

Appeal Decision

Site visit made on 1 February 2016

by Roger Dean BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 February 2016

Appeal Ref: APP/Z0116/W/15/3136876

Verge opposite 29 Canford Lane, Bristol BS9 3DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Estrans Developments (Westbury) Ltd. against Bristol City Council.
 - The application Ref 15/03794/F, is dated 17 June 2015.
 - The development proposed is the erection of a two storey building to accommodate 2 no. one bedroom flats.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of a two storey building to accommodate 2 no. one bedroom flats.

Preliminary Matter

2. During the course of the appeal, the appellant company made a unilateral undertaking of a financial contribution to effect replacement tree planting in connection with the scheme. I have considered the appeal on the basis of this planning obligation.

Main Issues

3. There are three as follows: (a) the effect of the proposed development on the street scene of Canford Lane, particularly with regard to the loss of trees currently standing on the site; (b) whether the proposal would afford suitable living conditions for occupants of the proposed development; (c) whether it would harm living conditions in neighbouring dwellings.

Reasons for the Decision

(a) Street scene

4. The proposed building would occupy almost all of a slither of land alongside Canford Lane close to the Westbury-on-Trym village centre. It would involve the loss of all existing trees on the site, 12 in total, which are covered by a Tree
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Preservation Order¹. An arboricultural impact assessment submitted with the application categorises all to be considered for retention with only one not regarded to be in fair structural condition.

5. Two of the trees are classified as being of moderate quality and value that make a significant contribution to the area and are expected to do so over the next 20 years at least. The remaining ten are categorised to be of low quality and value, but likely to remain in adequate condition for at least 10 years. None of the trees is classified as being in such condition that any value would be lost within a decade which might justify removal now for reasons of sound arboricultural management.
6. Although the arboricultural report suggests that there are no trees outside the site boundary affected by the proposed scheme, I saw that there is a large specimen immediately to the west with its canopy spreading over the site, as clearly indicated by the submitted drawings. I share the Council's concern that the branch and root spread of this tree could also be significantly affected by the proposed works.
7. In spite of the fact that most of the trees are regarded as being of low quality and value, I saw at my visit that they do nevertheless make an important contribution as a group to the street scene of Canford Lane. This is obviously enhanced when the trees are in leaf, as shown in the Council's evidence.
8. Contrary to the suggestion made in the arboricultural report, I am firmly of the view that the tree cover on the appeal site does not amount to an anomalous element in the local landscape. With the scale of the larger specimens rising agreeably above the roofs of buildings and spreading out over the highway, they form a prominent element of green infrastructure which is entirely appropriate at this point of transition between the village centre and more open suburbia. With another group a short distance to the east covered by the same TPO, the appeal site's trees currently constitute a highly important part of the local townscape and may be expected to continue to do so for some years to come.
9. Under Policy BCS9 in Bristol City Council's Core Strategy, individual green assets such as the appeal site are required to be retained wherever possible. Provision is made for such infrastructure to be replaced where development is necessary, on balance, to achieve other aims of the Core Strategy. The appellant company suggests that its proposed contribution towards replacement trees would provide for a more effective and longer lasting element of landscape of this part of the City.
10. The sum offered in the planning obligation accords with a formula, adopted by the Council under Local Plan Policy DM17, for the planting of 12 new trees in pits which are shown to be placed in a line along Canford Lane. The offer also provides for another 37 trees to be planted in open ground but I have been given no details of location or tree type to assess what contribution they could make to the City's landscape.
11. The appellant company proposes that the 12 along Canford Lane be accommodated in small triangular build-outs from the present kerb line.

¹ City of Bristol Tree Preservation Order No 1189.

However, there is no indication that such works have been agreed with the highway authority and the Council has expressed concern that underground services may be affected. Consequently, there is no evidence before me to suggest that such a proposal is readily achievable.

12. Moreover, the replacement trees would be placed along a relatively narrow section of footway where the buildings have little setback, or none at all as would be the case under the appeal scheme. This is quite a different situation to the area in front of shops towards the other end of Canford Lane where trees have been planted in pits set back from the kerb line and where the footway is considerably wider. With the constraint of much more limited space, growth of the suggested replacement trees would inevitably be severely restricted such that any selected planting is unlikely to add a significant degree of greenery. In a uniform line along the street, such trees as might be able to become established would also appear unduly regimented in a location where the urban form exhibits little sign of formality. Consequently, I do not regard the proposed landscape treatment as being in harmony with the local townscape.
13. Notwithstanding the limited life expectancy of the present trees on the site, I find from the foregoing considerations that the proposed replacement landscaping would not provide appropriate mitigation of lost green infrastructure assets to meet the requirements of Policy BCS9. as a result, the scheme would also not deliver high quality urban design to meet the requirements of Core Strategy Policy BCS21.
14. With regard to the building itself, I recognise that it would be similar to one recently erected on the site immediately to the east. However, unlike its neighbour, it would be constructed with no space at all between the footway at the front or with the gardens of other residential properties at the rear. The appellant suggests that this would reflect traditional village building forms but I tend to agree with the concerns expressed by the Westbury-on-Trym Society that such tight site coverage at this position would give the clear impression of an unduly cramped form of development. This consideration adds to my findings regarding the loss or diminution of green infrastructure and reinforces my conclusion on this issue that the proposal would have a significantly harmful impact on the street scene of Canford Lane.

(b) Living conditions of future occupants

15. The proposed ground floor flat would have a shared living, dining and kitchen space where the largest 2 windows are to be placed on the eastern end of the building. This faces on to a narrow passageway, just over a metre wide, beyond which is the 2 storey gable end of the adjoining similar building. Such an arrangement would provide an extremely poor outlook for persons in this room.
16. Since the passageway provides access to one of the adjoining flats, with its entrance door directly opposite one of the windows shown in the scheme, the suggested arrangement would also severely impair privacy in the proposed ground floor flat.
17. Accordingly, I find that the proposal would not provide suitable living conditions for occupants of one of the units. It would neither secure a high quality environment for those residents as required by Core Strategy Policy BCS21 nor would it accord with one of the core planning principles set out in the National

Planning Policy Framework for a good standard of amenity for all future occupants of buildings.

(c) Living conditions of neighbours

18. The proposed building would have a blank 2 storey elevation along the southern boundary of the site which marks the ends of the gardens of two properties along Lampeter Road. In place of the trees currently standing on the site, such a façade would undoubtedly appear stark and unattractive as seen from the rear of these properties, together with those dwellings adjoining them. However, the gardens are of good depth and planting could be undertaken to soften the adverse visual impact of the building, albeit that this would have to be carried out in the gardens themselves.
19. Under these circumstances and bearing in mind that the site is to the north of the gardens and thus unlikely to cause any degree of overshadowing, I do not think that the effect of the building would be so damaging to outlook or outdoor amenity to constitute significant harm to the living conditions of these adjoining occupants. On this particular issue, therefore, I see no additional conflict with Local Plan Policy BCS21. However, it has no bearing on the conclusions I have made on the other two main issues
20. Turning now to other matters raised in the appeal, I fully acknowledge that the appeal site is in a highly sustainable location with ready access to shops, local services and public transport. As a housing scheme, I have also considered the proposal in the context of a presumption in favour of sustainable development as is required under the NPPF. In this regard, there would be a social benefit by the provision of 2 additional dwellings and some economic advantage for the building industry during construction. However, I am no doubt that these benefits would be far outweighed by the considerable shortcomings of the proposal in the environmental dimension of sustainable development, for the reasons I have given.
21. I have taken account of all other matters raised in this case but nothing alters my conclusions. The appeal must therefore fail. Since the local planning authority did not determine the application, my decision also refuses planning permission for this proposal.

R G Dean

INSPECTOR