
Appeal Decision

Site visit made on 2 June 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/Z0116/W/24/3354689

Land to the rear of 1 Reynolds Walk, Bristol BS7 0HU

- 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 Giulio Genuardi against the decision of Bristol City Council.
 - The application Ref is 23/02983/F.
 - The development proposed is change of use of building to dwellinghouse (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a full address for the appeal site, nor did it identify the applicant. For the purposes of the header, I have used the address and applicant details identified on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of occupiers of neighbouring properties with regards to light and noise disturbance and to obstruction of access, and whether the proposal would provide acceptable living conditions for future occupiers with regards to living space, outlook and outdoor amenity space.

Reasons

Character and Appearance

4. The appeal property is an existing single-storey garage outbuilding consisting of rendered masonry walls under a pitched roof covered in profiled concrete tiles. A narrow, fenced access way is present to one side, providing access to a personnel door. The property is located adjacent to an un-made access lane which runs between the rear gardens of terraced properties on Filton Avenue and Sandling Avenue, and which takes its closest vehicular access from Reynold's Walk, though access is controlled via secure steel gates.
5. This pattern of development is a strong characteristic in the area, with many similar un-made rear lanes serving terraced properties, either with access points from the main highways at each end or interspersed at regular intervals and enclosed by steel gates to provide security. Many properties have outbuildings at the end of their gardens adjacent to the lanes, used as garages or for general storage.

6. The appeal property is situated to the rear of number 1 Reynold's Walk (No.1) and is separated from No.1's garden by a head height timber closed boarded fence. The rear elevation of No.1 is around 10m from the side elevation of the proposal, the fence being around 1m closer to No.1. Other than the personnel door which faces No.1, the existing building has a large steel double roller door facing the access lane, no other openings currently exist.
7. The proposal would infill the roller door, providing windows in the front elevation for living room and bedroom areas, the personnel door becoming the main entrance to the property. Two roof windows are proposed to each of the roof slopes. This would change the appearance of the building from that of a garage to a residential dwelling, which would be at odds with the character and appearance of the surrounding garage and storage outbuildings within the area.
8. The appellant has drawn my attention to the presence of the rear of the Ebenezer Church hall on the lane diagonally opposite the proposal, as justification for development in the lane. However, this is not a primary entrance in frequent use but is a fire escape exit for use in an emergency. This element of building is also seen as being part of a much larger building, with which it is conjoined, rather than an individual building within the lane, and therefore I do not consider the proposal gains support from its presence.
9. The scale of the proposal is determined by the size of the building being converted; it is therefore smaller than surrounding residential dwellings. This would therefore be compliant with those elements of policy DM26, which require backland development to be subservient to the scale and form of the frontage buildings. However, the proposal would not be read against these frontage properties but would relate to the surrounding garage and storage outbuildings, against which the residential nature of the proposal would be incongruous.
10. The tarmacking of the lane, whilst being essential to provide safe access for future residential occupiers of the appeal property, would be out of keeping with the pattern of development in the area, where rear access lanes are generally un-made, particularly as it would only be for a short distance before reverting to an un-made lane.
11. I conclude that the proposal would harm the character and appearance of the immediate area. It follows therefore, that I find the proposal would be contrary to policy BCS21 of the Bristol Core Strategy (2011) and policies DM26, DM27, DM28 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014), which require, among other things, development to seek high quality design that respects local character and distinctiveness, and which is appropriate for its context and setting.

Living Conditions of Neighbours

12. The small number of new window openings in the proposal give rise to limited risks to the amenity of occupants of neighbouring properties. The two windows in the front elevation facing the lane would not give rise to issues of privacy for occupants of Filton Avenue, which is around 23m away to the rear elevations of the existing properties. However, the introduction of the roof windows to the two roof slopes does introduce the potential for noise and light nuisance issues for occupants of No.1, and for future occupants of the dwelling approved in a former section of the rear garden of number 82 Sandling Avenue (No.82), which is adjacent to the

proposal to the south, but which takes its access from alongside the frontage property.

