

## Decision Notice and Statement of Reasons

Site visit made on 8 August 2024

**By Darren Hendley BA(Hons) MA MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 19 August 2024**

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**Application Reference: S62A/2024/0044**

**Site address: 87 Queenshill Road, Bristol BS4 2XQ**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Bristol City Council.
  - The application dated 14 May 2024 is made by Paul Rhodes and was validated on 24 June 2024.
  - The development proposed is the demolition of an existing conservatory and the erection of a two-storey dwellinghouse with associated works.
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### Decision

1. Planning permission is refused for the development described above, for the following reasons:
  - 1) The proposal would have an unacceptable effect on the character and appearance of the area by reason of its siting and scale on a prominent corner plot that would disrupt the planned estate layout. It would not achieve well designed and beautiful places. The proposal is therefore contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011); Policies DM21, DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014); and section 12 of the National Planning Policy Framework.
  - 2) The proposal would have an unacceptable effect on highway safety due to the proposed access arrangements and the proximity of the parking space for the proposed dwelling to the Crossways Road and Queenshill Road junction. The proposal is therefore contrary to Policy BCS10 of the Bristol Development Framework Core Strategy (2011) and Policy DM23 of the Site Allocations and Development Management Policies Local Plan (2014); and section 9 of the National Planning Policy Framework.

# Statement of Reasons

## Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (the Council) has been designated for non-major applications since 6 March 2024.
3. The applicant agreed on 14 June 2024 to a change to the description of development as is reflected in the banner heading above, to indicate that a conservatory would be demolished to accommodate the proposed house. The applicant also withdrew a Phase 1 Geo-Environmental Desk Study Report, a Coal Mining Risk Assessment, and the Heads of Terms for a Legal Agreement during the course of the application. I have considered the application on this basis.
4. Consultation was undertaken which allowed for responses by 1 August 2024. Responses were received from the parties listed in Appendix 1. The Council submitted a Statement of Case (SoC) on 31 July 2024. The SoC sets out the Council's objections to the proposal on the grounds of character and appearance, and highway safety. The Council also submitted responses from Transport Management Development, the Lead Local Flood Authority (LLFA) and Conland Planning.
5. Bristol Tree Forum (BTF) objected to the application on the grounds of a lack of arboricultural evidence and Biodiversity Net Gain (BNG). The applicant was afforded the opportunity to respond and then BTF made further comments during the consultation period. This is dealt with later in my decision under 'Other Matters'.
6. I also gave the applicant and the Council the opportunity to comment on the "Proposed reforms to the NPPF and other changes to the planning system"; the "National Planning Policy Framework: draft text for consultation", and the Secretary of State's Written Ministerial Statement entitled "Building the homes we need". Both these parties were also given the opportunity to respond to the other parties' comments.
7. I visited the application site and the surrounding area on 8 August 2024 on an unaccompanied basis. I observed that a close boarded fence had been erected on part of the plot boundary between the host property and the proposed dwelling, which is also shown on the proposed site layout plan. In response, the applicant has referred to permitted development rights and that the fence would stay in place regardless of the outcome of the application. I am therefore content that the proposal has not commenced and so the application can proceed.
8. I have taken account of all written representations in reaching my decision.

## **Main Issues**

9. Having regard to the application, the consultation responses and comments from interested parties, together with what I saw on site, the main issues for this application are:
- the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on highway safety, in particular by way of access and the parking provision; and
  - if harm arises, whether this is outweighed by housing land supply (HLS) matters and other benefits.

