to make precise reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear which rights have been withdrawn.

Conclusion

20. The proposal is in accordance with the development plan as a whole and the Framework, and the material considerations do not indicate that a decision should be made other than in accordance with it. The appeal should therefore be allowed.

R Cahalane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 2) The development hereby approved relates to the following list of approved plans and details:
 - Planning Drawing Number PLN-1 dated 18 March 2024
 - Sustainability Statement (Mike Pringle – Development Services)
- 3) The external materials of the development hereby approved shall be implemented as stated in the application form dated 19 March 2024 and as indicated on Planning Drawing Number PLN-1 dated 18 March 2024.
- 4) No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using Sustainable Drainage Systems methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the dwelling commencing and maintained thereafter for the lifetime of the development.
- 5) The dwelling hereby permitted shall not be occupied until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved Drawing Number PLN-1 dated 18 March 2024, have been completed in accordance with these approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, or internally within the dwelling.
- 6) No development above ground level shall take place until details of the vehicular crossovers and means of vehicular, pedestrian and cycle accesses have been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied until the vehicular crossover and means of vehicular, pedestrian and cycle access have been constructed and the footway has been reinstated in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the car/vehicle parking area shown on Drawing Number PLN-1 dated 18 March 2024 has been completed, and thereafter this area shall be kept free of obstruction and available for the parking of vehicles associated with the development.
- 8) The dwelling hereby permitted shall not be occupied until the cycle parking provision shown on Drawing Number PLN-1 dated 18 March 2024 has been completed, and thereafter be kept free of obstruction and available for the parking of cycles only.
- 9) Prior to occupation of the dwelling hereby permitted, the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures set out within the Sustainability Statement (Mike Pringle – Development Services) shall be incorporated within the development and retained thereafter.
- 10) The dwelling hereby permitted shall not be occupied until the window on the first floor side elevation as shown on the approved Drawing Number PLN-1 dated 18 March 2024 has been fitted with obscured glazing, and no part of that

window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.

*****End of Schedule*****