



Appeal Decision

Site visit made on 27 May 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/Z0116/W/25/3359311

90 King Georges Road, Bishopsworth, Bristol BS13 8LU

- 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 Natalie Wring against the decision of Bristol City Council.
 - The application Ref is 23/01696/F.
 - The development proposed is the change of use from domestic garage to 1no. bed dwellinghouse, including associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As one of the main issues of this appeal relates to the proposed dormer, I have taken the amended description of the proposal from the Council's decision notice. This more accurately reflects the full extent of the development proposed.

Main Issues

3. The main issues are:
 - The effect of the proposed rear dormer on the living conditions of occupiers of 28 Queens Road (No.28) and 30 Queens Road (No. 30), and
 - Whether the proposed development would pose a risk to life and property, with particular regard to the culverted Malago Main River (the Culvert).

Reasons

Living Conditions

4. The site comprises a detached 'one and a half' storey bungalow with rooms in the roof above an attached garage. The property occupies the easternmost residential plot on the southern side of King Georges Road, just before the junction with Queens Road. The rear garden is broadly triangular and progressively narrows to the south west. The eastern boundary of the rear garden is flanked by a line of mature trees situated next to a parcel of land that separates the site from the rear gardens of 28 to 36A Queens Road, to the east.
5. The proposal is to convert the existing garage into a small dwelling with a rear facing dormer window to increase the usable amount of first floor accommodation.

The proposed dwelling would have car parking provision to the front facing King Georges Road and a small garden / yard to the rear.

6. There is significant boundary screening situated on the parcel of land that separates the site from the Queens Road properties, and the existing garage sits behind the mature trees. This would ensure oblique views to the rear of No. 28 are not possible through the parcel of land from the proposed rear dormer. Views to No.30 from the site are disrupted by oversailing branches from the boundary trees.
7. The proposed rear dormer would serve a bedroom of the proposed new dwelling. Due to the angle of the rear elevation of the current garage, the dormer would be cantered very slightly towards the properties on Queens Road, but viewing angles would remain oblique. Views from the proposed dormer window would be from occupiers standing close to it. As the windows would serve a bedroom these are more likely to be passing views rather than lingering views. As such, these views would not result in unacceptable loss of privacy harming the living conditions of neighbouring residents.
8. The oversailing branches from the boundary trees, oblique viewing angles, and the distance between the properties would disrupt views to the extent that I consider no harmful overlooking would occur.
9. I therefore find that the proposal would not have an unacceptable effect on the privacy of occupiers of No.28 or No.30. With respect to living conditions, I find the proposals to be acceptable.
10. Consequently, I find no conflict with policies BCS21 of the Bristol Development Framework Core Strategy (June 2011), or Policies DM27, DM29, and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (July 2014). These require, amongst other things, new development to deliver high quality urban design that safeguards the amenities of existing development and enables existing and proposed development to achieve appropriate levels of privacy.

The Culvert

11. Environment Agency (EA) mapping indicates that part of the development site is situated within Flood Zone 3 and that the proposed development would be situated on top of the Culvert. This is not disputed.
12. The EA has objected to the proposal on the basis that it would introduce a more vulnerable use on top of the Culvert, which may preclude future maintenance, survey and repair of the Culvert, and may lead to collapse of the Culvert. If this is correct, future occupiers of the proposal would not remain safe for the lifetime of the development. A Flood Risk Assessment¹ (FRA) prepared on behalf of the appellant contests both the Flood Zone classification and the route of the main river. The FRA states that the development itself lies within Flood Zone 1 and Flood Zone 2. A mapping extract taken from the EA shows the Culvert situated slightly to the south east of the development site, which differs from the EA Flood Mapping. The appellant's FRA does not contest the potential effects of the proposed dwelling being situated over the Culvert, although I note the appellant's claims that no new

¹ By Earth Environmental & Geotechnical (Southern) Ltd, dated 26 July 2024, ref: B4083/24/V1

foundations would be needed as the proposal comprises the conversion of an existing building.

13. It is necessary to adopt a precautionary approach where a potential risk to life and property exists. In the absence of appropriate evidence showing the proposed dwelling would not be on top of the Culvert, I consider that unacceptable risk would likely result from the proposed development.
14. I note the flood mitigation measures suggested within the FRA, and I accept that these could help mitigate the risk and effects of flooding, but none are designed to protect against the presence of the Culvert itself, or protect residents from, for example, its potential collapse.
15. With respect to the presence of the Culvert and the potential risks it presents to life and property, I find the proposed development unacceptable.
16. Consequently, the proposal does not comply Policy BCS16 of the Bristol Local Plan Core Strategy (2011) which seeks to avoid inappropriate development in areas at high risk of flooding and requires development to be made safe for its lifetime.

Other Matters

17. The appeal site is located within the Bishopsworth and Malago Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
18. The proposed physical changes to the building are relatively minor being limited to the erection of a new dormer window on the rear elevation similar in style to others found locally. As such it is not considered that the proposal will materially alter the contribution the current building makes to the Conservation Area. It is considered that the character and appearance of the Conservation Area would be preserved.
19. Both parties have made reference to an earlier planning application for a similar proposal at the appeal property (ref: 04/04536/F). The consent dates from 2004 and no evidence has been submitted to demonstrate that it has been implemented and forms a viable fallback position. Given the age of the consent and the available evidence indicating that it has now lapsed, I find that it holds no weight in the determination of this appeal.
20. I also acknowledge that both the appellant and an interested party have made reference to proposals at 88 King Georges Road being approved. Notwithstanding this, I consider the two cases not to be comparable. The main matters identified above are unique to this case. The proposal should therefore be determined on its own merits.
21. The appellant has drawn attention to the Council's objectives of providing 8,000 new homes (Policy BCS1) in existing built up areas or on previously developed land (Policy BCS5) and that these homes should be a mix of housing types (BSC18). Whilst I acknowledge that the proposed development would help achieve these policy objectives, these are not considered to outweigh the harm I have identified above.

22. I also acknowledge the sustainability credentials of the proposal in relation to policy BCS14, but these do not outweigh the potential risks the proposal presents to life and property.
23. The Council does not have a five year supply of deliverable housing sites. Where this is the case, paragraph 11d)ii. of the National Planning Policy Framework (the Framework) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would fail to provide a dwelling which would be a safe place for future occupants to live for the lifetime of the development. I assign substantial weight to that planning harm associated with the proposal. There would be modest benefits associated with the creation of an additional dwelling in this location, which attract modest weight in favour of the proposal. Therefore, considering the Framework as a whole, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

Conclusions

24. For the reasons outlined above, having regard to all matters raised, the proposal conflicts with the development plan as a whole and there are no other considerations which indicate planning permission should be granted. The appeal is therefore dismissed.

JJ Packman

INSPECTOR