



Appeal Decision

Site visit made on 10 December 2024

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/Z0116/W/24/3348521

52 St. Johns Lane, Bedminster, Bristol BS3 5AD

- 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 Ian Henry, Creo Property against the decision of Bristol City Council.
 - The application Ref is 23/00738/F.
 - The development proposed is the demolition and replacement of existing mixed use convenience store building (E(a)) with residential accommodation (C3(a)), new residential development comprising two dwellings and a maisonette.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal the Government has issued a revised National Planning Policy Framework (the Framework). In relation to the main issues in this appeal the advice of the Framework has not materially changed. As such there would be no prejudice in my considering the appeal in light of the revised Framework.
3. With the appeal, the appellant has submitted amended plans which seek to address a number of the reasons for refusal. These plans show minor alterations to the scheme, and these do not result in any fundamental change to the proposed development. Furthermore, the plans were provided at statement stage and thus all parties would have had the opportunity to provide comments on them. As such, there would be no unfairness in considering the revisions and I have made my decision on the basis of the amended plans.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area,
 - The effect of the proposal on the living conditions of the occupiers of 50 St John's Lane, with particular regard to overbearing effect, loss of light and outlook and 1 and 5 Merioneth Street, with particular regard to overlooking,
 - Whether the development would provide adequate living conditions for future occupiers, with particular regard to internal living space, external space, and disturbance,

- The effect of the proposal on parking pressures within the vicinity of the appeal site,
- Whether the scheme makes adequate provision for cycle, refuse and recycling storage, and
- Whether the scheme makes adequate provision for sustainable heating and hot water.

Reasons

Character and appearance

5. The appeal site is currently occupied by a two-storey building, set under a hipped roof, with a frontage to St Johns Lane. The buildings side elevation extends along Merioneth Street and includes a rear outrigger stepped down from the main roof, an attached lean-to, as well as a flat roof infill element and garage.
6. The scheme proposes the replacement of the existing buildings with a new, larger building that would occupy the whole of the footprint of the site. The main bulk of the building would be most predominantly evident from views along Merioneth Street, with the side elevation stretching along this road, with a gable end addressing St Johns Lane. A new two-storey element is proposed to attach to the existing dwellings along the street, with a single storey element proposed between this and the main massing of the building.
7. The result of this arrangement would be that there would be little to distinguish the frontage building to St Johns Lane from the built form along Merioneth Street. This would be at odds with the established pattern of development in the area, which has the frontage buildings to St Johns Lane and Hill Avenue visually detached from the longer terraces that stretch along the intervening streets. I note the appellant has attempted to replicate some form of separation by the inclusion of the single storey element, however this does little to break up the massing of the proposed building and fails to successfully replicate the interruption between the arrangement of terraces that is seen in nearby locations. This would result in an incongruous development, which would have an inharmonious appearance in the streetscene.
8. I note the examples that have been provided by the appellant of other corner plot locations where it is contended that this separation has already been degraded. However, in my view, these examples do not set any desirable precedent and in some cases are set within a different context than the appeal site, particularly given the presence of a wide gap to the site opposite on Merioneth Street, which provides an immediate context. Thus, they do not convince me of the acceptability of the proposed design approach.
9. The gable end that would face St Johns Lane would have uneven eaves to each side. This would result in an uneven and lop-sided appearance to the building that would be evident from various viewpoints, and this would be appreciated within the context of nearby buildings, buildings that do not generally exhibit similar roof arrangements. This would result in the building failing to integrate acceptably with the existing townscape features within which it would sit.
10. The elevation to Merioneth Street contains a number of windows and the arrangement of these is unregimented and somewhat haphazard in appearance.

Moreover, there is significant variety in the size of these windows which adds to the irregularity of the elevation. This is considerably at odds with the more formal and regimented arrangement of windows to the traditional terraces in the vicinity of the site. As a result, this elevation has a distinctly unresolved appearance that would be at odds with the context of the surrounding development, resulting in an insensitive appearance to the building.

11. The Council raise issue with the width of the two-storey element, in particular its appearance from the rear. However, given the position of the site at the end of a terrace and on a corner, and that it would book end the terrace, I do not find this element of the scheme objectionable.
12. Accordingly, I find that due to the loss of the characteristic gap in built form, the unbalanced roof form and the unsatisfactory arrangement to the fenestration, the proposed development would result in harm to the character and appearance of the area. Thus, the scheme conflicts with Policy BCS21 of the Bristol Development Framework - Core Strategy (adopted June 2011) (the Core Strategy) and policies DM26, DM27, DM28 and DM29 of the Bristol Local Plan - Site Allocations and Development Management Policies (adopted July 2014) (the DM Policies Plan). Together, and amongst other things, these policies seek to ensure development contributes positively to an area's character, respects local patterns of development, pays regard to the layout and form of buildings, creates a high-quality public realm, and is designed to a high standard.

Living conditions – existing occupiers

50 St Johns Lane

13. The appeal scheme would result in the introduction of an increased quantum of built development in close proximity to the neighbouring property of 50 St Johns Lane (No 50), in that the roof form would be closer to the rear elevation, and the two-storey rear element of the scheme would result in a new block of development near to the rear of No 50. The Council's Delegated Report details that the ground floor rear facing window to No 50 would be particularly affected by a loss of light. In response, with the appeal, the appellant has submitted a number of images which are purported to comprise a Sunlight Study, which consist of a number of existing and proposed 3D drawings showing some shadow extents. However, these are not supported by any detailed analysis or interpretation, and each appears to assess a single time during the day only.
14. On the basis of the information that is before me, I find that there is insufficient material to demonstrate satisfactorily that the development would not result in an unacceptable loss of both daylight and sunlight to the rear windows of No 50. The fact that No 50 is owned by the appellant does not persuade me that any deleterious effect in this regard would be acceptable.
15. In respect of overbearing effect and outlook, while there would be an increase in the amount of development that would be seen from the rear of No 50, as well as that which would be appreciated when utilising the outdoor space associated with the property, there is already a large amount of development present on the neighbouring plots. This would already curtail outlook from the property and would be evident to users of outdoor space. In this light, the increase in the built form would not unacceptably increase this so as to result in unacceptable living

conditions for the occupiers. Nonetheless, this does not overcome or diminish the harm I have found above in respect of the loss of daylight and sunlight.

1 and 5 Merioneth Street

16. The scheme includes the provision of first-floor windows along the side elevation to Merioneth Street, and these would serve bedrooms within both the main body of the building and the rear element. These windows would be positioned directly opposite the windows of existing properties on the opposite side of the street. The Council highlight that there would be only a separation of 8.3 metres between the existing and proposed windows.
17. I acknowledge that along the street there is a similar arrangement of first-floor windows facing each other, with the same degree of separation. However, that is an existing situation. The proposed scheme would create a new instance of this arrangement, which in my view, would result in a significant and unacceptable reduction in the living conditions of the occupiers of the properties 1 and 5 Merioneth Street through increased overlooking resulting in a loss of privacy.
18. I therefore find that the development would result in an unacceptable effect on the living conditions of the occupiers of 50 St John's Lane and 1 and 5 Merioneth Street. Thus, the scheme conflicts with policy BCS21 of the Core Strategy, as well as policies DM27 and DM29 of the DM Policies Plan. Together, and amongst other things, these seek to ensure that development safeguards the amenity of existing development, and that existing development maintains appropriate levels of privacy, outlook, and daylight.

Living conditions – future occupiers

19. The scheme proposes the delivery of three units of accommodation comprising:
 - One 1bed, 2-person unit to the ground floor (Unit A),
 - One 3bed, 5-person unit to the first and second floors (Unit B), and
 - One 1bed, 2-person unit to the first and second floors of the rear element (Unit C).
20. Unit A extends to 50 square metres (m²) and thus meets the floorspace requirements of the Technical housing standards – nationally described space standard (2015) (the standards). Unit B is described by the appellant as a three-storey flat, however only the front door and stairs are on the ground floor, with the living accommodation on the first and second floors. As such, I consider it should more properly be described as a two-storey unit. The standards require that such a unit be 93m² in size, and the appellant indicates that the revised layout achieves this. Unit C is required to provide a floorspace of 58m² with the appellant indicating that it provides 59m². Thus, it accords with the relevant space requirement in this respect.
21. Notwithstanding that the flats accord with the required floorspaces, there is also a requirement that the minimum floor to ceiling height is 2.3 metres (m) for at least 75% of the Gross Internal Area. The appellant has submitted cross-sections of the proposed units; however, these only show head heights of 1.5m and 2m. Moreover, the appellants appeal statement refers to headrooms over 2m, and not the required 2.3m. As such, I have insufficient information to show that the

appropriate minimum floor to ceiling heights have been achieved and thus the scheme has not adequately shown that acceptable living space is provided in this regard.

