



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: 13 March 2025

Appeal Ref: APP/Z0116/W/24/3355499

185A Dutton Road, Stockwood, Bristol, BS14 8BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Hall against the decision of Bristol City Council.
 - The application Ref is 24/01358/P.
 - The development proposed is the demolition of single garage and erection of two bedroomed detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and the effect of the proposed development on the living conditions of nearby residents and future occupants of the development.

Reasons

Character and Appearance

3. The appeal site is located in a residential area characterised by evenly spaced two-storey semi-detached and terraced dwellings. The set back of buildings behind parking areas and front gardens gives the area a spacious feel. Consistent plot widths and depths are a noticeable feature in the area, with some larger plots close to junctions and corners. The appeal site is located within an area of similar properties that has maintained a pleasant sense of rhythm and balance.
4. The proposal is for one detached dwelling fronting on to Whittock Road. Whilst the proposed development has been submitted in outline, the appellant has indicated that the dwelling would be a two-storey detached building. The introduction of a detached dwelling in an area predominantly consisting of terraced and semi-detached buildings would result in an incongruous addition that would have an awkward relationship with these neighbouring dwellings. The resulting significant adverse effect would be readily visible in the street scene to the detriment of character and appearance of the surrounding area.
5. Illustrative plans have been submitted showing the proposed layout, I have treated them accordingly. However, the location plan showing the extent of the appeal site would provide a very small curtilage, significantly lacking the spaciousness of others around it, leading to a much higher building to space ratio. It would result in

a cramped form of development which would be at odds with and erode the established development pattern of the area.

6. 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.

Living Conditions

7. At present the appeal site forms part of the curtilage associated with 185 and 185A Dutton Road. The appeal site slopes up away from Whittock Road and comprises a detached garage and the rear garden area for neighbouring properties fronting Dutton Road. It is located between the rears of dwellings on Dutton Road and to the side of dwellings fronting on to Whittock Road.
8. Whilst the application was submitted in outline, the submitted layout details a dwelling that would be sited in close proximity to its side boundary with No 249 Whittock Road and to the rear/side garden area for 185 and 185A Dutton Road respectively, extending across most of their associated garden area.
9. Given the limited distance between the proposed development and the rear of 185 and 185A Dutton Road, combined with its two-storey nature and depth, the proposed development would have a significantly detrimental effect on the living conditions of the occupiers of the neighbouring properties. The proposed dwelling would appear as a dominant feature which would have an overbearing effect on the outlook from both the garden and rear/side facing rooms. Additionally, the proximity of the proposed dwelling to the windows of 185 and 185A Dutton Road, which are located to the south of the appeal site, would significantly restrict levels of light entering them, which would result in the rooms they serve, even those that may have additional windows, being unduly gloomy to the detriment of their usability and to their occupants.
10. Furthermore, the proposed development would be located in close proximity to the rear garden of No 183 Dutton Road. The location, height and depth of the proposed dwelling would have an overbearing impact on the amenity space provided for the occupiers of 183 Dutton Road.
11. The orientation of Nos 185 and 185A Dutton Road, with rear/side windows facing toward the appeal site, would result in the private garden area and any side/rear facing windows being overlooked directly. This harm would be compounded by the close proximity of the windows. The existing first floor windows, which include a hallway and bedroom, would result in overlooking and the loss of privacy for future occupiers and have a detrimental impact on the enjoyment of any outdoor space.
12. Due to the nature of the appeal site the proposed dwelling would sit forward of No 249 Whittock Road, but in line with No 185A. The side elevation of No 249 is devoid of any windows, with a glazed door located at ground floor level. Whilst the door would provide some light into a hallway this is restricted by the existing garage, which is located on the boundary with No 249. As such, whilst the

proposed development would bring a two-storey structure close to No 249, it would not have a harmful impact on the living conditions of its occupiers.

13. The Council have raised concerns regarding the size of the proposed garden area. However, as the application was made in outline, with all matters reserved, detailed design matters have not been submitted. Whilst the appellant has provided a layout the rear garden area could be increased in scale. Nevertheless, due to the limitations of the plot, the private garden space would be located to the rear, and in close proximity to the aforementioned windows and this harm would remain even if the garden size were to be increased.
14. For the reasons outlined above I conclude that the development would have a harmful impact on the living conditions of existing and future occupiers. The development would therefore conflict with DMPP Policies DM21, DM26, DM27 and DM29 and CS Policy BCS21 which seek, amongst other things, to safeguard the amenity of existing development, and create a high-quality environment for future occupiers.

Conclusion

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

Tamsin Law

INSPECTOR