
Appeal Decision

Site visit made on 30 July 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/Z0116/W/25/3362081

13 Risdale Road, Ashton, Bristol BS3 2QU

- 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 Noogle Property Ltd against the decision of Bristol City Council.
 - The application Ref is 24/04949/F.
 - The development proposed is erection of a detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would be capable of complying with the general condition of planning permission set out at paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) in respect of Biodiversity Net Gain (BNG).

Reasons

Character and appearance

3. The appeal site relates to part of the rear garden of 13 Risdale Road (No13) which is a two-storey end-of-terrace dwelling situated on the corner of Risdale Road and Tregarth Road. The rear garden is enclosed by timber fencing and lies adjacent to an alleyway located between 2 Tregarth Road and the appeal site.
4. The proposed dwelling would face Tregarth Road which contains a mix of two-storey semi-detached and terraced houses set consistently back from the road with driveways or gardens at the front. The more recently developed dwellings on the south side of Tregarth Road are simple in design and modest in size. The remainder of the street comprises largely post-war semi-detached dwellings and short terraces featuring ground floor bay windows with canopy roofs. While there are two main eras of development in the street, the roofscape is fairly uniform and defined by a series of hipped roofs to the end terraces and over the semi-detached properties. Overall, the street exhibits a visually cohesive character, derived from the consistency of architectural styles, building lines, heights, rhythm of built form and materials within the two periods of development.

5. Within this context, the height of the proposed dwelling, at 1.5 storeys, would be incongruous with the prevailing height of other dwellings in the street. Contrary to the appellant's assertion, I do not consider that the principle of a two storey dwelling on the appeal site would result in an imposing or dominant visual impact on the street scene. This is particularly the case given the established character of the area, which is largely defined by two storey dwellings. Furthermore, the generous separation distances that would exist between the proposed dwelling and neighbouring properties would help to ensure the development does not appear cramped, dominant or visually incompatible with the existing pattern of development in the area.
6. The proposed dwelling incorporates gabled dormer windows, a design feature that is notably uncharacteristic of the surrounding properties. This architectural element introduces a visual departure from the established aesthetic of the area, where such features are generally absent, impacting the overall cohesion and streetscape harmony.
7. According to the related appeal decision¹, the extension allowed at No 13 would be subservient in massing and scale to the host building. As such, it should not be used to determine the height of the proposed dwelling. Instead, the proposed height ought to reflect the prevailing scale and proportions of other dwellings along the street, ensuring consistency with the established character of the area.
8. The appellant contends that the height of the proposed dwelling has been designed to avoid overshadowing neighbouring rear gardens. However, the appellant's Shadow Study demonstrates that the proposed dwelling would cast shadow upon a large proportion of the garden of No 13. Therefore, the difference between the overshadowing impacts of a 1.5 and 2 storey building upon No 13's garden would be immaterial.
9. I have been referred to a fallback position that exists through a Certificate of Lawfulness² issued for the erection of a double garage within the appeal site. The proposed plans indicate the garage would be single storey in height. The appeal scheme would be 1.5 storeys in height, so it would not be comparable with the fallback position. Furthermore, the double garage, with its utilitarian form and absence of fenestration, would appear as an ancillary outbuilding to No 13 rather than a self-contained dwelling. The garage and proposed dwelling would differ significantly due to their form, function, scale and architectural expression. Therefore, the fallback would be less harmful to the character and appearance of the surrounding area than the appeal proposal. Consequently, I ascribe limited weight to the fallback position.
10. While the proposal for a new dwelling on the appeal site is supported in principle, and its alignment and materials would be in keeping with the existing character of the area, the new dwelling by reason of its incongruous height and roof design, would appear anomalous and disruptive within the street scene.
11. For the reasons given, the proposed development would harm the character and appearance of the surrounding area. Accordingly, it would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (June 2011) (the CS) and Policies DM26, DM27, DM8 and DM29 of the Site Allocations and

¹ APP/Z0116/D/25/3358597.

² 25/11311/CP.

Development Management Policies Local Plan (July 2014) (the DMP) insofar as they require development to respond appropriately to the scale, form and character of the street.

The general condition of planning permission in respect of BNG

12. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) states that every planning permission granted for development in England shall be deemed to have been granted subject to the following condition, subject to exceptions: development may not be begun unless a biodiversity gain plan has been submitted and approved. As this is a general condition which would apply to the proposal, if I were to grant planning permission, it is not necessary for me to consider the acceptability of any proposed method of complying with that condition. I merely need to be satisfied that the proposal is capable of complying with the general condition.
13. To achieve the minimum 10% mandatory BNG, the proposal relies on the creation of a publicly accessible species-rich flowering lawn with three new trees along the south west boundary of the appeal site. The appellant indicates that the proposed BNG area would be fenced off from the rest of the appeal site but managed by the appellant for the requisite 30 year period.
14. While I see no obvious reason why in principle the above method could not potentially comply with the relevant regulations and guides, there is no mechanism before me, such as a legally binding Section 106 agreement to secure public access, management, maintenance and monitoring of the proposed BNG area along the south west boundary of the site for the requisite period. Therefore, I cannot be certain that the statutory BNG objective can be achieved or that the BNG condition is capable of being successfully discharged by the specific proposed method which includes providing a narrow fenced off publicly accessible area of the site to be managed by the appellant for 30 years.
15. As an alternative, the appellant has suggested the imposition of a pre-commencement condition requiring the appellant to purchase the requisite off-site credits. However, such a condition is unlikely to pass the tests set out in the National Planning Policy Framework (the Framework) as it lacks the necessary precision and would be difficult to enforce in practice. Furthermore, PPG indicates that 'no payment of money or other consideration can be positively required when granting planning permission.'
16. Notwithstanding the above, if planning permission were to be granted, the appellant would need to comply with the general condition set out in the legislation before commencing development. If planning permission is granted, the appellant would be entitled to secure appropriate off-site biodiversity gains or statutory biodiversity credits in compliance with the general condition. Nothing in the information before suggests it is unlikely that the general condition could be capable of being complied with in this instance.
17. For the reasons given, while the proposed method for delivering BNG, including through the provision of the narrow fenced off publicly accessible area, would be unlikely to comply with the relevant regulations and guides in practice, I find that the proposed erection of a dwelling at the site would likely remain capable of complying with the general condition relating to BNG by other means if planning permission were to be granted.

Planning Balance and Conclusion

18. The Council is understood to be unable to demonstrate a five-year supply of deliverable housing sites with only an estimated supply 2.2 - 2.4 years supply. In this circumstance, paragraph 11 d) ii) of the Framework is engaged and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. Compliance with the development in relation to the living conditions of neighbouring occupiers and future occupiers of the proposed dwelling, drainage, flooding, highway safety, parking, and land contamination are expectations for all development that would weigh neither for nor against the proposal and is therefore considered neutral in the planning balance.
20. The proposal would cause harm to the character and appearance of the area surrounding area, conflicting with the development plan when considered as a whole. This weighs heavily against the proposal.
21. The CS dates from 2011 and the DMP from 2014 but the weight to be attached to them do not hinge on their age. Rather paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The identified policies from the CS and the DMP are, in the circumstances of this case, broadly consistent with the Framework in seeking to ensure developments are sympathetic to local character. I therefore attach significant weight to the conflict with these policies and to the associated harm.
22. The proposal would deliver one additional house, positively contributing to the housing mix and the overall housing supply, which is in shortage in the area. It would align with Framework's objective of boosting the supply of homes and making effective use of land. The site has good accessibility to local services and facilities including public transport links. The development would bring associated social and economic benefits both during and post construction. Carbon dioxide reductions would be achieved through the sustainable design and construction of the proposed dwelling. These are all positive benefits of the scheme. However, given the small scale of the development, the benefits would be modest and carry moderate weight in the planning balance.
23. Even if I were to attribute significant positive weight to the benefit of a single additional dwellinghouse, the adverse impacts of the proposal would, in my consideration, significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
24. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan.
25. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR