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## Appeal Decision

Site visit made on 28 January 2025

**by Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 06 March 2025**

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**Appeal Ref: APP/Z0116/W/24/3354518**

**21 Duckmoor Road, Ashton, Bristol, BS3 2DD**

- 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 John Shallcross against the decision of Bristol City Council.
  - The application Ref is 23/03141/F.
  - The development proposed is “to demolish existing storage/workshop/garages and construct a new, three bedroom domestic dwelling fronting Gore Road”
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue are;
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on the living conditions of nearby residents with particular regards to outdoor space, outlook and natural light;
  - Whether the proposed development would provide adequate living conditions for future occupiers;
  - Whether the proposal would represent a suitable location for housing, with regard to the risk of flooding; and
  - Cycle parking provision.

### Reasons

#### *Character and Appearance*

3. The appeal site is located to the rear of 21A, 21B and 21C Duckmoor Road and has a frontage along Gore Road. The proposed development would be located to the rear of Duckmoor Road, which is characterised by short terraced dwellings. However, due to its orientation fronting on to Gore Road, the proposed development would be more visually associated with the dwellings on Gore Road rather than those on Duckmoor Road.
4. Gore Road is made up of evenly spaced pairs of buildings with front gardens. There is a spacious feel to the street scene which contributes positively to its character and appearance. Although some buildings have been altered with the construction of extension and insertion of roof lights within the gaps between pairs,

the strong building line and, semi-detached nature of the dwellings, and design remain, reinforcing the character and appearance of the area.

5. The proposal would introduce a detached dwelling fronting onto and projecting forward of the established building line along Gore Road, therefore diminishing the open characteristic of the area. It would introduce a wide, detached dwelling, upsetting the pleasant rhythm and balance of the street scene. It would accordingly result in a cramped appearance to the street scene and thus be harmful to the character and appearance of the area.
6. Whilst No 21C Duckmoor Road projects closer to Gore Road than the appeal proposal, this is characteristic of buildings along this road. As the appeal proposal would be more visually and physically associated with Gore Road, the projection forward of the established building line of this road would appear discordant and have a harmful impact on the character and appearance of the area.
7. The appellant has drawn my attention to a nearby development (No 93 Bower Road) that they consider to be similar to the appeal proposal. I viewed this during my site visit, and whilst it has been constructed in a similar location to the appeal site, it maintains the established building line and its design is narrower and more in keeping with surrounding development. As such, it is not directly comparable to the appeal proposal. In any event I have determined this appeal on its own merits.
8. For the reasons above, I conclude that the proposal would harm the character and appearance of the area contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan – Site Allocation and Development Management Policies (2014) (DMPP) which seek, amongst other things, to ensure that developments contribute positively to an areas character and local distinctiveness and responds appropriately to the height, scale, massing, shape and form of existing buildings. The proposed development would also be at odds with paragraphs 135 National Planning Policy Framework (the Framework) which seeks to ensure development are visually attractive and sympathetic to local character.

#### *Living Conditions – Existing Residents*

9. At present the appeal site comprises a garage and storage area. The proposed development would introduce a two-storey detached dwelling in close proximity to its boundaries with neighbouring properties.
10. The proposed development would be located along much of the side boundary of the garden of No 19 Duckmoor Road. Whilst there are single storey garages existing at the site, the two-storey dwelling would be taller and wider than the existing structures. The location of the proposed dwelling, close to the side boundary of No 19, combined with its height and depth would bring a solid, tall structure close to the neighbouring property. Views from the garden of No 19 would be dominated by the dwelling which would have an overbearing impact leading to an undesirable feeling of enclosure.
11. The Council have raised concerns regarding the proposed dwelling overshadowing the garden of No 19. The appeal site is located to the north of No 19, as the area to the south of No 19 remains free from tall development, the garden would retain adequate levels of light.

