



Appeal Decision

Site visit made on 18 March 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2025

Appeal Ref: APP/Z0116/W/24/3350052

113 Small Lane, Stapleton, Bristol BS16 1AW

- 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 Keith Langridge against the decision of Bristol City Council.
 - The application Ref is 23/02017/F.
 - The development proposed is proposed dwelling to the rear plot behind 111 and 113 Small Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given the opportunity to comment on these changes, but no further representations were received.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the Stapleton and Frome Valley Conservation Area and trees;
 - whether the appeal site is a suitable location for new residential development, having regard to the development plan and access to services, facilities and public transport; and
 - the effect on the living conditions of the occupiers of neighbouring properties, having particular regard to outlook and privacy.

Reasons

Character and appearance

4. The appeal site is an area of undeveloped land located in the Bristol suburb of Stapleton. It is situated to the rear of 111 and 113 Small Lane and occupies land close to a corner of the turning head on Cromwells Hide, which is a cul-de-sac.
5. Cromwells Hide comprises two storey, linked dwellings set behind open front gardens. The undeveloped nature of the site in a visually prominent position on the cul-de-sac, together with the trees on the site and those that continue southwards along the length of the eastern side of the street, act as a buffer visually separating development along the cul-de-sac from Small Lane. As a result, these features of

the site make a significant contribution to the pleasant character and appearance of Cromwells Hide.

Design of the proposed dwelling

6. The position of the proposed detached dormer bungalow on Cromwells Hide, which would face the cul-de-sac, would be at odds with its regular pattern and linked form of development. This would be especially apparent when the remaining trees between the proposed bungalow and the road are not in leaf. Furthermore, the inclusion of dormer windows would appear incongruous in the context of the simple, flat fronted and shallow pitched roofed built form of Cromwells Hide where dormers form no part of the palette of architectural features. When the trees are not in leaf, the dormers would also be seen to be at variance with the rear of the properties of Small Lane where this feature does not prevail.
7. The above factors lead me to find that the siting, form and design of the proposed development would not be reflective of, or respond to, the prevailing character and appearance of the area consisting of Cromwells Hide and the rear of the properties on Small Lane. As a result, the proposal has a poor standard of design.
8. I note that the proposal involves the retention of the existing low stone boundary walls on the site, but this minor positive element of the proposal is not sufficient to alter my judgement on the harmful effect of the proposed development on the character and appearance of the area.

Conservation Area

9. The site is within the Stapleton and Frome Valley Conservation Area (CA), which encapsulates the land immediately abutting the River Frome from Frenchay Village to Eastville Park. The CA also includes Fishponds Village, hospital estates to the east and Stoke Park, Purdown and Stapleton Village to the north. The character of the CA is based upon development that linked the villages of Stapleton, Fishponds and the edge of Frenchay. Use of traditional materials including rendered walls, slate and pantiles within the CA is common. Random stone walling along roads is also a prominent feature, as are an abundance of trees which soften development and result in a CA that has a verdant character. More recent housing developments with areas of soft landscaping that hint at the rural origins of the CA and add to the quality of the street scene are also a positive feature of its character. The significance of the CA therefore relates to its architecture, history and landscape quality.
10. Cromwells Hide is an example of a more recent housing development where verdant landscaping has been created by substantial trees present along the entire length of the eastern side of the cul-de-sac. The landscaping deepens by the turning head as it wraps around the site enclosing it on two sides. Some of the trees associated with this tree band are located on the site. The thickness of the band and the absence of built development on the site helps to offset the presence of the dwellings along Small Lane and Cromwells Hide, thereby adding to the quality of the built environment and contributing positively to the significance of the CA.

Trees

11. The proposed development would result in the felling of two Category C Walnut trees (T7 and T8), a group of Budleija, Hazel and Ash (G1), and a group of Ash, Hazel and Elder (G2). Due to the contribution that these trees make to the character and appearance of the area, as part of the whole group on the site, their removal would degrade the verdant character of the street scene.
12. In terms of replacing the trees to compensate for the harm that would be caused by their removal, as required by Policy DM17 of the Site Allocations and Development Management Policies Local Plan 2014 (LP), there is insufficient space to do so on site. As a result, a financial contribution has been offered, secured by a submitted Unilateral Undertaking, to facilitate planting elsewhere.
13. Whilst the accompanying text to Policy DM17 does suggest that off-site tree planting would be acceptable in certain circumstances, the planting of four trees elsewhere in the city would not mitigate against the material harm caused to the CA by removing the existing trees. Given that I have not been provided with details indicating that the replacement trees could be provided within the same immediate area of the CA, the financial contribution for replacement trees does not overcome my concern about removing existing trees from the site to facilitate the construction of visually inappropriate development.
14. In terms of the effect on the remaining trees from the construction of the proposed dwelling and driveway, I acknowledge that the dwelling would be constructed using piling to reduce the damage to the tree roots and the driveway would be constructed using a specialised construction method that involves a cellular confinement system. The submitted Arboricultural Report (AR) includes an Arboricultural Method Statement, which provides finer details of the construction process for piling foundations for the dwelling and the manner in which the cellular confinement system would be used for the driveway. The AR therefore includes sufficiently precise details to afford certainty that adverse effects on T1, T2, T4 and T5 arising from the construction of the dwelling and driveway could be avoided or mitigated appropriately.
15. However, it is appropriate to consider the long-term risk to people and property from tree or branch failure, particularly when allowing for extreme weather events. The canopies of T4 and T5 are shown in the AR as being near to the porch on the front of the dwelling and potentially overhanging its front entrance. T1 and T2 are shown as overhanging the driveway.
16. When considering that tree or branch failure could occur and that the prevailing wind direction could blow debris from the trees in and around the site towards the dwelling and external circulation paths at the front of the dwelling, there would be a higher risk of harm to people and property from falling branches or tree failure than if the site remains undeveloped.
17. Given the height and proximity of the trees to the dwelling and driveway, where a car could be parked or someone could be walking in to or out of the property, it would be reasonable, and rational, for the future occupiers of the dwelling to be fearful of injury or property damage from falling branches or tree failure. As such, concerns arising from the proximity of the trees could lead to pressure for works to, or removal of, trees in and around the site, and therefore increase the likelihood that an application is made to the Council to prune or fell the trees.

18. I acknowledge that the trees are protected from works or felling by virtue of them being located within the CA. However, I have limited evidence before me to demonstrate with sufficient certainty that the Council would be able to resist an application to heavily prune or potentially remove a tree that was a threat to the property or its occupiers.
19. In summary, there would be an un-harmonious relationship between the retained trees and the proposed development as pruning works, to thin out or reduce the canopy, or even felling, to avoid perceived or actual damage to people and property would threaten their integrity and long-term future. As such their important contribution to the amenity value of the group of trees that act as a visual buffer between Cromwells Hide and development along Small Lane would be eroded and compromised to the detriment of the landscape quality of the CA. Furthermore, the removal of trees from the site, with no replacement trees either on site or in the vicinity being proposed, would exacerbate the harm to the visual amenity value of the trees and their contribution to the street scene and the CA.
20. It is noted that there are areas of the CA that were part of large gardens and estates of historical buildings, such as Manor Park Hospitals, but are now being developed to provide housing. I also acknowledge that this type of development was identified in 1993 as a threat to the CA. However, I have no details before me that confirms how the decision was reached to allow those developments to be constructed. Without such information I am unable to make a meaningful comparison between those developments and the appeal proposal. As such, residential development being constructed in large gardens and estates of historical buildings elsewhere in the CA does not alter my finding in relation to the harm that would be caused to the CA by the proposed development.

Heritage Planning Balance

21. The proposal would be a visually intrusive and incongruent addition to the street scene, and would compromise the positive contribution the undeveloped nature of the site and the trees that occupy it make to the streetscape and quality of the-CA. As such, the proposal would fail to preserve or enhance the character or appearance of the CA.
22. In terms of the harm to the CA, the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and nature of the proposals, I consider that the degree of harm would be less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances the Framework indicates that this harm should be weighed against the public benefits of the proposal.
23. In terms of the benefits of the proposal, the proposal would result in the contribution of a single dwelling towards the city's housing stock. Whilst the evidence indicates that there is a substantial shortfall in housing delivery in the city, and the Framework supports boosting the delivery of housing, the proposal would make a limited contribution to the city's housing supply. This benefit therefore attracts moderate weight. There would also be associated social and economic benefits, including during the construction phase, through future residents paying into the local economy. Although these types of benefits are

supported by the Framework, given the relatively small scale of the proposal, they are given limited weight in the planning balance.

24. Even when taken together, the above stated benefits are insufficient to outweigh the less than substantial harm to the CA and the considerable and important weight it carries.
25. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area, including the effect on trees, and would fail to conserve or enhance the character or appearance of the CA. Consequently, the proposal would conflict with Policies BCS9, BCS21 and BCS22 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM17, DM26, DM27, DM29 and DM31 of the LP, which collectively seek, in part, that development is designed to a high standard of quality, contributes towards local character and distinctiveness, respects the local pattern and grain of development, responds appropriately to the height, scale, massing, shape, form and proportion of existing buildings and building lines and conserves green infrastructure, and that heritage assets are conserved, and where appropriate, enhanced.
26. The Council's second reason for refusal also includes reference to a conflict with Policy DM21 of the LP. Policy DM21 relates to development in private gardens and the preamble to the policy refers to private residential gardens. As already established, the site is an undeveloped piece of land to the rear of existing residential gardens. It is not enclosed by any meaningful form of boundary and is therefore visually open to the street. Furthermore, it does not form part of the adjoining residential gardens and does not appear to be used as a garden. As such, the proposal would not involve the development of a private residential garden, and it therefore follows that Policy DM21 of the LP is not determinative in my consideration of the appeal.