22. Unit B is a 3bed, 5-person unit, and accordingly it can be described as a unit that could accommodate a family. In respect of external space, this unit provides two external balconies, one accessed from the living/kitchen space on the first floor and the other from one of the bedrooms on the second floor. The Council indicate that these extend to 2.6m², in total. I find that given the potential for the unit to be occupied by a family, that this provision, even when considering the nearby open space to which the appellant draws my attention, would result in a substandard provision of external space for the occupiers of this unit.
23. Unit A is set on the ground floor and as such the majority of its windows face the adjacent streets. To the living space to the front, while one of the windows is adjacent to the footway, the main window serving this space faces a sunken garden, which creates a defensible area providing separation from the public realm. However, the ground floor bedroom to this unit has two windows which are positioned directly alongside the footway, with no such defensible area. In my view, this would result in an unacceptable level of disturbance for users of this bedroom, with no opportunity for sanctuary away from such disturbance. This would result in unsatisfactory living conditions for occupiers of this unit.
24. I therefore find that the proposed scheme would not deliver acceptable living conditions for future occupiers, with particular regard to internal living space, external space, and disturbance. As a result, the scheme conflicts with policies BSC18 and BCS21 of the Core Strategy, as well as policies DM27 and DM29 of the DM Policies Plan. Together, and amongst other things, these policies seek to ensure that development meets appropriate space standards, creates a high-quality environment for future occupiers, provides appropriate private amenity space and provides well-proportioned interiors.

Parking

25. The Council's reason for refusal is based on the lack of a parking survey with the planning application, and within the Delegated Report indicates that it is considered that the development will generate a parking requirement for four vehicles. The appellant has provided a survey with the appeal seeking to demonstrate that there is sufficient parking provision within the vicinity of the site to accommodate the proposed development. The parking survey covers Merioneth Street and an area within 150m. The survey indicates that within this area there were sufficient spaces available to accommodate the vehicles that would likely be associated with the scheme. The Council has not sought to make any criticism of this parking survey during the course of the appeal.
26. As such, while I am mindful of the comments made by interested parties that there is pressure on the availability of on-street parking in the area, on the basis of the information that is before me, there would be sufficient capacity available to accommodate the development without undue pressure on the availability of parking and detriment to highway safety. As such, there would be no conflict with policies BCS10 of the Core Strategy, and policy DM23 of the DM Policies Plan. Amongst other things, these policies seek to ensure that adverse transport impacts

are avoided, and development does not give rise to unacceptable traffic conditions.

Cycle, refuse and recycling storage

27. The appellant has detailed revised cycle storage provision with the appeal, which while maintaining the two cycle spaces per unit provision, amends the layout of such so as to ensure that there is adequate access width and manoeuvring space to ensure that the cycle parking facilities are convenient and easy to use.
28. Additionally, the provision for the storage of refuse and recycling material has also been amended to increase the provision, which the appellant states is in line with the Council's requirements.
29. In respect of both of these matters, the Council has not raised any objection or made any criticism of the revised provision and on this basis, I have no reason to find that either of the provisions are substandard.
30. Therefore, the scheme would make adequate provision for cycle, refuse and recycling storage in accordance with policies DM23 and DM32 of the DM Policies Plan, which seek to ensure that adequate cycle parking is available, as well as that recycling and refuse facilities sufficient to serve the development are provided.

Sustainable heating and hot water

31. The plans submitted with the application label the location of proposed air source heat pumps to the flat roof area between the two elements of the building. However, as pointed out by the Council, the Sustainability Statement and Energy Statement that was also submitted by the appellant states that the heating fuel for the development will be mains gas, connected to a combination boiler that will provide space and water heating. There is thus some confusion over what is proposed. However, this matter could be adequately addressed by the imposition of a suitably worded planning condition. Subject to such a requirement, the scheme would make adequate provision for sustainable heating and hot water, in accord with policy BCS14 of the Core Strategy, which requires development to reduce carbon dioxide emissions from energy use in accordance with an energy hierarchy.

Planning Balance

32. The Framework requires Councils to demonstrate a five-year supply of deliverable housing sites. As the Council is currently able to demonstrate 3.54 years supply, paragraph 11(d)(ii) of the Framework is engaged.
33. In terms of the benefits, the scheme would provide three new units to overall housing supply and as such, the contribution overall would be limited, however this is against what is not an insignificant shortfall. The scheme would make use of a redundant brownfield site and would be at a location that performs well in terms of being accessible to services and facilities. As such, I accord the collective benefits of the scheme moderate weight.
34. The above benefits of the scheme must be weighed against the harm that would arise. I have found that there would be harm to the character and appearance of the area, as well as to the living conditions of the occupiers of properties in close proximity to the appeal site. Moreover, the accommodation itself would not provide

adequate living conditions for the future occupiers. In my view, these collective harms carry considerable and decisive weight.

35. The lack of harm in respect of the other main issues are neutral matters in the planning balance.
36. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits that would arise when assessed against the policies in the Framework, taken as a whole. Consequently, the proposal does not benefit from the presumption in favour of sustainable development envisaged by paragraph 11 of the Framework.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which indicate a decision other than in accordance with the development plan.
38. For the reasons given above, the appeal is dismissed.

Martin Allen

INSPECTOR