



Appeal Decision

Site visit made on 18 December 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Z0116/D/24/3351268

4 Avon Park, Redfield, Bristol BS5 9RS

- 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 Mr Jason Tye against the decision of Bristol City Council.
 - The application Ref is 24/02231/H.
 - The development proposed is a single storey extension to rear to replace existing store rooms.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposals would secure a satisfactory standard of living conditions for occupiers of the property, in terms of the proposed level of private garden space.

Reasons

3. Taken together, Bristol Development Framework Core Strategy (2011) (CS) Policy BCS21 and Bristol Local Plan Site Allocations and Development Management Policies (2014) (LP) Policies DM27 and DM30 and Section 12 of the Framework seeks to secure high quality development which safeguards the living conditions of residents through the provision of an adequate level of useable private garden space.
4. The proposed extension would provide additional accommodation for the property, including a kitchen / dining room and a living room. The existing dwelling includes a hard surfaced private rear garden. The proposed structure would extend beyond the footprint of the existing storeroom and garage, to be demolished, and reduce the level of private garden space available to occupiers of the appeal property.
5. The appellant confirms that the private garden area for the property would be reduced from 30 square metres to 22 square metres. A good section of the remaining garden would form a footpath to the side of the proposed accommodation, which would be less than 1 metre wide. Consequently, the residual useable private garden space would be a relatively small area, which the appellant confirms to be 15 square metres. The level of useable private garden space would be significantly smaller than that currently provided.

6. The level of daylight and sunlight to this space would be restricted, in comparison to the current situation, as it would be enclosed on all sides, and overshadowed, by the existing two storey house, the proposed extension and the off-shot of neighbouring property, No 6. As such, this space would offer limited opportunities for residents to use the garden for activities such as sitting outside and hanging out washing. I recognise that the Council does not have adopted standards for a minimum size of private garden space. Nonetheless, the area of useable private garden space which would be provided for the extended property would fall below a level and standard which would be expected for this 4 bedroom dwelling.
7. I note the appellant refers to a standard included within the Urban Living SPD (2018) and consider that, based on that standard, only 9 square metres of private garden space would be required if 6 people lived at the property. However, the Urban Living SPD proposes a comprehensive approach to securing compact urban areas. This standard applies to major and residential development schemes, rather than small scale house extensions such as the appeal scheme. Therefore, I have attached limited weight to this standard in considering the appeal.
8. I recognise that residents benefit from the recreation and leisure facilities in the nearby Netham Park. However, an adequate level of on-site private amenity space would still be required for the dwelling and its occupiers.
9. I recognise that small courtyard gardens are common to this area of predominantly terraced homes. I have considered examples of nearby properties which the appellant highlights, in support of their scheme, as having small private garden areas. I acknowledge that adjacent property, No 2 Avon Park, has a long narrow rear garden. Although I have limited information before me regarding that site, this appears to be a historic arrangement. I also note that a dwelling has been constructed in the rear garden of No 8 Avon Park and separate gardens are provided for the existing and new dwelling. These appear to be more useable spaces than the private garden area proposed by the appeal as they span the width of the plot and are less enclosed. In any event, each proposal must be considered on its own merits. Taking all of this into account, I attach limited weight to these examples in support of allowing the appeal.
10. The Council and the appellant do not agree on the potential maximum level of occupation of this property. A certificate of lawfulness has recently been granted for a loft conversion to the host property which, if constructed, could provide an additional bedroom. The Council therefore state that the property has the capacity to accommodate 10 bedspaces. Whereas the appellant advises that at present the appeal property includes 4 bedrooms and benefits from a 4 person House of Multiple Occupation (HMO) licence. I also acknowledge that Use Class C4 limits the number of residents in an HMO to 6. In any event, as I have described, the private garden space which would be retained as part of the appeal scheme would not be of a satisfactory level and quality for the occupiers of the existing 4 residents of this 4-bedroom dwelling.
11. Taking all of the above into account, the proposal would not provide an adequate level of useable private garden space for the occupiers of the appeal property. It would therefore conflict with CS Policy BCS21 and LP Policies DM27 and DM30 and the provisions of Section 12 of the Framework.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR