



Appeal Decision

Site visit made on 29 January 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/Z0116/W/24/3348108

The Old Coach House, Shamrock Road, 332 Fishponds Road, Eastville, Bristol BS5 6RB

- 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 Dill Singh against the decision of Bristol City Council.
 - The application Ref is 23/04239/F.
 - The development proposed is demolition of existing coach house and erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) has been published in December 2024 and subsequently amended in February 2025. Although I have made my determination against the updated national policy context, the relevant changes are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to privacy; and
 - the effect of the proposal on the living conditions of the occupiers of 332 and 334 Fishponds Road with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site comprises an existing coach house located to the rear of 332 Fishponds Road (the A432), fronting Shamrock Road. Both roads are generally characterised by two and three-storey terraced and semi-detached dwellings although some commercial uses and detached buildings also exist nearby.
5. There is a relatively high degree of consistency within the terraced groups nearby including those fronting Shamrock Road and to the northeast, fronting Fishponds Road, in terms of building line and detailing. This gives the immediate area a

regular, rhythmic character. However, the wider context is more mixed in character.

6. The existing coach house building has two storeys and a hipped roof with a single storey flat roof projection. It is set forward of the other buildings which front the east side of Shamrock Road. It therefore occupies a relatively prominent position and is somewhat of an anomaly in the street scene although it is nevertheless an established feature of the area.
7. It is proposed to demolish the existing building and build a new dwelling in a similar position. However, the footprint would differ, as would the gabled roof form and pattern of fenestration.
8. There are a variety of roof forms in the context of the appeal site including gabled and hipped roofs. The buildings on the north side of Fishponds Road, opposite the junction with Shamrock Road have front facing gables and the properties to the south of the appeal site, on Shamrock Road have projecting gables over the bay windows. 332 Fishponds Road (No. 332), directly adjacent to the appeal site also has a gable-end facing Shamrock Road. In this context, the provision of a gabled roof on the proposed dwelling would not, in itself result in an incongruous form of development given the presence of other gabled roofs in close proximity to the appeal site.
9. The west elevation of the proposed dwelling would contain full height French doors with railings on the ground floor with a wide casement window above, separated by an area of timber boarding. These features would be surrounded by a double height frame comprising steel beams. The windows, doors, railings and beams would all be black.
10. I recognise that the west elevation of the existing building is already in contrast with the surrounding buildings. However, given the close proximity of the proposed building to the pavement, the proposed treatment of this elevation, in particular, the large areas of glazing at ground floor level and black framing and railings would be particularly eye-catching and prominent. It would jar awkwardly with the traditional character and proportions of the adjacent buildings and consequently would result in an incongruous addition to the area which would conflict with the character and appearance of the area.
11. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy BCS21 of the Bristol Development Framework: Core Strategy (Adopted June 2011) (CS) and Policy DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies (Adopted July 2014) (SADMP). Together these seek to ensure that developments deliver high quality design which respects local patterns of development and reflects local characteristics.

Living conditions – future occupiers

12. The proposed dwelling would be provided with a modestly sized amenity space located between the building and the rear boundary of no.332. The rear elevation of no.332 is located relatively close to the boundary and contains a number of windows at first and second floor level which look out onto the appeal site.

13. 334 Fishponds Road (no.334) also has windows at first and second floor level on the rear elevation and first floor windows on the side elevation of the outrigger projection. Views of the proposed garden area would also be possible from these windows, albeit at a more oblique angle.
14. It is proposed to provide a 1.8m high fence along the boundary, however the windows at nos.332 and 334 which look towards the proposed garden area are above this height. Given the number of windows from which views of the garden would be possible, and their relatively close proximity to the whole of the proposed garden, the occupiers of the proposed dwelling would experience an unacceptable level of overlooking when using their private amenity area.
15. The north elevation of the proposed dwelling would contain a large opening on the ground floor with bi-folding doors which would serve a kitchen/dining room. Some of the existing windows at nos.332 and 334 which look towards the appeal site would have views into this room at relatively close quarters. Consequently, future occupiers would also experience overlooking and a lack of privacy when within their home.
16. I recognise that in urban environments an element of overlooking is not uncommon. However, in this instance I find that the level of overlooking which would occur would result in a living environment which would fail to be provided with adequate levels of privacy, resulting in significant harm.
17. Consequently, I conclude that the proposal would not provide satisfactory living conditions for future occupiers with particular regard to privacy. It would therefore conflict with Policies BCS21 of the CS and DM29 of the SADMP. Together these seek to ensure that developments create a high-quality living environment for future occupiers and achieve appropriate levels of privacy.