## **Reasons**

### *Planning History and Background*

10. The Council had previously considered a planning application<sup>1</sup> on the site for the erection of 2 dwellings. It was refused on the grounds of character and appearance, highway safety and living conditions effects on the host and neighbouring properties.
11. The planning application which is the subject of my decision revises this earlier proposal in order to attempt to address the Council's previous refusal. The main change is that it has removed a house that was proposed to be located in the rear of the site. The remaining proposed dwelling would be attached to the side of the host property, where there is currently a conservatory that would be demolished.
12. The Council consider this has addressed its living conditions reason for refusal and has narrowed its character and appearance concerns in as far as it would mitigate an over-intensive and poor quality of backland development. The Council however are still concerned that it would have a harmful impact on the quality of the established street scene and that the parking and access arrangements would continue to raise transport and highway safety objections.

### *Character and Appearance*

13. The site is situated on a prominent corner plot where Crossways Road and Queenshill Road meet in a crossroads arrangement. The frontage onto Queenshill Road is largely unenclosed save for a low fence. The frontage onto Crossways Road is also unenclosed for a short distance, beyond which is a high wall. A garage is also accessed off Crossways Road via gates, beyond the rear garden. Crossways Road ends at this point, with Paignton Square found beyond.
14. The host property is a semi-detached house, which is a common form of housing in the vicinity of the site. The setting back of the host property from the crossroads adds a sense of spaciousness to the plot. This arrangement is also reflected in the area. The building lines are also distinct. These positive characteristics appreciably contribute towards the

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<sup>1</sup> Council ref: 23/00867/F

character of the area, in particular with their visibility in the streetscene. More broadly, in combination with the fairly regular arrangement of the dwellings in the area, they also form part of a planned estate layout.

15. The proposed dwelling would significantly disrupt this layout because it would extend the building at full height and so that it would be in close proximity to the Crossways Road frontage. As a consequence, the contribution that the spaciousness of the plot makes to the local character would be severely eroded by the siting and the scale. With the site's location on a corner plot and as there are views from some distance to the east along Crossways Road, this loss of character would be both noticeable and harmful.
16. With the visibility that is afforded from Crossways Road in this direction, it would also be apparent that the proposal would stand forward of the building line. The Paignton Square development is positioned well back from the crossroads and while different in its building line, it is not appreciated within this streetscene to the same extent as would occur with the proposal. That the section of Crossways Road that passes the site up to Paignton Square is effectively a cul-de-sac does not lessen this adverse impact. The lack of conformity with the Crossways Road building line is also not addressed by the adherence to the Queenshill Road building line.
17. The incursion of the proposal at full height towards the Crossways Road frontage would also give a sense of imbalance to these properties, even though it seeks to incorporate their design features. The site circumstances are also different from the nearby 68A Queenshill Road dwelling because that property is set well away from the corner. Hence, a sense of balance is maintained, as well as spaciousness to that plot. Nor are these design concerns lessened because the site is not the subject of heritage protection.
18. The applicant has referred to a number of other developments in support of the proposal. Of those nearest the site, the new dwelling<sup>2</sup> at the entrance to Newlyn Walk is not positioned in such a prominent position as the application site because it is not at a crossroads and longer ranging views are not afforded. The building at the entrance to Green Walk is simply a garage and is not of the same proportions as the proposal in order to have the same level of adverse effect.
19. The same applies with regard to boundary treatments in the area, including where there is fencing that extends up to the Crossways Road and Queenshill Road junction. While these may project forward of the building line, they do not have the same level of effect as the proposal due to its scale. I have also been referred to buildings that are more distant. These do not appreciably inform the character of the site. In addition, the area in the vicinity of the site maintains its pleasing planned layout, which is less of an attribute in some other locations where there is less spaciousness and open gaps.

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<sup>2</sup> Appeal ref: APP/Z0116/W/18/3199404

20. Taking all of these matters into account, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would thus not comply with Policy BCS21 of the Council's Bristol Development Framework Core Strategy (2011) (CS) and with Policies DM21 DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP) where they concern that any development of garden land should not result in harm to the character and appearance of the area; high quality design; having regard to layout, character and distinctiveness; contributing to high quality urban design; and, respecting the character of the surrounding area, amongst other considerations.
21. It would also not accord with the National Planning Policy Framework (Framework), in particular where section 12 concerns achieving well designed and beautiful places.
22. As the proposal would conflict with important aspects of the local character, it is a matter which weighs significantly against the proposal.

#### *Highway Safety*

23. The host property contains a paved parking area to its front that is accessed via a dropped kerb onto the highway. It is set away from the road junction of Crossways Road with Queenshill Road. There is also an informal parking space that does not have an obvious formal crossover. This accesses near directly onto the crossroads and where there are double yellow lines. A footway also passes around this corner. The garage is accessed onto Crossways Road and is well away from the road junction.
24. The parking space for the proposed dwelling would seek to formalise the current space to the front on this part of the site. This would result in vehicular movements being very close to the crossroads and even if these would be limited, it would still have the potential to create conflict with both pedestrians and other vehicles. Such a risk would be heightened if maneuvering proves difficult due to the proximity to the crossroads and the fairly narrow width of Crossways Road.
25. In addition, the visibility of pedestrian and vehicle movements from Queenshill Road to the south and up to the crossroads in particular would be poor because the parking space would be parallel and close to it. Even though this space is currently in use, unlike the occupiers of the host property, the occupiers of the proposal would be dependent on it for off-street parking. Hence, this would likely increase the potential for conflict.
26. The main parties have referred to parking standards, as are set out in Policy DM23 and Appendix 2 of the SADMP. These are to be applied flexibly, based on the information before me. While I note the Council's concerns over the proposed 3 spaces for the host property and an over reliance on parking, it already benefits from these spaces. One of the vehicles I saw parked in these spaces was Sport Utility Vehicle-like and was accommodated without overhanging the footway onto Queenshill Road. Nor did their appear to be particular issues with on-street parking in the

area. However, none of these matters overcome my concerns over the parking space and access for the proposed dwelling.

27. I conclude that the proposal would have an unacceptable effect on highway safety, in particular by way of access and the parking provision. As such, it would not comply with Policies BCS10 of the CS and DM23 of the SADMP where they concern transport user priorities; the provision of safe streets; not giving rise to unacceptable traffic conditions; and safe and adequate access to all members of the community. The proposal would also not accord with section 9 of the Framework, in particular where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, amongst other matters.
28. As this is a matter of highway safety, it weighs significantly against the proposal.

#### *Housing Land Supply*

29. The applicant has stated that the Council cannot demonstrate a 5-year supply of deliverable housing sites in accordance with the Framework as it has 2.2 to 2.4 years supply. It is also said that it has not met any of the most recent Housing Delivery Test. The Council has pointed to the need for a 4-year supply as its Local Plan has reached Publication (Regulation 19) stage but has not contested the applicant's supply level assertions. The shortfall is significant, and the proposal would contribute as a windfall site to alleviating the deficit and improving delivery by way of the addition of one unit. It has the potential to be delivered quickly. Collectively, such sites may also make a significant contribution to the housing requirement and lessen pressures on greenfield land.
30. The proposal would thus accord with the Framework's objective of significantly boosting the supply of homes and with related proposals contained in the WMS and the draft changes to the NPPF consultation. These also include references to density uplift.
31. The proposal's contribution to HLS, in particular with the deficit in the 5-year supply attracts significant weight in its favour.

#### *Other Benefits*

32. In relation to the social benefits, the proposal would widen housing choice, mix and balance. As a fairly modest 2-bedroom dwelling is proposed, I accept there is an element of affordability to the proposal. The applicant has also referred me to the Council evidence base for its emerging Local Plan where it shows a growth of smaller households. The proposal would meet the needs of such a household. Economically, it would provide construction employment, investment and spending, proportionate to the construction and occupation of a single dwelling. In environmental terms, it would provide an energy efficient dwelling and an Energy Strategy Statement has been provided to that effect. These are benefits which attract moderate weight.

## Other Matters

33. BTF consider that the proposal should be subject to BNG due to the site area and as the site has been degraded since 12 March 2022. The applicant considers that it meets the BNG de minimis exemption because less than 25 square metres of habitat would be affected. I note that much of the site area would remain as a domestic garden and so there would be no change to this area's habitat value under the BNG metric. While the proposed dwelling has a larger footprint than the conservatory, part of this larger area is currently a path around the conservatory. The incursion into areas of habitat would therefore be very limited and I agree with the applicant this would be de minimis. I am also not persuaded that any degradation that has taken place would change this view, based on the evidence submitted.
34. BTF are also of the view that arboricultural evidence should be submitted because of trees on the site. The Applicant's arboriculturalist considered that as there are shrubs, rather than trees on the site, a tree survey would not be required. Based on what I observed on the site visit, I also concur with the applicant's view on this matter.
35. The proposal would not have an unacceptable effect on the living conditions of the occupiers of the host and neighbouring properties. With its siting to the side of the host property, it would not unduly harm its outlook. The same applies to the neighbouring property on Queenshill Road, as the host property would be in between. Its privacy levels would also be adequately protected. The relationship with Paighton Square would be similar to that with the host property and the proposal would not cause unacceptable overbearing and overshadowing impacts, and similarly with regard to the effect on the quality of the outdoor amenity space.
36. There is no substantive evidence that the site has been subject to land contamination. Residential use is however sensitive in this regard. In the event that I had granted planning permission, it is a matter which could have been ably dealt with through the imposition of a planning condition concerning unexpected contamination. As regards drainage, the application includes indicative details showing piped foul and surface water disposal, and permeable paving. The LLFA has referred to its standing advice on this matter. It does not count against the proposal.
37. The applicant has referred to matters related to the principle of development and the efficient use of land. Such matters are however not unqualified and require a consideration of other planning issues, which in this case do not favour the proposal. That the site is accessible as regards local infrastructure is a neutral matter. These considerations do not alter my conclusion.
38. As the Community Infrastructure Levy is not payable under section 62A of the Town and Country Planning Act 1990 (the Act), it is not for my attention as a local finance consideration, based on the site and the circumstances of the case. Nor has an agreement been submitted under Section 106 of the Act for a related contribution for me to consider against

the tests that are set out in paragraph 57 of the Framework. I note that the Council in its discussions with the applicant considered that a related obligation would fail the tests.

### **The Planning Balance**

39. The proposal conflicts with the development plan as a whole, taking account of Policies BCS10 and BCS21 of CS and Policies DM21, DM23, DM26, DM27, DM29 and DM30 of the SADMP. Matters of character and appearance and highway safety are central issues in deciding on the proposal. Significant weight is therefore given to the conflict with these policies.
40. Due to a lack of an adequate supply of deliverable housing sites however, paragraph 11 d) of the Framework is engaged. The Council accept that the development plan policies which are most important for determining the application are out-of-date. As a consequence, the balance under paragraph 11 d) ii. applies. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
41. In relation to the adverse impacts, the proposal would have unacceptable effects on both the character and appearance of the area, and highway safety. I find the harm, when taken together, to be very significant. Set against this would be the addition of one dwelling to the supply of housing, including the contribution to addressing the shortfall against the supply of deliverable housing sites. When this is considered with the other benefits, they attract significant weight in my decision. All other issues raised attract neutral weight.
42. Overall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the application of paragraph 11 does not indicate that permission should be granted. The proposal does not therefore benefit from the presumption in favour of sustainable development.

### **Conclusion**

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This includes the Framework.
44. In coming to my conclusion, I have considered all relevant matters that have been raised. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, planning permission should be refused.

*Darren Hendley*

Inspector and Appointed Person



## **Informatives:**

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses, and accepted further evidence submitted by the applicant in response to the matters raised during consultation.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

## **Appendix 1 - Consultee responses**

Bristol City Council  
Transport Development Management  
Lead Local Flood Authority  
Conland Planning  
Bristol Tree Forum