Location

27. Policy BCS20 of the CS seeks that land is used more efficiently across the city. Furthermore, it sets out that higher densities of development will be sought in and around the city centre, in or close to other centres and along or close to main public transport routes.
28. The Council indicates in the Officer Report that the proposed development is high in density and therefore Policy BCS20 is applicable in the consideration of the proposal. As a result, the Council found that as the site is not located close to public transport links and local services, it is not an appropriate location for development of higher density and therefore conflicts with Policy BCS20.
29. Putting aside that I have no evidence before me to confirm what is high density for the purposes of the development plan or what the density of the development is in terms of dwellings per hectare, I do not agree with the Council's reading of Policy BCS20. My reading is that the policy seeks to steer high density development to certain areas of the city as part of the Council's spatial strategy, not that it precludes higher density development from areas of the city further away from the city centre, other centres and main public transport routes. The proposed development would, therefore, not undermine the spatial strategy and as a result it would not conflict with Policy BCS20 of the CS.

30. The Council's Officer Report includes the distances from the site to local centres and main public transport routes, which are quoted as being a 1.1km walk from the designated Fishponds Town Centre and a 1.2km walk from the Lodge Causeway bus stop in Fishponds, which is served by a number of bus routes. These distances are not disputed by the appellant, and I am therefore content to rely on them.
31. Whilst the Fishponds Town Centre and the access to the nearest main public transport route are considerable walking distances from the appeal site, the Quarry Way bus stop, which is quoted by the Council as being a 135 metre walk from the site, is an acceptable walking distance. The bus service stopping at the Quarry Way stop can be used to make a change on to a main public transport route and onwards to the city centre. It can also be used to access a local centre, and the services and facilities located there. Additionally, Fishponds Town Centre is a reasonable cycling distance from the appeal site and a bicycle could easily be used to access the services and facilities in Fishponds. Moreover, it has been brought to my attention that there is a convenience store that is significantly nearer to the site than the centre of Fishponds in terms of walking distance, which I noted was on a new housing estate on Manor Road.
32. Having regard to the combination of the above factors, the location of the proposal in the urban environment of Bristol would provide sufficient opportunity to use sustainable modes of travel as advocated in the Framework, and it is not envisaged that the future occupants of the proposed development would be overly reliant upon private motorised transport to get around the city. The proposal would therefore not be an unsustainable form of development in respect of travel movements and modes of transport.
33. For these reasons, the appeal site is a suitable location for new residential development, having regard to the development plan and access to services, facilities and public transport. Consequently, the proposal would not conflict with Policy BCS20 of the CS, which seeks, in part, that development uses land in the most efficient way possible to achieve high levels of housing density in suitable areas of the city.
34. Policy DM21 of the LP is also referenced in the Council's first reason for refusal. As previously explained, the site is not private residential garden and Policy DM21 is therefore not determinative in my consideration of the appeal.

Living conditions

35. The proposed dwelling would have a single dormer window and two rooflights in the rear roof slope. The submitted plans show that the dormer would be fitted with obscure glazing, and this could be controlled by an appropriately worded planning condition. Additionally, the dormer window would serve a bathroom. The position and angle of the rooflights in the roof means that views out of those rooflights would not be over the rear gardens or towards the rear windows of the properties on Small Lane. As a result, the proposal would not lead to loss of privacy or an increase in the perception of overlooking for the occupiers of the properties on Small Lane.
36. The appellant states that the proposed dwelling would be erected 10.7 metres from the garden boundaries of the properties on Small Lane. This figure is not disputed by the Council, and I shall therefore use it as part of my assessment. The

dormer bungalow would be erected a sufficient distance from the gardens of the Small Lane properties to not interfere with the outlook from those private outdoor spaces. When taking into account the form and height of the proposed development, its separation from the gardens, and the intervening means of enclosure and the outbuilding in the garden of 111 Small Lane, the proposed development would not overbear on, or visually enclose, the gardens of the properties on Small Lane.

37. For these reasons, the proposed development would not materially harm the living conditions of the occupiers of neighbouring properties, having particular regard to outlook and privacy. Consequently, the proposal would comply with Policy BCS21 of the CS and Policies DM27 and DM29 of the LP, insofar as they seek to safeguard the amenity of existing development by achieving appropriate levels of privacy and outlook.

Other Matter

38. I note the appellant's comments regarding the Council's handling of the planning application, but that is not determinative in my consideration of the appeal and is a matter for the parties.

Planning Balance

39. The Council accepts it cannot demonstrate a five-year housing land supply. In these circumstances, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Designated heritage assets, which include conservation areas, are an example of such areas/assets.
40. I have already concluded that the proposed development would cause unacceptable harm to the character and appearance of the area, including the effect on trees, and would fail to preserve or enhance the character or appearance of the CA. As such, the proposal would conflict with the development plan when taken as a whole.
41. The harm to the CA, which is not outweighed by the public benefits identified earlier, means that the heritage policies in the Framework provide a strong reason for refusing the development proposed. Paragraph 11(d)(ii) is therefore not engaged.

Conclusion

42. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR