



Appeal Decision

Site visit made on 28 October 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH November 2025

Appeal Ref: APP/Z0116/W/25/3369747

Land to the Rear of 12 - 28 Ashgrove Avenue, Bishopston, Bristol BS7 9LJ

- 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 Martin Thomas against the decision of Bristol City Council.
 - The application Ref is 23/01412/P.
 - The development proposed is development of existing site to construct 3No. of 3 Bed, 4 person dwellings, with associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline. Permission is sought for landscaping, layout and scale with all other matters reserved for future consideration. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to outlook, light levels, privacy and noise disturbance;
 - whether the proposal would provide acceptable living conditions for future occupiers;
 - whether the proposal would provide adequate mitigation for the loss of trees; and
 - the ecological impacts of the proposal.

Reasons

Character and appearance

4. The appeal site comprises a strip of land to the rear of Ashgrove Avenue. The previous use of the site is unclear on the basis of the evidence before me. At my site visit I observed that the site is currently overgrown and contains trees along the site boundaries, 4 of which, the mature cypress trees at the rear of the site, are visible from neighbouring streets Ashgrove Avenue and Ashley Down Road.

5. Access to the site is from Ashgrove Avenue. The site is bordered to the north and south by residential gardens to the terraced dwellings on Ashgrove Avenue and York Avenue. The surrounding area is predominantly residential in character. Properties typically comprise single-fronted terraced houses arranged in regimented rows which are set back from the road behind small front gardens. Whilst many of the properties have been extended and altered, the dwellings on Ashgrove Avenue and the surrounding streets tend to have a general consistency in terms of their form, size, plot widths, and the positioning of dwellings within their respective plots which results in a coherent street frontage and a pleasant, well-ordered residential character to the area.
6. At my site visit I observed that the site provides a green buffer between the rear elevations of the properties on York Avenue and Ashgrove Avenue, which contributes an element of verdancy and spaciousness and breaks up the otherwise high-density development in the area.
7. The proposal seeks outline planning permission for the erection of 3no 2-storey dwellings comprising one detached dwelling and a pair of semi-detached dwellings. To facilitate the proposal, it is proposed to remove all trees from the site. Replacement planting is proposed in the form of trees within the rear gardens of the proposed dwellings.
8. There would be limited views of the dwellings from public vantage points. Nonetheless, in views from neighbouring properties the proposed detached and semi-detached dwellings with no street frontage would contrast markedly with the terraced, linear form of dwellings which characterise the area, disrupting the prevailing pattern of development. The dwellings would have rear gardens between 2.75m and 3.45m in depth and would be positioned tight to the site boundaries with limited separation between properties. Given this, the proposal would appear cramped and contrived and would read as an incongruous addition to the site, resulting in a form of development which would unacceptably detract from the established character of the area.
9. Additionally, the development of the site would result in a loss of the sense of spaciousness that the site contributes to the wider area, as well as the loss of the cypress trees which are visible from the surrounding streets and which contribute positively to the character and appearance of the area. This would result in appreciable harm to the character and appearance of the area which would not be compensated for by replacement planting given its limited extent and the time it would take to mature.
10. In light of the above I find that the proposal would have a harmful effect on the character and appearance of the area. Conflict therefore arises with those aims of policy BCS9 of the Bristol Core Strategy (2011) (CS) and policies BCS21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (2014) (SADMP) which seek to ensure that development does not result in harm to the character and appearance of an area and contributes to the creation of quality urban design, respecting the local pattern and grain of development.
11. Whilst referenced by the Council in the reason for refusal I find no conflict with SADMP policies BCS18 and BCS20 in relation to this main issue. These policies relate to housing mix and require that development maximise opportunities to re-

use previously developed land, setting out that a minimum indicative net density of 50 dwellings per hectare will be sought.

Highway safety

12. Access is a reserved matter. Nonetheless, it is clear from the information before me that site access would be gained from Ashgrove Avenue which also provides rear access to the properties on Ashgrove Road and the garage/ storage units to the east of the site.
13. There are parking restrictions at the site access on Ashgrove Avenue. The access is flanked by brick walls which form the boundary treatment to 28 Ashgrove Avenue and 48 Ashgrove Road which obscure visibility of the footpath. At my early afternoon weekday site visit there was a light flow of traffic and pedestrians on Ashgrove Avenue. I observed that there were cars parked on the southeast side of Ashgrove Avenue on both sides of the site access which obstructed views of the highway in both directions. Whilst this is a snapshot in time, there is nothing in the evidence before me to suggest that these observations are atypical of the area.
14. It is stated that there is no record of highway safety incidents resulting from vehicles using the existing access, and the appellant calculates the length of this lane to be approximately 20 metres. Nonetheless, the proposal would introduce a residential use to the site thereby increasing the frequency of vehicular, pedestrian and cyclist movements along the access. Drivers exiting the site onto Ashgrove Avenue would have limited visibility along the highway and the pavement. Vehicles parked on the highway close to the site access would further reduce the visibility of drivers leaving the site as well as for drivers approaching along Ashgrove Avenue. This results in a situation where the driver's visibility would be limited.
15. The site access measures approximately 3.6 metres in width. Given this it would be of insufficient width for vehicles passing in opposite directions or for a vehicle to pass a pedestrian or cyclist. Given its width there is the potential for conflict when vehicles meet on the access, resulting in the requirement for a vehicle reversing onto Ashgrove Avenue or back into the site on a sharp bend, both of which would result in the increased potential for conflict with vehicles and other road users, in particular given my observations regarding the restricted visibility at the site access onto Ashgrove Avenue.
16. Bin storage is shown on the footpath. On collection days the placement of bins would displace pedestrians onto the access road, increasing the potential for conflict between pedestrians and vehicles.
17. In light of the above, the proposal introduces an increase in potential for conflict between road users along the site access and at the junction with Ashgrove Avenue, with knock on implications for highway safety.
18. Appendix 2 of the SADMP sets out the car and cycle parking requirements for different types of development. It states that 3-bedroom dwellings require 2 car parking and 2 cycle parking spaces per dwelling. The proposal makes inadequate provision for car parking and cycle storage, and I am not satisfied that the parking provision would adequately meet the demand generated by the proposal. The shortfall in car parking is likely to lead to situations where parked vehicles overspill into the designated turning area, further restricting the available space for the

turning of vehicles. The provision of inadequate cycle storage would fail to encourage travel by sustainable means.

19. In light of the above, I conclude that the development results in highway conditions harmful to the safety of highway users. Conflict therefore arises with those aims of CS policy BCS10 and SADMP policy DM23 which require that developments are designed and located to ensure the provision of safe streets and do not give rise to unacceptable traffic conditions.

Living conditions- occupiers of neighbouring properties

20. Whilst appearance is a matter reserved for future consideration, the matters of layout and scale are before me and show a development comprising 2-storey dwellings which would be positioned close to the site boundaries. By virtue of the scale of the proposed dwellings and their proximity to the site boundaries, the proposal would appear overbearing and oppressive in views from the properties which border the site on Ashgrove Avenue and York Avenue, making these dwellings and their gardens an unpleasant space in which to spend time, to the detriment of the living conditions of the occupiers of these properties. This visual impact would fail to be mitigated by proposed replacement tree planting, which, given its limited extent, even when fully mature, would fail to screen the dwellings in views from neighbouring properties.
21. Commensurate with the outline format of the application, there are no details before me regarding the appearance of the dwellings. Nonetheless, 2-storey dwellings are proposed, and, given the limited separation between the dwellings and the site boundaries shared with neighbouring properties, any first-floor windows to the dwellings would result in the overlooking of the rear windows and gardens of the properties which border the site on Ashgrove Avenue and York Avenue. This would make these rooms and the gardens less pleasant to use to the detriment of the living conditions of the occupiers of these properties.
22. The application is supported by a section drawing which indicates that the proposal would not result in a loss of light to windows in the rear elevations of the properties on Ashgrove Avenue and York Avenue. Nonetheless, given the scale of the dwellings and their proximity to the site boundary, the proposal would result in a loss of light to the rear gardens which border the site, in particular to the dwellings on York Avenue where built form would be sited approximately 2.75m from the site boundary. This would make the gardens to these properties dark and unpleasant spaces in which to spend time, to the detriment of the living conditions of the occupants of these dwellings.
23. The proposal would result in an increase in vehicular movements along the access which runs close to the windowed rear elevations of the properties on Ashgrove Road and their rear gardens, creating a sensitive relationship. Although the vehicular movements arising from 3 dwellings would typically be low and vehicles would likely be moving at slow speeds, nonetheless noise associated with comings and goings of vehicles, when a quieter living environment could reasonably be expected, would result in disturbance for occupiers of these properties, which would harm their living conditions. Additionally, given the limited size of the rear gardens to the dwellings, the proposal would result in a concentration of activities in a small area close to the site boundaries, resulting in potential noise disturbance to the properties which border the site on York Avenue. This would go beyond existing

and reasonable noise levels, and I have no evidence that neighbours would be protected from such disturbance.

24. In light of the above the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring properties through loss of light, loss of outlook, overlooking and noise disturbance. Conflict therefore arises with those aims of CS policy BCS21 and SADMP policy DM29 which require that development safeguard the amenity of existing development.
25. Whilst referenced by the Council in the reason for refusal I find no conflict with those aims of SADMP policies DM26 and DM27 in relation to this main issue. These policies relate to local character and distinctiveness and layout and form.

Living conditions- future occupiers

26. Given the limited size of the rear gardens, amenity space provision would be very limited and would fail to provide adequate space to meet the needs of future occupiers. Given the proximity of the dwellings and the gardens to the windowed rear elevations of the properties on York Avenue, it is likely that any rooms in the rear elevations of the dwellings and the rear gardens would experience overlooking which would make these rooms and gardens unpleasant spaces to spend time in, to the detriment of the living conditions of the occupiers of these properties
27. Whilst appearance is a reserved matter, based on the proposed layout it is likely that the outlook from windows in the rear elevations of the properties would be restricted due to the proximity of the dwellings to the southern site boundary and that rooms in the rear elevations of the dwellings would receive restricted light levels. Consequently, rooms in the rear elevation of the dwellings would be dark with restricted outlook which would make them an unpleasant space within which to spend time, to the detriment of the living conditions of future occupants.
28. In light of the above I find that the proposal would fail to provide an acceptable living environment for future occupiers in relation to outlook, privacy, light levels and amenity space provision. Conflict therefore arises with those aims of CS policies BCS18 and BCS21 and SADMP policies DM27 and DM29 which seek to ensure that developments create a high-quality environment for future occupiers, provide sufficient space for everyday activities and ensure that development achieves appropriate levels of privacy, outlook and daylight.
29. Whilst referenced by the Council in the reason for refusal I find no conflict with those aims of SADMP policy DM26 in relation to this main issue. This policy relates to local character and distinctiveness.

Trees

30. The submission is supported by an Arboricultural Report Impact Assessment & Method Statement (AR) which sets out that the proposal would require the removal of 4 mature cypress trees to the rear site boundary. The AR states that there are also 7-8 standing dead trees, which should be removed. The submission sets out that the appellant would replant suitable species and each dwelling would be provided with 2 trees in the rear gardens.
31. 3 of the cypress trees are classed as being retention category 'B' trees which the AR states comprise 'trees of moderate quality with an estimated remaining life expectancy of >20 years'. One of the trees (T4) is classed as a category 'C' tree

which the AR states comprise ‘trees of low quality with an estimated remaining life expectancy of >10 years, or young trees with a stem diameter <150mm’. Given this, the survey indicates that 3 of the trees which it is proposed to remove are of moderate quality and in fair condition, and only 1 is proposed to be removed due to poor condition. Given this, and the positive contributions made by the cypress trees to the surrounding area, inadequate justification for the loss of the 3 category B cypress trees has been provided.

32. Interested parties suggest that the AR is inaccurate in relation to the number of trees on site. The existing site plan shows trees along the northern and southern site boundaries which are not referenced in the AR. The layout plan indicates these trees would need to be removed to facilitate the proposal.
33. SADMP Policy DM17 requires the provision of replacement trees of an appropriate species in accordance with a tree compensation standard calculated based on the trunk diameter of the tree to be lost (measured at 1.5m). Taking into account the 4 cypress trees which would be removed and the trees shown on the existing site plan, I cannot be certain that there would be the capacity within the site to accommodate adequate compensatory tree planting to mitigate against the required tree felling.
34. In support of the proposal the appellant references the pollarding of trees in neighbouring gardens, requests from neighbouring residents for tree removal on the site and the removal of the boughs to T1 at 11 York Avenue. The appellant also asserts that he has not killed trees within the site. However, these matters do not address the scheme’s failure to provide adequate replacement tree planting or the unjustified loss of the cypress trees.
35. In light of the above I find that the proposal would have a harmful effect on trees. Conflict therefore arises with those aims of CS policy BCS9 and SADMP policies DM15, DM17 and DM19 which seek to ensure that green assets are retained wherever possible and integrated into new development, all new development integrate important existing trees and additional and/ or improved management of existing trees.

Ecological impacts

36. SADMP policy DM19 sets out that development which would be likely to have any impact upon habitat, species or features which contribute to nature conservation are expected to: i. Be informed by an appropriate survey and assessment of impacts; and ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network. The policy goes on to state that where loss of nature conservation value would arise, development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.
37. The submission is supported by a Biodiversity Statement (BS). However, the BS does not include an analysis of the habitats on the site and is not supported by an Ecological Impact Assessment or Preliminary Ecological Appraisal. Whilst noting the appellant’s comments that the authors of the BS have won building quality awards, there is no indication that the BS has been evidenced by surveys carried out by a qualified ecological consultant at an appropriate time of the year. Whilst the BS states that “the scheme has been deemed to have no net loss of

biodiversity as stated in the arboriculture report”, the AR makes no detailed ecological assessment. Similarly, whilst the appellant attests to the lack of wildlife on the site in affidavits submitted in support of the proposal, in the absence of survey evidence by a qualified ecological consultant I afford this, and the BS, limited weight.

38. In light of the above, the proposal fails to provide an accurate calculation of the baseline value of on-site habitats, and I cannot be assured that the proposal would provide appropriate on-site mitigation for any loss of nature conservation value. In the absence of any form of ecological surveys or appraisal there is no indication that the proposal would enhance the site’s nature conservation value through the design and placement of green infrastructure.
39. Additionally, the proposal fails to establish whether protected species or their habitats would be affected by the proposal. Whilst the appellant states that he would intend to follow government guidance on protecting wildlife, Circular 06/2005 (Biodiversity and Geological Conservation), sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before planning permission is granted. I am not persuaded that the prospect of protected species being present on the site has been adequately surveyed or that the extent to which they may be affected by the development has been demonstrated. In reaching this view I am mindful of the need to take a precautionary approach.
40. In light of the above I find that it has not been adequately demonstrated that the ecological impacts of the development would be or could be made acceptable. I therefore find conflict with those aims of SADMP policy DM19 as set out above.

Planning Balance

41. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. This indicates that the policies which are most important for determining the application should be deemed out-of-date and permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
42. The proposal would provide 3 dwellings in a location with good access to facilities, services and public transport. In light of the shortfall in housing delivery, I attach significant weight to the benefits of housing delivery.
43. On the other hand, I have found harm to character and appearance, highway safety and the living conditions of the occupiers of neighbouring properties, and I have found that the proposal would fail to adequately compensate for the loss of trees, would fail to provide an acceptable living environment for future occupiers and is not supported by sufficient information to demonstrate that the ecological impacts of the development would be made acceptable.
44. Chapters 12 and 15 of the Framework set out that good design is a key aspect of sustainable development and that decisions should ensure that developments

create spaces with a high standard of amenity for existing and future users and that decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Chapter 9 of the Framework sets out that proposals should ensure that safe and suitable access can be achieved for all users. I give significant weight to the conflict with the development plan policies in these areas.

45. Thus, whilst the Framework seeks to significantly boost the supply of housing, the adverse impacts would significantly and demonstrably outweigh the benefits of the delivery of 3 dwellings, when assessed against the policies in the Framework taken as a whole. Thus, the proposal would not constitute a sustainable form of development in terms of the Framework and does not benefit from the presumption in favour of sustainable development.

Conclusion

46. The proposal would conflict with the development plan and material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, having regard to all other matters raised, the appeal is dismissed.

N Robinson

INSPECTOR