



Appeal Decision

Site visit made on 9 June 2025

by J McEvoy CEng MICE CMILT FIHE MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025.

Appeal Ref: APP/Z0116/W/25/3364797

Land Between 6 & 7, Whitethorn Vale, Bristol, Avon BS10 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ruxandra-loana Bucur against the decision of Bristol City Council.
 - The application Ref is 23/01658/P.
 - The development proposed is a proposed two-storey, three-bedroom single dwellinghouse with associated access, parking, gardens, refuse and bike stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for future consideration. Submitted plans include a proposed site plan showing access arrangements and indicating site layout, elevations and sections. I have taken any details on the submitted plans as being indicative and have determined this appeal on that basis.

Main Issues

3. Main issues:
 - whether the proposed vehicular access would be safe and suitable for all users;
 - adequacy of information regarding the conservation and enhancement of biodiversity;
 - adequacy of information regarding tree management;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of future occupants.

Reasons

Safety and suitability of proposed vehicular access

4. The appeal site is a parcel of undeveloped land to the southern end of the designated Brentry Hill Open Space. The appeal site has a boundary with the Whitethorn Vale housing development and is separated from the boundary of the Quarry House flat complex by a Public Right of Way (PRoW) that connects the Brentry Hill Open Space with Charlton Road. While standing on the pavement of Charlton Road and looking down along the PRoW I observed at the intersection of

the PRow and Charlton Road three pedestrian safety barriers of a type, positioning, and function that improve safety at crossing points and also protect vulnerable users of the PRow from accidental conflicts with vehicles at high-risk areas. These barriers are typically used to help achieve a safer pedestrian route. They are positioned to prevent pedestrians and cyclists from crossing at points where it is difficult for drivers to see them, or from emerging into traffic without looking. Also, at the intersection of the PRow and Charlton Road, I observed physical buildouts on the road. These buildouts are arranged to achieve a narrowing of the road and help reinforce the 20mph speed limit in force on Charlton Road. Through constraining vehicle speeds, the buildouts aim to provide a safer crossing of the road in relation to the public right of way.

5. The submitted site plan showing an indicative layout of a vehicular route connecting the appeal site to Charlton Road points to:
 - a new 3.2m wide vehicular access between the appeal site and Charlton Road;
 - a slight diversion to the PRow, reduced in width to 1m alongside the proposed vehicular access; and
 - the new vehicular access and PRow separated by bollards.
6. The submitted site plan indicates that existing buildouts forming a combined traffic calming feature and safer crossing point at the intersection of the PRow and Charlton Road would be retained, albeit that one of the buildouts appears to be modified in its configuration.
7. Given the site constraints and the boundary of the application site, a vehicular access broadly in line with the indicative information is the only likely access point to connect the appeal site with Charlton Road. That said, I have not seen any authoritative technical information to indicate that the proposed vehicular access adjoining the PRow would not give rise to an unacceptable impact on user safety.
8. Regarding the proposed opening of the vehicular access onto Charlton Road, I have seen no technical information to indicate the proposed vehicle access would have appropriate turning radii for entry and exit manoeuvres for all turning manoeuvres. My site observations confirmed that the planned vehicular access would require altering or removing part of the existing traffic-calmed crossing point, along with the removal of three pedestrian safety barriers. In the absence of authoritative safety assessment information to test the performance of the proposed vehicle access, such alterations to the existing crossing point, as shown on the indicative plan, would introduce a potential source of conflict between vehicles and pedestrians.
9. I have seen no technical information to indicate there is a suitable and safe alternative means or route of vehicular access to connect the appeal site with a public road other than the indicative vehicular access arrangements submitted with this appeal.
10. Overall, I conclude that the proposed vehicular access would not be safe and suitable for all road users. Given the significant harm the proposal would cause to highway safety, the proposal would conflict with local Policy DM23 of the Site Allocations and Development Management Policies (2014) which seeks to ensure

new development proposals address transport-related issues and create a sustainable, safe, and accessible transport network.

Adequacy of information regarding biodiversity

11. Based on my observations of the appeal site, the site is largely undeveloped ground with various trees and other plants. The site therefore has ecological value that could be impacted by development. The appellant makes plain in their appeal statement that it is their view that there should be no need to submit comprehensive ecological information at an outline planning stage. Their design and access statement makes no mention of biodiversity or ecological matters. Planning permission is granted at the outline stage and, therefore, it is necessary that related nature conservation implications are understood and mitigated if necessary, at this stage of the planning process. I have not been provided with a formal ecological appraisal, survey, or other technical evidence allowing me to have a clear understanding of the site's ecological status. I cannot therefore be certain that the proposal would protect and enhance nature conservation.
12. In the absence of substantive information to prove the development of the site would not cause harm, I have to take a precautionary approach and conclude that the proposal would cause harm to biodiversity.
13. The appellant has failed to demonstrate that biodiversity could be appropriately conserved and enhanced. The proposal does not comply with Policy DM19 of the Bristol Local Plan Site Allocations and Development Plan Policies (adopted July 2014) which seeks to ensure that new development is informed by appropriate survey and assessment of impacts and avoid harm to and mitigate any effects on nature conservation.

