



Appeal Decision

Site visit made on 26 June 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/P0119/W/25/3363897

40 Alma Road, Kingswood, South Gloucestershire BS15 4EG

- 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 Adam Comley against the decision of South Gloucestershire Council.
 - The application Ref is P24/02203/F.
 - The development proposed is the erection of an attached dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an attached dwellinghouse at 40 Alma Road, Kingswood, South Gloucestershire BS15 4EG in accordance with the terms of the application, Ref P24/02203/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) the effect of the proposed parking arrangements on highway safety in Alma Road; (ii) the effect of the proposed development on the living conditions of the occupiers of both the new dwelling and host dwelling, with particular regard to the amount of private garden space; and (iii) whether the proposed development would provide a 10% Biodiversity Net Gain.

Reasons

Parking

3. Policy PSP16 of the Policies, Sites and Places Plan, November 2017 (the PSP) sets out the parking requirements for residential developments. Based on these requirements, the host and proposed dwellings, both of which would have three bedrooms, would each need to provide two off-street spaces. The approved plans identify that the new dwelling would have two spaces as required. However, the host dwelling would be left with no off-street parking provision at all.
4. The site is within easy walking distance of bus stops and local services and facilities. As such, the occupiers of the host dwelling would not necessarily need to use a private car to access the facilities that are required for everyday living. Furthermore, while only a snapshot in time, I did observe during my own site visit that there were a lot of spaces available, both on Alma Road itself, and on some of the surrounding streets nearby. The appellant has also provided photographic evidence of similar parking conditions.
5. Given these considerations, I am of the view that any harm associated with up to two additional cars being parked on the road would likely be very limited.

Nevertheless, I must conclude that the proposal would conflict with PSP Policies 11 and 16, the relevant aspects of which seek to ensure that adequate parking provision is made as part of new developments and that any impacts on the local highway network are acceptable.

Living Conditions

6. PSP Policy 43 sets out minimum standards for the amount of private garden space to be provided for residential developments. For three bedroomed homes, the expected figure is a minimum of 60 square metres. Importantly, paragraph 8.67 of the supporting text to the policy sets out that the figures should include the totality of front and back gardens, among of things.
7. In this instance, for both the host and proposed dwellings, the total amount of garden space would be comfortably in excess of 60 square metres when taking account of the totality of the front and rear garden spaces. During my site visit, I observed that the existing front garden area was partially screened from public view by a low wall and a well established hedgerow. As such, this part of the garden does provide a reasonable degree of privacy for the occupiers, and I can see no reason to discount the front garden space from the overall calculation.
8. On this basis, I am satisfied that the proposed development would provide an adequate amount of private garden space for both dwellings. It would therefore conform with PSP Policies 8, 38 and 43, which in part seek to ensure that new development preserves living conditions.

Biodiversity Net Gain

9. The provision of Biodiversity Net Gain (BNG) is mandatory under Paragraph 13 of Schedule 7a of the Town and Country Planning Act 1990 as amended (the TCPA). In accordance with the Act, the proposal is required to deliver a BNG of 10%.
10. Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum information that must be provided as part of a planning application. As part of their application, the appellant provided a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment which was produced by Avondale Ecology in November 2024. The information provided includes a baseline assessment and an identification of net loss as a result of the proposed development. With this in mind, I am satisfied that the minimum requirements have been met.
11. The assessment also sets out the ways in which 10% BNG could be achieved, including the provision of a green roof, green wall or the purchase of off-site credits. Whether or not the on-site solutions could be legally secured is not a matter that needs to be decided as part of this decision. Indeed, paragraph 13 of Schedule 7A to the TCPA sets out that, where relevant developments are given permission, a Biodiversity Gain Plan (BGP) must then be submitted to the Council and approved by them. It is for the BGP to identify the appropriate solutions that would deliver 10% BNG.
12. As such, the proposal would comply with the relevant legislation set out above, as well as PSP Policy 19 which seeks to enhance biodiversity.

Conditions

13. I have imposed conditions to identify the relevant plans and timescales in the interests of certainty. Further conditions regarding ground stability are necessary given that the site is located within a former coal mining area. The standard BNG condition does not need to be imposed given that Planning Practice Guidance strongly encourages decision makers to not do so¹.

Conclusion

14. At present the Council can only demonstrate 4.38 years' worth of supply of deliverable sites for housing. I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
15. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, and support for local facilities. Despite the shortfall in housing land supply, I still only afford limited weight to these benefits given that they are relatively minor in nature.
16. I have concluded that there would be material harm in relation to the lack of off-street parking provision for the host dwelling. The Framework does place emphasis upon ensuring that new developments do not result in unacceptable harm in relation to highway safety. However, as already noted, I have concluded that the level of harm associated with the policy conflict would be very limited. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits. The development therefore represents sustainable development in accordance with the presumption in favour of sustainable development.
17. The proposed development conflicts with the development plan when considered as a whole, despite the fact that I have not found harm in relation to private garden space and BNG. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR

¹ Planning Practice Guidance Paragraph 024 Reference ID: 74-024-202240214

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no's: 4302.PL.01 Rev A (site location plan); 4302 PL.02 Rev A (existing and proposed block plans); 4302 PL.04 Rev A (proposed plans and elevations); 4302 PL.06 Rev A (proposed landscaping plan); 4302 PL.07 Rev A (existing and proposed street scene).
- 3) No development shall commence until;
 - a scheme of intrusive site investigations (Section 4.15 of the submitted Coal Mining Risk Assessment Report (B4263/24, September 2024) has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan to identify the calculated zone of influence of the off-site mine entry: CA shaft ref: 365174-111. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
- 4) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.