Living conditions – neighbouring occupiers

18. The proposed dwelling would be located to the south of nos.332 and 334. The building would be slightly taller than the existing building and would be bulkier with more mass at first floor level as a result of the gabled design of the roof, compared with the existing hipped roof.
19. The distance between the windows on the rear elevation and garden area of no. 332 and the proposed dwelling is sufficient to ensure that any loss of sunlight and daylight, along with any impact on outlook would be minimal and would not result in significant harm to the living conditions of the occupiers of this property.
20. However, the windows on the rear elevation of the outrigger projection and single storey addition at no.334 would be in closer proximity to the proposed dwelling than those at no.332. As well as the additional height and mass, the proposal would also result in two storey development closer to these windows than is currently the case. These factors would combine to result in a building with a much more dominant physical presence when experienced from within no.334 and its garden.
21. In the absence of convincing evidence to the contrary, I consider that due to the overall size, design and positioning of the proposed dwelling, it would result in a significant loss of daylight, and outlook in respect of these rear-facing windows. Furthermore, due to its orientation to the southwest it would result in a reduction in

sunlight reaching these windows. Moreover, a two-storey gable in very close proximity to the boundary and running alongside a significant stretch of the garden area associated with this property would result in an overbearing impact when experienced from the garden.

22. Overall, whilst I am satisfied that the proposal would not result in significant harm to the living conditions of the occupiers of no.332, it would result in significant harm to the living conditions of the occupiers of no.334 with particular regard to daylight, sunlight and outlook. It would therefore conflict with Policies BCS21 of the CS and DM29 of the SDAMP. Together these seek to ensure that development safeguards the amenity of existing development and ensures that it achieves appropriate levels of outlook and daylight.

Other Considerations

23. The proposal would provide one new dwelling which would make a small contribution to the Council's housing land supply and support the Government's aim of significantly boosting the supply of homes. Small and medium sized sites can make an important contribution to meeting the housing requirements of an area.
24. The site would be located within the built-up area and in this respect accords with the spatial strategy set out in Policy BCS5. The scheme would provide a dwelling on an under-used piece of land which has good access to services and facilities and would be constructed using sustainable construction principles.
25. Policy BCS20 of the CS and the Framework encourage the use of previously developed land. The Framework states that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Substantial weight should be given to the value of using suitable brownfield sites for homes and other developments, proposals for which should be approved unless substantial harm would be caused. These considerations therefore weigh in favour of the proposal.
26. The lack of harm in respect of highway safety is a neutral matter in the appeal.

Planning Balance

27. The proposal is not in compliance with Policies BCS21 and BCS26 of the CS and DM26, DM27 and DM29 of the SADMP insofar as it would result in development which would have a harmful effect on the character and appearance of the area and would result in unacceptable living conditions for future occupiers of the proposed dwelling and the occupiers of no.334. Taken together, I consider the harm which would occur would be substantial.
28. These policies are consistent with the Framework which seeks to ensure that developments respond to local character, are visually attractive and create places with a high standard of amenity for existing and future users. I therefore attach significant weight to the conflict with these policies.
29. The Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Moreover, paragraph 139 of the Framework states that development that is not well designed should be refused.

30. The Council cannot demonstrate a five-year supply of deliverable housing sites and as a result paragraph 11d) of the Framework is engaged. I have been given no indication of the level of the current shortfall. However, even if it were substantial, in this instance the importance of good design and amenity trumps the provision of one dwelling.
31. Therefore, I find that the adverse impacts of granting permission 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.

Conclusion

32. The proposal conflicts with the policies in the development plan in respect of character and appearance and living conditions. This outweighs the conformity with other policies of the plan and the other material considerations. Accordingly, I conclude that the appeal should be dismissed.

E Pickernell

INSPECTOR