12. The residents of 21A, 21B, and 21C Duckmoor Road are currently served by a small area of garden to the rear. The appeal site is an area of garaging that, during my site visit, was being used for the storage of building materials and there did not appear to be access to the gardens from the appeal site. The proposed development would not encroach into the garden areas of the existing dwellings. As such, there would be no loss of garden area.
13. Whilst I have not found harm in relation to garden space and natural light, the proposed development would have a harmful effect on the living conditions of the occupiers of No 19 with particular regard to outlook, for the reasons I have given. The proposal would therefore be contrary to CS Policies BCS21 and DMPP Policies DM26, DM27 and DM29 which seek, amongst other things, to ensure that development safeguards the amenity of existing development and enables appropriate levels of outlook. The proposed development would also be contrary to paragraph 135 of the Framework that seeks high standards of amenity for existing users.

#### *Living Conditions – Future Occupiers*

14. The proposed development would have an area of private amenity space to its front, behind a wall/fence. Most of the space would be finished with porous surface material with small areas of planting. Storage space for refuse and cycle parking would be located within this space.
15. Whilst the amenity space would be located behind a wall, views of the amenity space would be available when travelling down Gore Road towards Duckmoor Road through the gap in boundary treatment that allows vehicular access to the site. Due to the views into the amenity space future occupiers would be unlikely to utilise the outdoor amenity space for activities such as seating and hanging clothes.
16. Whilst the Council do not have a policy that specifies the size of private amenity space DMPP Policy DM27 does require that developments provide adequate useable private space. Further, paragraph 135 of the Framework seeks developments that have high standards of amenity.
17. Having regard to the overall size of the accommodation, combined with the absence of any meaningful private outdoor amenity space, I consider that the proposal would result in a poor standard of living conditions for future occupiers.
18. The proposal would therefore be contrary to CS Policies BCS18 and DMPP Policies DM27 and DM29 which seek, amongst other things, to ensure that development provides adequate amenity space. The proposed development would also be contrary to paragraph 135 of the Framework that seeks high standards of amenity for future users.

#### *Flood Risk*

19. The Framework identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk by applying the sequential test and then, if necessary, the exception test. The Framework clarifies that the sequential test should take account of all sources of flood risk when permitting development. The Planning Practice Guidance on Flood Risk and Coastal Change (PPG) reflects this position whereby even where a flood

risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. The sequential test should be applied when any part of a site is at risk of flooding.

20. The appellant has submitted a Flood Risk Assessment (FRA) which contends that the proposed development lies wholly within Flood Zone 1. I note from reviewing the FRA that an enlarged site area has been included for the assessment, which details that a small area of the enlarged area falls within Flood Zone 2, with a small section being located in Flood Zone 1. However, on reviewing the Figures AB.2B and AB.3 contained within the FRA along with the submitted Flood map for planning (which contained the reduced area) the entirety of the appeal site would fall in for Flood Zone 2.
21. As the site is located wholly within Flood Zone 2 a sequential test is required. No sequential test has been undertaken to demonstrate that there is no alternative land at a lower risk of flooding available to construct the proposed development.
22. In the absence of a sequential test, the future occupiers would be at an unacceptable risk of flooding and, as such, this would be contrary to national policy and guidance and CS Policy BCS16. This policy echoes national policy concerning the sequential approach to flood risk management.

#### *Cycle Parking*

23. The appellant has confirmed that the garages, which would be demolished as part of the proposed development, are not associated with No's 21A, 21B or 21C. These are used as part of the storage of materials which I viewed during my site visit. Currently the occupiers of these dwellings have access to four parking spaces off Duckmoor Road and one has a side access to a garden area, where bicycles can be parked.
24. Whilst the Council are concerned that the proposal would lead to the loss of cycle parking, based on the appellants submission there is currently no dedicated cycle parking for 21A, 21B or 21C. As such, the proposed development would not lead to the loss of cycle parking.
25. Furthermore, the submitted plans detail that allocated cycle parking would be provided for the proposed dwelling within the site.
26. In light of the above, the proposed development would provide adequate cycle parking. It would therefore comply with CS Policy BCS10 and DMPP Policy DM23 which seek to ensure that developments

#### **Conclusion**

27. For the reasons given above the appeal should be dismissed.

*Tamsin Law*

INSPECTOR