
Appeal Decision

Site visit made on 11 December 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2026

Appeal Ref: APP/P0119/W/25/3374028

39 Cleve Road, Filton, South Gloucestershire BS34 7QF

- 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 Varsani against the decision of South Gloucestershire Council.
 - The application Ref is P25/00348/F.
 - The development proposed is erection of a detached one-bedroom dwelling with associated works, including demolishing an existing garage and providing private amenity and parking; no change of use is proposed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been confirmed in correspondence with the appellant's agent that the correct name for the appellant is Mr Varsani.
3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst these proposals could be subject to further change, given the proposed development and the matters in dispute, I considered it necessary to consult the parties on the proposed changes. The appellant responded to the consultation, and I have considered the response when determining the appeal.

Background and Main Issue

4. The third reason for refusal on the Decision Notice indicated that insufficient information was provided to demonstrate that trees would not be adversely impacted by the proposed development. Appended to the appellant's Planning Appeal Statement was a Tree Survey, Arboricultural Impact Assessment & Tree Constraints Plan¹. Following a review of this document, the Council no longer seek to defend the third reason for refusal. Moreover, interested parties did not raise concerns with the effect of the proposal on nearby trees during the determination of the planning application. Accordingly, this is no longer a matter in dispute.
5. Therefore, the main issue of this appeal is the effect of the proposal on the character and appearance of the area.

¹ Tree Survey, Arboricultural Impact Assessment & Tree Constraints Plan, WHLandscape, Project Ref. 25.1985 Rev. A, June 2025

Reasons

6. The appeal site is part of the rear garden of 39 Cleve Road (No 39). Cleve Road accommodates several different types of dwellings. Next to the appeal site is a three-storey apartment block, opposite are bungalows, but most of the properties on the other side of the road are semi-detached. Dwellings on this side of Cleve Road are in short, terraced blocks and have long narrow gardens with outbuildings located at the end. These outbuildings are accessed via a semi-private track to the rear of the properties. Beyond that access track is a railway line which separates properties on Cleve Road from North Bristol Business Park. No 39 is an end of terrace property and conforms with the prevailing pattern of development.
7. The railway line forms a visual break between commercial development in North Bristol Business Park and residential development on Cleve Road. Consequently, Cleve Road is suburban in character and there is a strong consistency to the pattern of development on each side of the road.
8. The proposed dwelling would replace an existing outbuilding. It would be sited broadly in line with the outbuildings at the end of the rear gardens and would also be accessed from the semi-private track. As such, its access and orientation would be similar to nearby outbuildings. However, its scale and massing would be much larger. Also, it would be different in character to the outbuildings as it would not be ancillary to a property which fronts onto Cleve Road. Accordingly, it would be an independent backland dwelling which would appear incongruous in this location.
9. Google Maps identifies an outbuilding at a neighbouring property as 41 Cleve Road. However, there is no substantive evidence before me that this is an independent dwelling. It therefore appears as though the proposed dwelling would be the first independent backland dwelling on this side of the road. Moreover, the proposed development would also include the subdivision of No 39's rear garden. The resultant gardens for both the proposed dwelling and No 39 would be much smaller than neighbouring gardens. As such, the proposal would be contrary to the well-established pattern of development.
10. Similar to 16 Cleve Road, the proposed dwelling would include a room in the roof space. It would be 1.5 storeys tall and would appear subordinate to No 39 and much smaller than the neighbouring apartment block. Nonetheless, the proposed dwelling's height and massing would be much larger than nearby outbuildings. Therefore, the proposed dwelling would not assimilate with existing built development to the rear of properties on this side of Cleve Road.
11. The appellant has highlighted that development would be permitted to the rear of No 39 under The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Firstly, it is not disputed that the proposal would not be permitted by the GPDO. Secondly, whilst some development would be permitted under the GPDO, the appellant has not sought prior approval or a certificate of lawfulness for such development. Therefore, there is no more than a theoretical possibility that such development would occur. Finally, development permitted by the GPDO would be ancillary to the use of No 39 and would be different in character. Accordingly, very limited weight is ascribed to this as a material consideration.
12. The external finishes of the proposed dwelling would be similar to nearby dwellings and would therefore be acceptable.

13. Overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to Policy CS1 of the South Gloucestershire Local Plan, Core Strategy 2006-2027 (CS), and policies PSP38 and PSP43 of the South Gloucestershire Local Plan, Policies, Sites and Places Plan, November 2017 (LP). These policies indicate that development proposals will be required to demonstrate that its design respects the site's context, and external amenity space should take account of the context of the development, amongst other matters.

Other Matters

14. The proposal would boost the supply of housing and would promote the development of under-utilised land. It would also make the most of land in a suburban area through the redevelopment of a corner plot within a residential curtilage. Furthermore, the proposed dwelling would be close to the services and facilities necessary to meet the everyday needs of future occupiers. The proposed dwelling would also include photovoltaic panels and high-efficiency insulation which would help reduce greenhouse gas emissions and utilise renewable energy. The proposed development would also provide appropriate living conditions for future occupiers, whilst not materially harming the living conditions of neighbouring occupiers. Moreover, it would not have a harmful effect on protected species or priority habitats.
15. There is also support for the proposal within the consultation version of the emerging Framework where it supports the redevelopment of residential curtilages and higher density development in urban areas.
16. The appeal site is not within a conservation area or in proximity to a listed building or structure. Nor is the area subject to a landscape designation. I also acknowledge that the massing of the proposed dwelling is reduced and a proposed rear dormer has been removed, when comparing the proposal to a previous proposal² that was refused by the Council. Nonetheless, these factors do not alter my assessment on the acceptability of the appeal proposal.

Planning Balance

17. Paragraph 232 of the Framework is clear that existing policies should not be considered out-of-date simply because of their age. Instead, due weight should be given to them, according to their degree of consistency with the Framework. The Framework specifies that planning decisions should ensure that developments are sympathetic to local character. Therefore, the conflict between CS Policy CS1 and LP policies PSP38 and PSP43 should be given significant weight in this appeal.
18. There are no policies within the development plan which support development that is harmful to the character and appearance of an area. As such, there would be a conflict with the development plan, when read as a whole.
19. The Council can only demonstrate 4.41 years' supply of deliverable housing land. In these circumstances footnote 8 of the Framework, establishes that the policies which are most important for determining the application are out-of-date. Consequently, planning permission should be granted unless any adverse impact would significantly and demonstrably outweigh the benefits, when assessed

² Planning application ref. P22/02528/F

against the policies in the Framework taken as a whole. The Framework also highlights particular regard should be had to key policies including securing well-designed places.

20. The Framework indicates that the Government's objective is to significantly boost the supply of homes. Also, small sites can make important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The proposed dwelling would be energy efficient and in a location which would promote the use of sustainable transport modes. Nevertheless, given the scale of the proposal, I ascribe moderate weight to its benefits.
21. The Framework outlines that the creation of high quality places is fundamental to what the planning process should achieve and development that is not well designed should be refused. Accordingly, I ascribe significant weight to the harm caused by the proposal.
22. Consequently, the harm would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal conflicts with the development plan, when read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR