



Appeal Decision

Site visit made on 23 October 2018

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2018

Appeal Ref: APP/Z0116/W/18/3208236

12 Southover Close, Westbury, Bristol BS9 3NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Bearne against the decision of Bristol City Council.
 - The application Ref 18/02274/F, dated 27 April 2018, was refused by notice dated 27 June 2018.
 - The development proposed is demolition of existing dwelling and development of 6no. flats and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to submit comments in relation to the new Framework and where any were received these have been taken into account in my reasoning.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site (No 12) is a generous plot in an elevated position, containing a two-storey detached dwelling in a pleasant, verdant setting. There are filtered views from a number of public and private vantage points. I noted that although there is a mix of two and three storey dwellings in the vicinity, the appeal site is viewed predominantly in the context of other two-storey dwellings in the cul-de-sac of Southover Close.
5. The proposal is for a new building accommodating flats in a broadly similar location to the existing dwelling. However, it would be of a notably greater width and depth than the existing property resulting in a bigger overall footprint and considerably higher. The materials, front gable and the form of some fenestration would reflect existing dwellings on Southover Close. However, while it may be viewed as a single property, the combination of the larger dimensions, extending across two-storeys, and the proposed changes to

- site levels would significantly increase the bulk and mass of the built form, particularly when viewed from the road.
6. I appreciate that there is some variation in the scale of properties in Southover Close and the building would be set within a large plot. Nevertheless, the proposed building would appear as an overscaled block in comparison, and would be incongruous in this setting. Moreover, the development's larger scale would be apparent from a number of vantage points in the surrounding area which would be detrimental to the streetscene.
 7. Furthermore, from the road itself the widened and extended length of driveway and bin store, which would be of a greater scale than others in the street, would be particularly prominent. Irrespective of the proposed materials the proposed retaining walls would appear dominant in the street scene. This would be at odds with the significant areas of lawns and mature planting on nearby frontages.
 8. The proposal indicates that the recently planted trees on the boundary with 9 Westover Drive could not be retained. The presence of trees and other landscaping at the site forms part of the wider verdant character of Southover Close. While the trees are not yet mature they form part of this character.
 9. Indicative landscape details are provided suggesting on site planting in certain parts of the site can be achieved. However, new planting would take time to mature and would not provide effective screening for some time. Moreover, the building works would be extensive and would limit the opportunities for landscaping. The removal of the existing site vegetation without mitigation would further increase the prominence of the incongruous building proposed.
 10. Therefore, I conclude that the proposal has failed to demonstrate that an appropriate level of replacement planting could be achieved. As such, I am not satisfied that mitigation in this regard could be covered by a condition. Also whilst I acknowledge landscaping conditions can be appropriate in certain instances, they should not be used to try to hide development which is inherently unacceptable. Furthermore, nothing has been provided to suggest off site tree planting could be secured.
 11. In the light of the above, I conclude that the development would detract from the character and appearance of the area. It would therefore conflict with Policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (Local Plan) which taken together require development to reflect local distinctiveness and relate to its immediate context, amongst other considerations. Finally the development would be contrary to Policy DM21 which states that development of garden land should not result in harm to the character and appearance of an area.
 12. While the proposal would have impacts on existing landscape features I consider this would not affect the integrity and connectivity of the strategic green infrastructure network. Therefore Policies BCS9 and BCS11 of the Bristol Development Framework Core Strategy and the SPD weigh neither for nor against the proposal. This is also the case Policy BCS15 which relates to sustainable design and construction and Policy DM17 of the Local Plan which does not relate to development involving existing private gardens.

Other Matters

13. I appreciate that the appellant has sought to overcome the Council's concerns arising from a previous planning application (18/00317/F) by reducing the scale and altering the appearance of the proposed building. Nevertheless, I have dealt with the appeal on its own merits on the basis of the plans before me.
14. There is an extant permission for extensions and driveway modifications at the appeal site which includes site levelling works to rear garden and retaining walls (17/04773/H). However, having reviewed the plans I conclude that this extant permission would be narrowed than the appeal before me and would be the same height as the existing dwelling. Moreover, the rear extension approved was single storey. As such, although I appreciate that this is a viable fallback option I conclude that it would have less overall bulk and mass and less extensive landscaping and bin areas. Although there would be some similar elements, the fallback position would be less harmful with regard to the character and appearance of the area than the proposal before me.
15. A certificate of lawful development has been issued for the construction of a new garage (17/06194/CP) to the side of No 12 and of a larger scale than the one included in 17/04773/H. Although extending a garage further back in to the site, it would not require the same changes in land levels as now proposed and sitting below the level of the house, it would be less conspicuous. It also did not include the creation of a driveway and parking to the rear. Even if 17/04773/H and 17/06194/CP were implemented they would result in less harm than the appeal proposal before me.
16. I acknowledge that a previous appeal at the site (APP/Z0116/W/17/3169028) related to a different scale and form of development and was also prior to the fallback position of permissions 17/04773/H and 17/06194/CP. Therefore, it was materially different to this appeal. Nevertheless, the Inspector commented that frontages in the street resulted in a verdant setting and that despite being contained, generous site this did not outweigh to the harm to the character and appearance. I have reached the same conclusion with this proposal.
17. Permission at 13 Southover Close (18/01748/H) was for an extension rather than the demolition of a property and replacement with 6 flats as is proposed here. There is also no indication it involved the same degree of earthworks or hard surfacing. As such, it is therefore materially different to this appeal. Although there is permission for a new property at 9 Westover Drive (17/00506/F) it has not yet been constructed and in any case would only partly screen views of this appeal. This would not mitigate the harm I have identified.
18. The appellant indicates the proposal would attract visitors and increase spending in the area, supporting businesses. Given the uplift in the number of properties the development would be unlikely to have a significant impact in this regard. Similarly, the benefits arising from the provision of solar panels on the building would be modest.
19. I acknowledge that the proposal would add to the variety of accommodation in the area and would make more efficient use of the land in accordance with SPD2¹. Nonetheless, while acknowledging these and the general thrust in

¹ Emerging Bristol City Council Urban Living SPD - Making successful places at higher densities (draft February 2018)

national policy for additional housing, they do not outweigh the harm I have found in regard to the effect on the character and appearance of the area and conflict with the development plan.

20. I note that the Council does not dispute the principle of development on this site and has not included any refusal reasons other than the effect on character and appearance of the area. Nevertheless, the absence of identified harm in relation to matters is a neutral factor and does not weigh in favour of the proposal.
21. The appellant considers the site to be previously developed land. However, the site is within the curtilage of an existing dwelling within a built up area. No compelling evidence has been presented to me to demonstrate the site is previously developed land. Even if it were considered as such, it would not alter my reasoning in relation to the main issue.
22. Although the appellant refers to part of the site being a separate land holding I saw that the whole of the site appeared to form part of the garden land associated with No 12.

Conclusion

23. I have concluded that the development would cause significant harm to the character and appearance of the area. It would therefore conflict with the development plan as a whole. There are no other considerations that outweigh that conflict. Therefore, the presumption in favour of sustainable development which is set out in the Framework does not apply in this case.
24. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR