
Appeal Decision

Site visit made on 2 January 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/Z0116/W/24/3348962

9 Daws Court, Fishponds, Bristol BS16 3DE

- 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 Kevin Brewer against the decision of Bristol City Council.
 - The application Ref is 22/05878/F.
 - The development proposed is an erection of a single dwellinghouse (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwellinghouse (Use Class C3) at 9 Daws Court, Bristol BS16 3DE in accordance with the terms of the application, Ref 22/05878/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Kevin Brewer against Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). I am satisfied that no party would be prejudiced by making reference to the Framework in this decision.

Main Issues

4. The main issues in this case are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the development on highway safety.

Reasons

Character and appearance

5. The appeal site is located on the corner of Daws Court, a short residential cul de sac of 9 dwellings, and Forest Road, a lengthy road of mixed character, with, nearby the appeal site, an industrial estate and some residential dwellings.
6. There is no evident uniformity in any set back to the residential dwellings along Forest Road, and there are examples of dwellings extending up to the highway nearby, including on the corner of Idstone Road and Forest Road. Open corners

adjacent to junctions are not therefore an obvious distinguishing feature of the surroundings. Daws Court is characterised by similar 2 storey terraced dwellings. The uniformity of the cul de sac, which derives from the proportions and design of the dwellings, contribute positively to its character.

7. The proposed dwelling would sit in close proximity to Forest Road. Nevertheless, this would not be out of keeping with various examples nearby and would not appear incongruous nor uncharacteristic. The property would extend an existing terrace. Whilst not subservient to the host dwelling, it would result in a well-proportioned and balanced form that would sit comfortably with the existing character and appearance of the terrace and Daws Court. The uniformity of the cul de sac would remain and there would be no harm to its character.
8. The proposal would not therefore harm the character and appearance of surrounding area. There is no conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Plan (2014) (DM), which collectively, amongst other matters, require high quality design that does not result in harm to the character and appearance of an area.

Highway safety

9. I observed that the properties along Daws Court have parking areas set at the end of the cul de sac, in addition to some occupiers informally parking to the frontage and side of their dwellings on grassed areas. This is the case in relation to No 9, which I observed utilises the existing mostly grassed frontage as a parking area.
10. The submitted plans illustrate that the proposed dwelling would be served by 2 off-street car parking spaces at its frontage. Access would be shared with the existing entrance point utilised by No 9, as shown on drawing A03_REV-B.
11. Whilst this access is close to the junction of Daws Court and Forest Road, and its use would be intensified by the additional dwelling, very similar manoeuvring and turning would therefore be required to enter and exit the parking area as is existing. There is no substantive evidence before me that the submitted plans are not accurate or that this existing parking area access and space for turning leads to any highway safety issues. The proposed use of the entrance and turning space to the parking area is not therefore harmful to highway safety.
12. The officer report also raises issue with the size of parking spaces not being demonstrated. Whilst only a snapshot in time, I observed that at the time of my visit, there were numerous non-allocated parking spaces available within the cul de sac and nearby on Briar Way for example. As such, there is no substantive evidence before me that on-street car parking within this area causes congestion within the surrounding roads or has resulted in safety issues to users of the highway. Accordingly, and in the absence of evidence to demonstrate otherwise, it is unlikely that even if on-street car parking resulted from the proposal, such parking in the area has reached saturation, or that which does exist results in highway safety issues.
13. I therefore find that the proposal would not harm highway safety. The proposal would not therefore conflict with the provision of safe streets and safe access goals of CS Policy BCS10 and DM Policy DM23.

Conditions

14. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG) and the test set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the Council's suggested wording.
15. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
16. As set out in the submitted coal mining risk assessment¹, the appeal site falls within a defined Development High Risk Area. As such, a condition is necessary, as recommended by the Coal Authority, in relation to intrusive investigations. I have combined the requirements of the two suggested conditions into one, and I am satisfied that the requirement for the submission of a verification report for any remediation or possible mitigation works is necessary in order for the Council to be satisfied that such works have been completed appropriately.
17. Given the constrained nature of the cul de sac, and the proximity of neighbouring occupiers and Forest Road, a construction method statement is necessary in order to ensure that the building works do not result in unnecessary highway safety issues or harm to the living conditions of neighbouring residents. This condition and the intrusive investigation condition are required to be pre-commencement in order to ensure the site is safe for the intended use, and that the construction process is managed appropriately.
18. A condition ensuring that the materials used for the proposed dwelling is in keeping with the existing terrace would ensure that the development is in keeping with the surroundings, and therefore the submission of samples is not necessary.
19. The submitted energy statement² sets out that in order to meet the required reduction in carbon emissions (20%) set out in CS Policy BCS15, an air source heat pump 'may be possible' and that solar panels will be necessary. As such, a condition requiring details of these measures is appropriate and necessary.
20. Conditions requiring that bin and cycle storage areas are provided are necessary to ensure that future residents have access to these facilities.
21. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances.
22. No such exceptional circumstances have been put forward in relation to the removal of permitted development rights, and therefore such conditions are not necessary. There is also no compelling evidence before me that the placing or storing of refuse or recycling materials on the adopted highway outside of the day of collection is a particularly harmful issue in this location. As such, a condition in this respect does not meet the test of necessity.

¹ By Earth Environmental & Geotechnical, January 2021

² By Bristol Planning Drawings Ltd, March 2021

Conclusion

23. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos : Site Location Plan; Proposed Site Block Plan A03 rev B; Existing & Proposed Site layouts A04 rev B; Existing and Proposed Street Sections A05; Dwelling Floor Plan ground, first & roof A06; Dwelling Elevations Front & Rear A07; Dwelling Elevations Side A08; Proposed Bin & Cycle Stores A09.
- 3) No development shall commence until the results of a scheme of intrusive investigations that has been carried out on site to establish the risks posed to the development by past shallow coal mining activity has been submitted to and approved in writing by the LPA. The details shall include any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. The development shall be carried out in accordance with the approved details and upon completion a signed statement or declaration prepared by a suitably competent person confirming that the remediation works and/or mitigation has been completed in accordance with the approved scheme shall be submitted to approved in writing by the LPA before the dwelling hereby approved is occupied.
- 4) No development shall take place, including any demolition works, until a construction method statement has been submitted to and approved in writing by the LPA. The approved plan/statement shall be adhered to throughout the demolition/construction period.
- 5) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.
- 6) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 20% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the LPA. The approved scheme shall be implemented and thereafter retained in operation.
- 7) Prior to the first occupation of the development hereby approved, the refuse store and area/facilities allocated for storing of recyclable materials shall be completed in accordance with the approved plans, and thereafter retained.
- 8) Prior to the first occupation of the development hereby approved, the cycle parking provision shall be completed in accordance with the approved plans, and thereafter, be kept free of obstruction and available for the parking of cycles only.

End of schedule