
Appeal Decision

Site visit made on 6 June 2025

by J McEvoy CEng MICE CMILT FIHE MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/Z0116/W/25/3364571

Garage adjacent to 17/17A Shepton Walk, Bristol, BS3 5NU

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

- The appeal is made by Alex Fry Rental Properties Ltd against the decision of Bristol City Council.
 - The application 23/01374/F, dated 04 April 2023, was refused by notice dated 25 February 2025.
 - The development proposed is change of use from garage to a 1-bedroom emergency accommodation unit (*sui generis*), including front extension and erection of a new hipped roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended sustainability statement setting out a revised energy strategy for the appeal site. The Council have had an opportunity to comment on the amended plans. Having regard to the Wheatcroft Principle¹, I am satisfied that the amendments would not prejudice interested parties. Consequently, I have accepted the amended sustainability statement and decided the appeal on that basis.

Main Issue(s)

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide adequate living conditions for the occupants of No. 17A Shepton Walk with regards to outlook; and
 - whether the proposal would make adequate provision for energy efficiency and climate change.

Reasons

Character and appearance

4. The appeal site is located on the northern frontage of Honeywick Close on that section of Honeywick Close between its road junction with Shepton Walk and a road T-junction with another section of Honeywick Close that runs parallel with the rail line.

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

5. No's 10, 11 and 12 Honeywick Close (No. 10 to No. 12) form a small three property terrace with a strong building line parallel to, and set back from Honeywick Close by driveways, one in front of each property. The building line of the appeal site is also parallel to Honeywick Close; however, it is set back about half the distance of the adjoining small terrace-
6. No 17A Shepton Walk (No 17A) is one of a small terrace of a row of three properties located at the corner of the road junction where Honeywick Close joins with Shepton Walk. Though the western front elevation of No 17A is oriented at approximately 45 degrees to the building line of the appeal site, the front elevations of the appeal site and No. 17A form a contiguous building line given the proximity of the appeal site (a former garage for No 17 Shepton Walk) to No. 17A.
7. While the building line of the appeal site is parallel to Honeywick Close it is out of step with the small terrace comprising No. 10 to No. 12. The building line of the appeal site is approximately halfway between the main building line, established by No. 10 to No. 12, and Honeywick Close.
8. The proposal seeks to extend the front of the appeal site closer to Honeywick Close. The proposal would also be positioned further forward of the established building line with No. 17A. It would have an uncomfortable arrangement with the angled front elevation of No. 17A. Although the development would only be seen in the context of the immediate area and there is some variation in building styles locally, it would nevertheless appear out of keeping with the prevailing built form.
9. As such, it would significantly harm the character and appearance of the area, contrary to Policy BCS21 of the Bristol Development Framework Core Strategy, adopted June 2011 (the Core Strategy) and Policies DM26 and DM27 of the Bristol Local Plan Site Allocations and Development Management Policies (SADM), adopted July 2014. Amongst other aspects, these require respect for local character and distinctiveness, including building lines and setbacks. Similarly, the proposal would conflict with the emphasis of the National Planning Policy Framework (the Framework) on visually attractive development.

Living Conditions

10. When compared with the strong building lines of Honeywick Close and Shepton Walk the orientation of the building line of No 17A stands out. No 17A is positioned close to the corner of Shepton Walk and Honeywick Close. The orientation of No. 17A runs parallel neither to Shepton Walk nor Honeywick Close.
11. The front elevation of No 17A faces west and is at 45 degrees (approximately) to Honeywick Close carriageway, while its southern elevation is approximately 45 degrees to the Shepton Walk carriageway. In this respect, the westward facing windows of No 17A, closest to the appeal site have an outlook over the hard standing area at the front of the existing appeal building.
12. The front elevation of the proposed alteration to the appeal site would extend forward two metres from its existing front elevation towards the road. The proposed extension would therefore project forward beyond the ground floor window and upper floor window of No 17A closest to the appeal site.
13. The front facing windows of No 17A serve the living space for the dwelling and would be uncomfortably close to the proposed extension of the appeal site. My site

visit confirmed that the proposal would result in a detrimental loss of light to, and outlook from, the front ground floor and upper floor windows of No 17A.

14. Consequently, the level of light to, and outlook from the upper floor window and ground floor window closest to the appeal site would be compromised for the occupiers of No 17A due to the closeness of the two buildings. While the direct straight view from these windows may not be interrupted by the development, the extension would appear dominant from oblique views even with the proposed lowered eaves height.
15. For the reasons above, I conclude that the proposed development would harm the living conditions of the occupiers of No 17A with regard to light and outlook. The magnitude of harm would be significant in this context. Therefore, it would conflict with Policy BCS21 of the Core Strategy and Policy DM27 the SADMP insofar as they require development to provide a high standard of amenity for existing and future users and enable existing development to achieve appropriate levels of outlook and day light.

Heat hierarchy

16. The Council's third refusal reason relates to the proposed use of a gas fired boiler that does not adhere to the heat hierarchy set out in Policy BCS14 of the Core Strategy.
17. It appears that the inclusion of an air source heat pump, together with photovoltaic panels may be proposed and that these could result in an exceedance of the necessary reduction. However, there is doubt that photovoltaic panels would indeed be provided.
18. On this matter, the appeal statement of case contradicts the appellant's sustainability statement. The appeal statement of case proposes an air source heat pump, in place of the pv panels, while the sustainability statement notes the proposed development will feature renewable energy technologies in the form of solar panels. Furthermore, photovoltaic panels have not been shown on the proposed plans.
19. There is also doubt that the appeal site can receive an air source heat pump system. The appeal statement of case explained that a gas boiler was chosen over air source heat pumps due to limited circulation space around the building and proximity of windows and boundaries. The appellants revised sustainability statement provides no follow up feasibility study to confirm the heating unit and heat distribution system can practicably be installed.
20. Even if the provision of panels, including details of their position, could be secured by a planning condition, no design for the heat pump system has been identified. The design of the heat pump system could have implications for the character and appearance of the area, or the living conditions of nearby properties, for example because of noise. It could also require further changes to the submitted plans.
21. Accordingly, in the absence of further details, it would not be appropriate to leave this matter to a planning condition. For these reasons, it has not been demonstrated that the proposal would make adequate provision for energy efficiency and climate change. The magnitude of harm would be significant in this context. It would therefore conflict with Core Strategy Policies BCS13 and BCS14.

These seek to reduce carbon dioxide emissions, maximise energy efficiency and adapt to climate change. For similar reasons, the proposal would also conflict with the aim of the Framework to reduce greenhouse gas emissions.

Planning Balance and Conclusion

22. The Council is presently unable to show a sufficient supply of housing land, which is reported to be at 3.75 years. Therefore, having regard to paragraph 11 of the Framework, it is necessary for me to assess whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. The proposal would result in an additional unit of accommodation which would be specifically target at providing emergency short term accommodation for homeless people. This would aid with the provision of residential accommodation against the current shortfall and help to support people with specific needs, as outlined in paragraph 11 of the Framework.
23. Additionally, it would have economic advantages, such as support for local businesses, the house building sector, and public sector revenues. The proposals would make efficient use of land use on a compact, previously developed site that could be implemented quickly. Nevertheless, the overall benefits would be very minor as only a single unit of accommodation would be provided.
24. In light of the totality of harm I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies outlined in the Framework taken as a whole.
25. This leads me to conclude that the appeal should be dismissed.

J McEvoy

INSPECTOR