Adequacy of information regarding tree management

14. Whilst on site I observed a collection of trees in the middle of the appeal site and a line of trees along the site boundary within the grounds of Quarry House. Whilst the submitted plans are indicative, the appellant has not stated without qualification whether trees on site would need to be removed to facilitate the proposed dwelling construction and the necessary realignment of the PRoW to create a new vehicular accessway onto Charlton Road.
15. Considering the suggested dwelling would be situated in a central location on the appeal site, as illustrated in the indicative site plan, I observed that the cluster of trees located in the centre of the appeal site would almost certainly have to be removed to facilitate the construction of a dwelling on the site. In terms of their maturity though, I consider this group of trees have a low prominence.
16. Regarding the line of trees between the public right of way and the boundary to the grounds of Quarry house, I observed that their size and prominence add considerably to the character and appearance of the public park and general townscape. While standing at the opening of the public right of way onto Charlton Road, I noted that the right of way is channeled through a somewhat narrow corridor, which is bordered on one side by a tall wooden fence positioned on top of a masonry wall, serving as the boundary treatment for No 6 Whitethorn Vale, and on the opposite side by a row of trees adjacent to the grounds of Quarry House.

17. Based on my observation of the row of trees located between the public right of way and the grounds of Quarry House, any proposal to build within this corridor a new roadway that could accommodate passenger vehicles, while also maintaining a public right of way of sufficient width, would require the removal of some or all of this prominent line of trees. The loss of these trees would result in significant harm to the local landscape.
18. Regarding the issue of addressing arboricultural concerns at the outline stage, the appellant believes that the evaluation of the effects of tree removal and replacement should be a landscape consideration and reserved in any future outline planning approval. In my view this approach would fail to properly consider the harm to the overall character of the area that would ensue from the removal of some or all of the notable trees. The absence of sufficient arboricultural information at outline stage leaves uncertainty over tree loss and the potential for significant landscape harm.
19. Therefore, the appellant has failed to demonstrate that the effect on trees could be managed appropriately. The proposal fails to accord with Policies BCS9, BCS11, and BCS21 in the Bristol Core Strategy (2011) as well as Policies DM15, DM17, DM26, DM27, and DM29 in the Site Allocations and Development Management Policies (2014). These policies, which together and amongst other things, seek to ensure that trees of value are conserved and that developments take particular account of existing trees in the interests of visual amenity.

Character and appearance

20. The proposed dwelling would be located on a plot of land next to a modern housing development that currently constitutes a cul-de-sac known as Whitethorn Vale. The subject parcel of land is situated on sloping ground and adjoins an area of undeveloped land, which, according to the Council, is designated as Important Open Space at Brentry Hill. The land designated as important open space slopes downwards from its boundary with the subject parcel of land to its boundary with Forest Drive. Whilst standing on the pavement of Forest Drive during my visit to the site, and looking upwards over the sloped terrain of the public park, I could clearly make out the sloping subject site alongside the highest part of the park. While standing on the pavement of Charlton Road and looking down along the public right of way I observed that the subject parcel of land is mostly shielded from view by a line of trees separating the subject site from the grounds of Quarry House and the high boundary treatment to No 6 Whitethorn Vale.
21. The proposed dwelling would not face onto Charlton Road, with its indicative orientation facing towards the public park, and away from the road. The Council disapprove of the indicative orientation of the proposed dwelling and its proposed connection with Charlton Road on the grounds that this would serve to disconnect the subject land parcel from Whitethorn Vale. The Council also state that the proposed dwelling would not have an active frontage onto Whitethorn Vale, and its rear elevation would face the side of No 6 Whitethorn Vale.
22. Regarding the feasibility or otherwise of connecting the proposal with the internal cul-de-sac road serving Whitethorn Vale it is the appellant's case that the subject site has access to the driveways between No. 6 and No. 7 Whitethorn Vale, though they claim that the access is obstructed. I have not seen any formal assessment to indicate whether it is technically feasible to create a safe and

viable extension of the internal road serving Whitethorn Vale through to the subject parcel of land.

23. The area's residential character is defined by properties connecting to and having a primary relationship with Whitethorn Vale. A revised and reconfigured proposal could address the lack of active frontage, poor integration with Whitethorn Vale and the disconnection from the established pattern of development.
24. Therefore, the development would not result in harm to the character and appearance of the area. There would be no conflict with Policy BC21 of the Bristol Core Strategy (2011) as well as policies DM26, DM27, and DM29 of the Site Allocation and Development Management Policies (2014). These policies, which together and amongst other things, aim for all new development to deliver high-quality urban design. This lack of harm is a neutral consideration in the planning balance.

Living conditions

25. One of the reasons the Council did not support the proposed dwelling was the absence of outlook from the front and side elevations. This, they contended, was unjustified and would result in unacceptable living conditions; for that reason, the proposal could not be supported by the Council. Given that the application is outline and the submitted plans are indicative, I consider that a revision of these plans to address these concerns could be achieved and allow for a pleasant living environment.
26. Therefore, the development would not result in harm to the living conditions of the future occupants of the dwelling. There would be no conflict with Policy BC18 of the Bristol Core Strategy (2011) which aims to provide for a range of housing types to help support the creation of mixed, balanced and inclusive communities. The quality of the internal environment and outlook are therefore neutral factors.

Planning balance and conclusions

27. 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 National Planning Policy Framework (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. This would aid with the provision of residential accommodation against the current shortfall in Bristol.
28. 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 an undeveloped site that could be implemented quickly. Nevertheless, the overall benefits would be very minor as only a single unit of accommodation would be provided.
29. In light of the totality of harm I have identified, particularly the harm to highway safety, the adverse impacts of granting outline permission would significantly and demonstrably outweigh the benefits when assessed against the policies outlined in the Framework taken as a whole.
30. This leads me to conclude that the appeal should be dismissed.

J McEvoy

INSPECTOR