



Appeal Decision

Site visit made on 18 December 2024

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2025

Appeal Ref: APP/Z0116/D/24/3354467

423 Southmead Road, Bristol, BS10 5LZ

- 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 Miss Treasa Mcdonagh against the decision of Bristol City Council.
 - The application Ref is 24/00063/H.
 - The development proposed is to replace the existing outbuilding with a new outbuilding intended for use by caregivers who will be providing assistance to the residents occupying the primary dwelling on this property.
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Decision

1. The appeal is allowed, and planning permission is granted to replace the existing outbuilding with a new outbuilding intended for use by caregivers who will be providing assistance to the residents occupying the primary dwelling on this property at 423 Southmead Road, Bristol, BS10 5LZ in accordance with the terms of the application, Ref 24/00063/H, subject to the following conditions:
 - 1) Within 2 months of the date of this decision the fence erected across the appeal property's rear garden, as shown in plan ref 1820-03, shall be demolished and permanently removed from the site.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995, or any order revoking and re-enacting that Order, no fencing or other means of enclosure shall be erected in the rear garden of the appeal property.
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 423 Southmead Road.

Main Issue

2. This is the effect of the development on the character and appearance of its surroundings.

Preliminary and Procedural Matters

3. The proposed site layout plan subject of the Council's decision (Ref 1820-03) showed the position of the then proposed outbuilding. It also showed a proposed timber fence crossing the full width of the site separating the outbuilding from the host property.

4. For the appeal, the appellant produced a revised plan (Ref 1820-03 Rev A), which is identical in all respects to the application plan except for the fence, which is removed. The appellant requests that the revised plan be substituted for the application plan. For reasons that will become clear, there is no reason to substitute this plan.
5. It became apparent at my site visit that the outbuilding subject of the application has been erected and is in use. Within the building are facilities including a seating area, bed, washing machine, fridge and a small bathroom. The timber fence separating the outbuilding from the host property is in place, although a pedestrian gate enables a connection between the two buildings.
6. The revised plan submitted is inaccurate in that it does not show that the host property has been extended at the rear. Inside the host property, I saw a carer, rooms used as 6 bedrooms, common areas and kitchen. I did not view the interior of the bedrooms, since they were occupied, but was informed that all had en-suite facilities. The host property's layout did not strike me as a dwelling in the normally used sense of the term. However, it closely resembled other dwellings I have previously seen where care is provided for residents, under the terms of Class C3(b) of Schedule 1 to the Order¹.
7. In view of that seen at my site visit, I shall deal with the appeal as being for the retention of the outbuilding, as if the application had been made under section 73A of the Act².

Reasons

8. The planning history of the site shows that a planning permission was recently granted for an outbuilding at the site³. The outbuilding, as built, is similar in size and scale to that approved, differing externally in the types of openings. The rear garden is well screened by a boundary fence so that only the top of the building is apparent above it when viewed from outside the site. It can also be seen in the gap which serves as the access to a rear lane servicing the host property. To my mind, the outbuilding has a minimal visual impact on its surroundings, causing no harm.
9. However, judging from the officer report, the Council's principal concern centres on the possibility that the outbuilding could be used as a separate dwelling, independent of the host property. In its view, this would affect local character. I saw nothing that led me to conclude that the person occupying the outbuilding was not employed as a carer in the host property. Moreover, the physical relationship between the outbuilding and host property is such that its use as ancillary accommodation in the manner set out in the appeal documentation is not unusual in my experience.
10. The building, as proposed to be used, would have little or no impact on local character, and I consider that the Council's concerns could be adequately addressed by the imposition of conditions, as discussed below.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

² The Town and Country Planning Act 1990 (as amended)

³ Ref 23/00401/H

11. In conclusion, I find the development, as built, to be acceptable and compliant with those aspects of Core Strategy Policies BCS21 (Quality Urban Design, Local Plan Policies DM26 (Local Character and Distinctiveness), DM27 and DM30 directed to achieving good quality urban design contributing positively to local character and distinctiveness.

Conditions

12. As suggested by the appellant in the appeal submissions, conditions shall be imposed requiring the removal of the fence erected across the host property's rear garden, and to remove permitted development rights for any new or additional fencing. In this manner, the Council's concerns as to a subdivision of the curtilage would be substantially addressed.
13. In the interests of certainty, a condition shall be imposed to ensure that the outbuilding is used on an ancillary basis to the host property, as applied for.

Other matters

14. All other matters raised have been taken into account, but no other matter is of such significance as to outweigh those considerations that led to my conclusions.
15. Accordingly, the appeal is allowed.

G Powys Jones

INSPECTOR