



Appeal Decision

Site visit made on 23 January 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/Z0116/W/24/3352923

148 Broomhill Road, Bristol BS4 4TD

- 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 L Mitchell against the decision of Bristol City Council.
 - The application Ref is 23/03354/F.
 - The development proposed is the construction of a detached 2 bedroom dwelling within rear garden and associated works. And new garage for existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have had opportunity to make comments on the revised Framework and I have had regard to any comment made.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the host property and surrounding area;
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, having particular regard to light and outlook; and
 - the effect of the proposal on the local green infrastructure.

Reasons

Character and appearance

4. The appeal site consists of part of the rear garden of No 148 Broomhill Road located on the corner of Broomhill Road and Belroyal Avenue. Both streets at this point and this junction are characterised by detached (on Broomhill Road) and terraced (on Belroyal Avenue) dwellings in consistent and generous gardens, which contribute positively to the surrounding area's coherent and spacious character.
5. I observed a side extension to the dwelling on the opposite side of Belroyal Road which projected closer to the highway than the dwellings along this road. There is therefore no clear established building line prevalent in this location. Given this

context, and given the limited height of the proposed garage, which would only project slightly above the timber boundary fencing, it would not appear incongruous nor overly prominent and would not unbalance the surrounding pattern of development.

6. The proposed dwelling would have the same set back from the highway as the existing dwellings on Belroyal Avenue and would be seen in the context of the two storey dwellings on this road. Whilst nearer, it would retain a similar visual relationship to the host dwelling as the Belroyal Avenue dwellings.
7. Nevertheless, the proposed subdivision would result in reduced plot sizes, notably smaller than the surrounding large gardens. The proposed property would, compared to the neighbouring dwellings, appear cramped within its plot, close to its boundaries and squeezed into the available space. This would erode the area's sense of consistent spaciousness. Consequently, even if its scale and design, including proposed materials, would be appropriate, it would not reflect the form nor grain of existing development and would therefore harm the established spacious character of the surroundings.
8. The appellant points to development at No 113 Jersey Avenue¹. Limited information is provided of the wider pattern of surrounding development in this case, for example it is not shown that there is any consistency in nearby plot sizes. Nonetheless I observed that recent modern development directly next to this site included dwellings with limited garden sizes similar to the approved scheme. As such, in this respect this development is not directly comparable to the proposal before me.
9. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. The proposal would therefore fail to accord 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). These, in part, require development, including garden development, to reflect local distinctiveness and context and contribute positively to an area's character.

Living conditions

10. I observed that the rear facing windows of the host property serve the main living area and kitchen. The existing outlook from these windows is over the garden area towards the side of the dwellings on Belroyal Avenue, which sits on the other side of an access lane. Given the distance to this property, the aspect is relatively open with clear views of the sky.
11. The proposal would result in built form sitting in closer proximity to the rear of the host dwelling. Given the height of the building, the occupants of these rooms would be faced with a significant and prominent blank elevation in sufficiently close proximity to restrict the existing outlook and be visually dominant.
12. The development would adversely affect the quality of living conditions available to users of these rooms as a result.

¹ Application reference 21/06498/F

13. Whilst visible on an oblique angle, the outlook from the rear of No 150 would remain over the garden areas at the rear of the Belroyal Avenue properties, and as such, the proposed property would not unduly harm the living conditions available to users of the rear facing rooms, conservatory and garden area of this property as a result.
14. The submitted overshadowing assessment² concludes that the proposed works would not unacceptably increase the amount of shadow cast over No. 150 Broomhill Road. Given the distance between the two properties and based on the evidence before me, I have no reason to disagree with these conclusions. The rear facing rooms and garden of No 150 would therefore receive an acceptable level of light.
15. However, the study does not assess the impact of the development on No 148, the host property. Nevertheless, the submitted images show a significant increase in shadowing of the garden area or rear rooms of Nos 148 on numerous occasions, such as 21 March (14.11, 15.11 & 16.11) and 21 June (16.53). The amount of sunlight reaching the rear facing rooms and rear garden of No 148 would be noticeably and harmfully reduced.
16. As such, I conclude that the proposal would harm the living conditions of the occupants of No 148, having particular regard to light and outlook. The proposal would therefore conflict with the protection of living conditions goals of CS Policy BCS21 and DM Policies DM27 and DM29.

Green Infrastructure

17. The proposal would involve the removal of one tree sited in the private rear garden of No 148. Given its scale, this small tree has a limited positive effect on the character and appearance of the surroundings. Whilst not specifically identifying rear garden trees as green infrastructure (GI) assets, CS Policy BCS9 states that individual green assets should be retained wherever possible. It requires appropriate mitigation of lost GI. DM Policy DM17, which deals with 'existing GI' also seeks to make provision for tree replacement or mitigation where loss is necessary. The supporting text to this policy sets out that it seeks to protect the most valuable trees and mitigate the loss of other important trees.
18. The Supplementary Planning Document Planning Obligations (2012), which includes guidance on the Bristol Tree Replacement Standard, sets out that obligations are required where new or replacement planting is required on public land.
19. Part of the private rear garden of No 148 would be built upon. Nevertheless, some additional landscaping, including a replacement small tree, within the appeal site could be secured by a condition of a planning permission, were I minded to allow the appeal. No replacement planting would be required on public land. As such, the development would not conflict with the protection of green infrastructure assets aims of CS Policy BCS9 and DM Policy DM17.

² By Nicholas Morley Architects, February 2024

Other Matters

20. A lack of identified harm to future occupiers of the proposed dwelling is a separate consideration to the effect of the development on existing and neighbouring occupiers.
21. The lack of site visit by Council officers and a lack of opportunity to amend or discuss the proposal prior to determination by the Council does not alter the conclusions I have reached regarding the main issues.

Planning balance and conclusion

22. There would be moderate temporary economic benefit during construction and once complete, an on-going benefit to the economy through spend by residents in the local economy and the support to local services, facilities and related employment. The addition of 1 unit would make a minor difference to the overall supply of housing.
23. The Framework seeks to create high quality design and places with a high standard of amenity for existing users, and as such the conflict with CS Policy BCS21 and DM Policies DM21, DM26, DM27 and DM29 should be given significant weight in this appeal. Given the conflict identified above, the development would conflict with the development plan as a whole.
24. Whilst the exact figure is not provided, the council accepts that it is falling short of the required housing land supply. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
25. The Framework supports the value of using suitable brownfield land within settlements, and the efficient use of land. It also recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. However, even if the shortfall is significant, the provision of 1 dwelling would result in minor social and economic benefits.
26. The Framework sets out that decisions should ensure that developments are visually attractive as a result of layout and sympathetic to local character, in addition to creating places with a high standard of amenity for existing users. Given the importance given to achieving well-designed places in the Framework, I give significant weight to this matter.
27. Consequently, the adverse impacts set out above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed and planning permission is refused.

B Phillips

INSPECTOR