13. The application identifies the purpose of the roof windows to be to provide natural light and ventilation to the accommodation below. The rooflights which face in the direction of No.1 have the potential for light and noise nuisance to the occupants of that property, when they are open, though not overlooking, given the height of the rooflights above the internal floor level. Whilst the desirability of the roof window to provide natural light and ventilation to the bathroom is justifiable, the bedroom accommodation would already be provided with natural light and ventilation from the new window in the front elevation. The need for a roof window to serve this area of accommodation is therefore questionable.
14. The open plan Living Room/Kitchen is provided with natural light and ventilation from the new window in the front elevation. It is therefore unclear as to the need for the two roof windows proposed in the roof slope above, which would potentially prejudice the existing approval for adjacent residential development at No 82, contrary to policy DM27, and would also lead to the potential for noise and light nuisance to its future occupant's, contrary to policy DM30.
15. I therefore conclude that the proposal would harm the living conditions of occupants at No.1 Reynold's Walk and would therefore be contrary to policy BCS21 of the Bristol Core Strategy (2011) and policy DM30 of the Bristol Site Allocations and Development Management Policies (2014), which require, among other things, that development should deliver high quality design that safeguards the amenity of existing development and neighbours.

Living Conditions of Future Occupiers

16. The appellant has stated that the proposal exceeds the minimum floor area identified in the Nationally Described Minimum Space Standards (NDMSS) for a 1-person, 1-bedroom dwelling by over 10%. The Council consider the proposal to provide insufficient space to comply with policies within the Bristol Core Strategy (2011). In terms of internal space, I find the proposal to provide satisfactory internal space for a 1-person, 1-bedroom dwelling, as it exceeds the minimum space standards for such use identified by the NDMSS. However, the proposal has extremely limited external space, other than to accommodate the minimum requirements for access, servicing and refuse storage, with no space available for sitting out.
17. The appellant contends that this is no different to an apartment. However, it would normally be the case that occupiers of apartments accept that restriction because of being in an elevated position, which has other compensating amenity benefits in terms of views. The proposal is single-storey, and occupiers would normally expect within such low-rise development, to have access to external space.
18. The restricted external space available in the appeal proposal, which also has to provide circulation for the means of access, and storage for refuse would lead to a risk of the side access area being used for sitting out, with refuse and other items being stored being left in the lane. Alternatively, the lane would be used for sitting out, with domestic paraphernalia being left in the lane between use. Either eventuality would lead to restriction of the use of the lane for other residents of the frontage properties, which all have shared access rights to the lane to access the garages and outbuildings to the rear of their properties.

19. The view from the appeal property, across the access lane to the garages, outbuildings and fences to the rear of properties on Filton Avenue, around 6m away from the new windows, would provide an unsatisfactory level of outlook from the proposed accommodation for future occupiers.
20. For the reasons above, I conclude that the proposal fails to provide a good quality living environment for future occupiers, and would therefore be contrary to policies BCS15, BCS18, BCS20 and BCS21 of the Bristol Core Strategy (2011) and policies DM26, DM27 and DM30 of the Bristol Site Allocations and Development Management Policies (2014), which require, amongst other things, that development should deliver high quality design that creates a high-quality environment for future occupiers.

Planning Balance

21. The council have confirmed their current 5 Year Housing Land Supply (5YHLS) figure as 4.14 years. Accordingly, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged for decision making purposes.
22. There are no protected areas or assets as referenced in paragraph 11(d) (i) and footnote 7 of the Framework present on the site. Therefore, the test set out in paragraph 11(d)(ii) applies, which states 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 taken as a whole, including the key policies cited.
23. The proposal would create harm to the character and appearance of the area, would harm the amenity of occupants of No.1 Reynold's Walk and would provide a poor-quality living environment for future residents. Consequently, I have found it would conflict with the Local Plan policies in these regards.
24. The appellant refers to the Local Plan providing support for the development as the principle is acceptable, it is in an accessible location relative to local services, facilities and employment, and would provide an additional housing unit which would be energy efficient. These matters attract moderate weight in favour of the development. The new dwelling would contribute to the supply of housing, but given the very modest scale of development, this benefit would be limited in favour of the appeal scheme.
25. The Local Plan is more than five years old. However, the most important policies within the Local Plan for determining the application, with which the development conflicts, are consistent with those of the Framework. Therefore, the conflicts I have found attract full weight in this case.
26. As set out above, the benefits attract moderate and limited positive weight respectively in the planning balance. However, I have found that there would be permanent harm caused to the character and appearance of the area, to the amenity of adjacent residents, and poor living conditions for future occupiers. These attract full weight in the planning balance. The Framework confirms that good design is a key aspect of sustainable development and fundamental to what the planning and development process should achieve.
27. Consequently, I consider that the adverse impacts of approval would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

28. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan, read as a whole, and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR