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## **PLANNING STATEMENT**

**SITE: 8 DRUID STOKE AVENUE, BRISTOL, BS9 1DD**

**APPLICANT: MR & MRS D ASHBY**

**PROPOSAL: PROPOSED SELF-BUILD DWELLING AND ASSOCIATED WORKS**

### **Application overview**

This Planning Statement accompanies an application for '*Proposed dwelling and associated works*' at 8 Druid Stoke Avenue, Bristol, BS9 1DD. The application is submitted pursuant to s.62A (Authorities in Special measures) of the Town and Country Planning Act 1990 (As Amended) on behalf of the Applicant's, Mr and Mrs D Ashby.

The application site comprises a large plot of land to the rear of number 8 Druid Stoke Avenue, located in Stoke Bishop, a residential suburb of Bristol. Number 8 comprises a large, detached dwelling. The site is bound by residential dwellings, including other examples of backland development, identifiable on the below aerial image.

The site is not subject to any designations/constraints and is located within the settlement boundary, thereby constituting sustainable development.

The proposal seeks the provision of a self-build, highly sustainable and energy efficient dwelling, featuring solar panels, air source heat pumps, rainwater recycling and an electric vehicle charging point. The proposal will enable the Applicant to downsize and sell off the host dwelling, number 8, on the open market. As such, the proposal will achieve an additional unit of housing supply in an LPA with a self-identified under-supply and chronic shortage of family dwelling provision.



It is noted at this juncture that the LPA's Core Strategy places an emphasis upon the provision of higher densities of development in and around the city centre, close to other centres or close to main transport routes, where the LPA identify that the loss of garden land may be acceptable. The application site is highly sustainably located, in a residential suburb of Bristol and with strong transport connections, being located under 1 mile from Sea Mills train station and served by regular bus services into the city centre, less than 3 miles from the application site.

It is advanced within this Planning Statement that the combination of the application site's sustainable location, the precedent of existing, adjacent back land development and the ability to accommodate the proposal whilst retaining an appropriate plot to the host dwelling demonstrate the favourability of the scheme presented.

## Relevant planning history:

- Application reference 88/01157/P - Creation 2 No building plots with access. Refused.
- Application reference 73/00733/P\_U - Erection of two three-storey blocks containing twenty-four flats and conversion of the two existing houses into two self-contained flats each. Refused.
- Application reference 24/00564/F – Proposed dwelling and associated works. Refused. (Appendix 1).

## Changes since the previous application:

The application follows the refusal of a previous scheme, application reference 24/00564/F. (Appendix 1).

The application in hand has sought to address previous concerns had by the LPA in relation to the refused scheme, such that these matters are overcome.

The previous scheme was refused on the following reasons:

*The proposed dwelling by virtue of its siting, scale, form, footprint, height and massing would represent a cramped, intensive and incongruous form of development in the backland setting. The proposed dwelling would be of an unsympathetic design which would appear out of keeping with the immediate context and surrounding properties; failing to respect the local pattern and grain of development in this part of Druid Stoke Avenue and failing to appear subservient in scale, mass and form to the frontage building. The proposals represent over development of the site and thus are contrary to guidance contained within National Planning Policy Framework (2023) and Policy BCS21 (Quality Urban Design) of the adopted Bristol Core Strategy 2011 or policies DM21 (Development of Private Gardens), DM26 (Local Character & Distinctiveness), DM27 (Layout & Form), DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014).*

*The proposed garage to front of 8 Druid Stoke Avenue by virtue of its principal siting, design and form would detrimentally harm the character and appearance of the*

*application dwelling and this part of Druid Stoke Avenue. It would be an incongruous and prominent addition within the street scene harmful to the character of the street and the locality. As such, the proposals would be contrary to adopted guidance set out within SPD2 'A Guide for Designing House Alterations and Extensions' (2005), Policy BCS21 (Quality Urban Design) of the adopted Core Strategy 2011 and Policies DM26 (Local Character and Distinctiveness), DM27 (Layout and Form) and DM30 (Alterations to Existing Buildings) of the Site Allocations and Development Management Policies (2014).*

*The proposed development by virtue of its scale, bulk, form, massing, height, design, layout and siting in close proximity to neighbouring properties would have an unacceptable overbearing impact on those properties (including private external amenity spaces) and would result in an unacceptable sense of enclosure, overshadowing, loss of light and outlook to the detriment of the amenity of occupiers of those properties. The development would also result in harmful levels of direct and perceived overlooking of habitable room windows and external amenity space of neighbouring properties to the detriment of the amenity and privacy of occupiers of those properties. As such, the proposal would be contrary to National Planning Policy Framework (2023); Policy BCS21 (Quality Urban Design) of the adopted Bristol Local Plan (2011) and Policies DM27(Layout and Form) and DM29 (Design of New Buildings) of the adopted Site Allocations and Development Management Policies Plan (2014).*

*The proposed development would result in the loss of features which contribute to nature conservation (hedgerow) and fail to provide evidence of acceptable net gains for biodiversity. The application is therefore contrary to the National Planning Policy Framework (2023) and Site Allocations and Development Management Policy (2014) DM19 (Development and Nature Conservation).*

The following fundamental changes have been made from that of the previous scheme:

- Dwelling citing and orientation
- Dwelling design and scale
- Removal of garage scheme to the host dwelling (number 8)

The previous and current proposal plans are shown below, for comparison and ease of reference.

*Dwelling citing and orientation:*

*Previous -*



*Proposed -*



The reduction in scale and alterations to citing have resulted in an improved setting and contextual relationship to surrounding built form, as the below aerial overlay demonstrates.



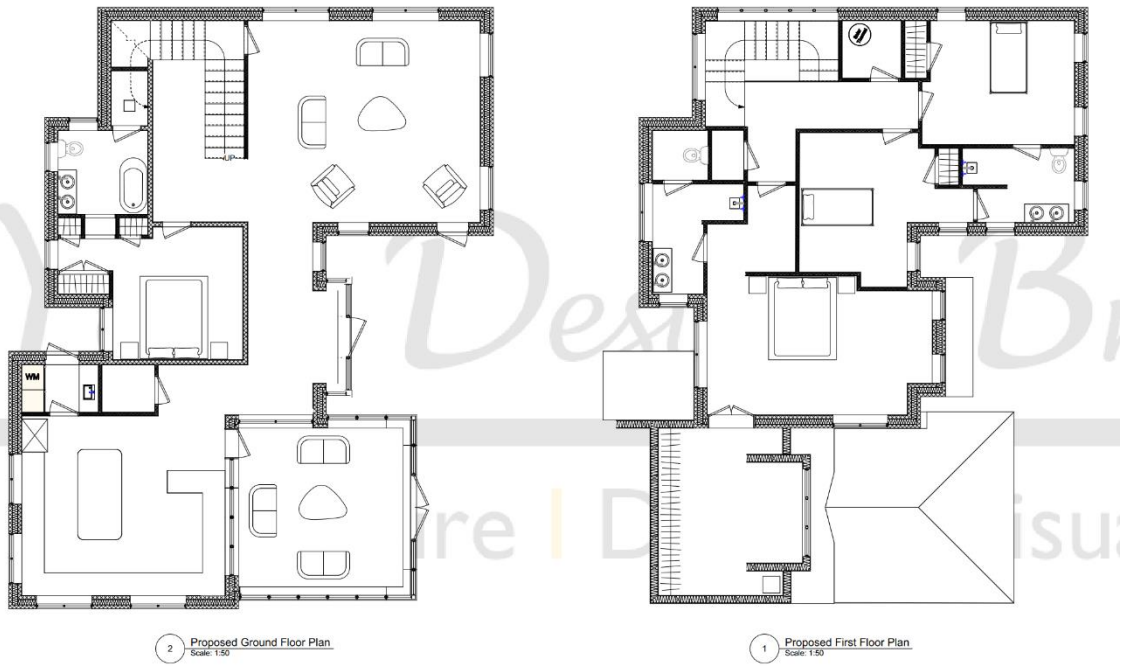
As the approximate aerial overlay demonstrates, the proposal achieves improved citing and boundary distances, in respect of neighbouring amenity.

The site as existing demonstrates dense hedging boundary treatment to the western site boundary, with existing dense hedging also fronting the boundary with number 6. This mature planting assists in maintaining privacy between the host dwelling and neighbouring properties and can be enhanced by way of additional landscaping, secured by way of condition.

The proposed floor plans, shown below, have been carefully designed in order to limit overlooking, with limited habitable windows to the south – west elevation at both ground and first floor and elevational projection design to limit the scope of the views from the two bedrooms (habitable rooms) at ground and first floor to this elevation.

To the front elevation, fenestration has been designed again to limit the scope of views from habitable rooms to adjoining properties, with the use of more narrow openings.

To the north – east elevation, just one small habitable window is proposed to the first floor, serving a bedroom and one window serving a habitable room to the south – east elevation, serving a bedroom. This wider window to the south – east elevation would be set back, with an intervening single-storey projection between the window and the site boundary, along with proposed tall landscaping, strategically positioned to preserve amenity to number 8 and the proposed dwelling. This is shown on the site plan over lay above and can be secured by way of condition.

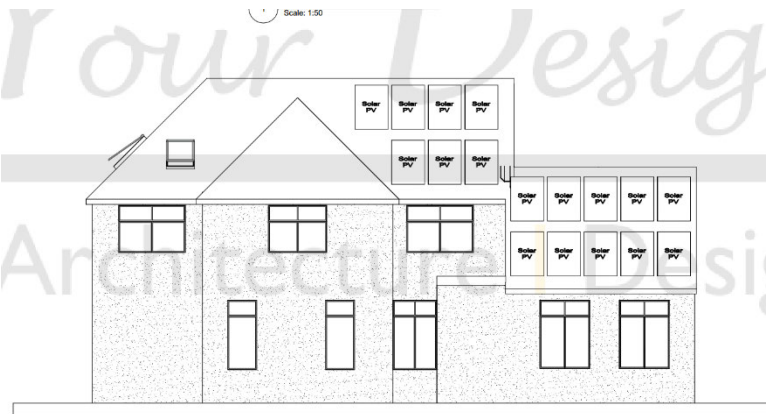


The below 45-degree angle plan (**Appendix 3**) also serves to further demonstrate the lack of direct overlooking to neighbouring number 6.



As is illustrated, the proposal would not breach the 45-degree angle to the mid-point of habitable rooms at neighbouring number 6.

Whilst there may be a limited breach in the angle to the mid-point of habitable rooms to neighbouring number 10, it should be noted that the distance between these windows would be approximately 20 metres and any views from the proposed dwelling first floor bedroom window would be limited by the sloping roof profile to the set down projection, identified on the below elevational drawing.

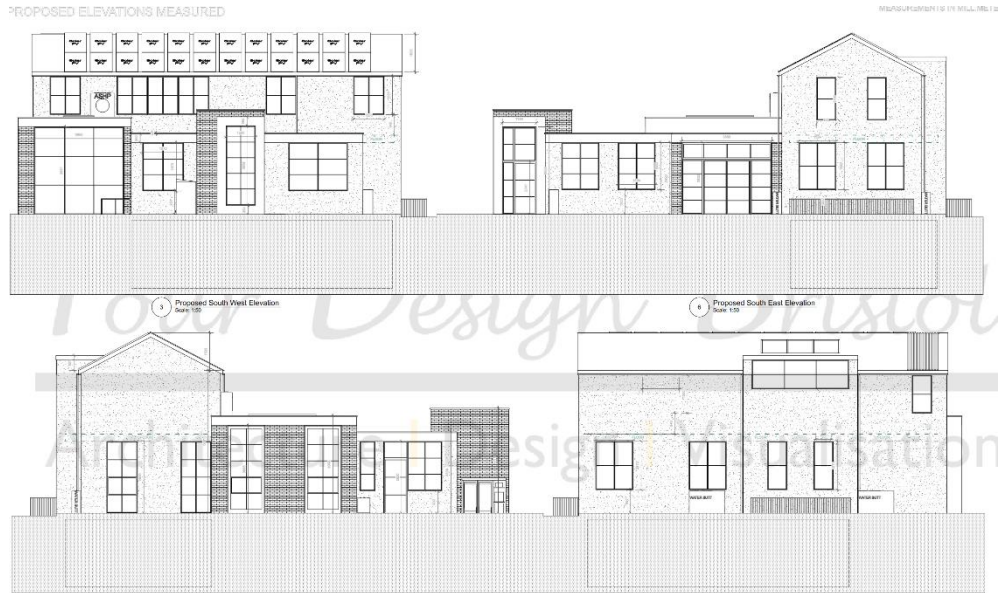


As such, considered design is achieved in order to best preserve amenity considerations, including privacy.

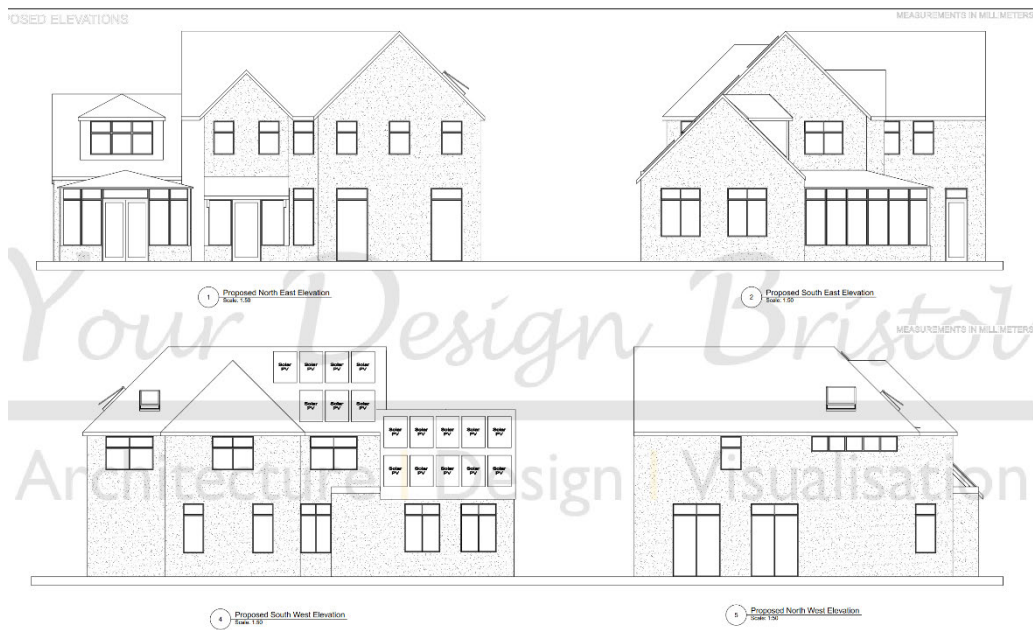


Dwelling design and scale:

Previous -



Proposed -



The dwelling has been reduced in scale, removing piecemeal built form to achieve concise and attractive built form, adopting relevant design cues from that of neighbouring properties, including neighbouring number 6, a back-land development property adjoining the application site, shown below.



Accordingly, refusal reasons 1 and 3 to the previous scheme have now been satisfied.

Refusal reason 2 no longer forms relevance to the scheme in hand, given the provision of the garage to the host property, number 8, has been removed from the proposal.

Refusal reason 4 is not applicable to the scheme in hand, given the proposal is for self-build development, as per the application form, and is therefore BNG exempt.

Accordingly, the 4 refusal reasons to the previous scheme are satisfied in relation to the proposal in hand.

## Planning justification:

### Appropriate and attractive design

There is a diverse range of architectural styles in the locality and as such, there is no identifiable, prevailing vernacular. Stoke Druid Avenue features large, detached dwellings, dating from the 1900's, more modern dwellings, along with recent large, contemporary designed dwellings. The mix in dwelling design and appearances is highlighted below, with varying vernacular examples visible in the street scene through the subdivision and development of plots and replacement dwellings.

Numbers 19, 21 and 23 Druid Stoke Avenue shown below demonstrate effectively the extremely diverse mix in vernacular visible in the same street scene.



Number 9 Druid Stoke Avenue exhibits a modern aesthetic through use of materials and fenestration.



Numbers 30 and 32 Druid Stoke Avenue demonstrate the mix in use of materials at properties in immediate proximity and changes in use of design that have occurred as a result of more recent development.



The above properties are identified below in relation to the application site and host dwelling.



Diverse vernacular is notable at number 53A & 53B Druid Hill, adjacent to Druid Stoke Avenue, where relatively recent, highly contemporary back-land developments have been completed, shown below.



Again, these properties are identified in relation to the application site and host dwelling below.



In achieving appropriate design, the proposal has adopted relevant design cues from the neighbouring back-land development property, number 6, with the proposal achieving similar massing, scale, roof form and fenestration. The proposal would also seek to achieve in-keeping, relevant materials, which can be secured by way of condition.

The proposed dwelling demonstrates a comparable ratio of plot size-to-built form in relation to surrounding sites and indeed achieves a better ratio than some other properties, including 14, 16, 16A, 17, 19, 26 Druid Stoke Avenue, 1A Shirehampton Road and the dwellings at Queens Gate, north of the application site. Moreover, neighbouring number 6 Druid Stoke Avenue, demonstrates a smaller ratio of plot-to-built-form.

Accordingly, the proposal achieves an attractive and relevant dwelling, cited within an appropriate plot that will meet the needs of the Applicant and the needs of future occupiers.

### Existing precedence

The proposal would form back-land development, through the sub-division of the large garden to the host dwelling. There is existing precedence for such development in the immediate locality, including neighbouring number 6 Druid Stoke Avenue (planning permission reference 87/01804/F) as well as Nos 14, 16, 16A Druid Stoke Avenue (LPA ref. no: 86/00444/F) dating from the late 1990's, which form a ribbon of such existing development. These dwellings are identified below, with the application site located in-between.



The use of such back land enables the provision of dwellings on under-utilised land. Such use of under-utilised land continues to be a national policy approach, notably identifiable in recent application and appeal approvals in the LPA.

### Sustainability

The site is located within a residential suburb of the city of Bristol, within the settlement boundary. As such, the dwelling occupants could easily access or utilise sustainable transport modes into the city centre and beyond. The site is clearly sustainably located and has not been disputed by the LPA previously.

### Lack of a 5YHLS

Recent appeal decisions have confirmed that the LPA are unable to demonstrate a 5YHLS. As such, the tilted balance at paragraph 11 d) of the NPPF is triggered.



In a 2023 appeal decision, **(Appendix 2)**, the Inspector set out at paragraph 127:

*“the Council’s delivery, at an average of 1,750 dpa, falls significantly below even the true need figure and there are real world effects from this shortfall in supply. House prices in Bristol are increasing more quickly than the rest of the Country and affordability rates are worse than for the Country as a whole. These factors sit in the middle of much wider socioeconomic considerations. However, it is common sense that the delivery of more housing would help to alleviate these real world effects.”*

The persistent lack of a 5YHLS continues to have a knock-on effect on supply, creating a backlog. Recent appeal decisions in the LPA continue to highlight the pressure for much needed homes.

#### Policy failure

The LPA’s policy failure in relation to the provision of housing has been systemic and long-term. The repercussions of which are that there will now be a substantial backlog on the provision of housing. The LPA are in the process of bringing forward a new local plan, however in the meantime, the LPA do not have any up-to-date housing policies. This point is not made to berate the LPA, but to highlight the acuteness of the housing shortage and lack of delivery in Bristol City, which is such that applications for housing provision may now be directly made to the Inspectorate for this LPA, which is subject to Special Measures.

#### Additional unit of housing

The proposal represents an additional unit of housing, contributing towards the LPA’s supply in an LPA with an identified undersupply. Although the contribution of one dwelling is modest, the Framework indicates that small and medium sized sites can make an important contribution in delivering homes and that the development of windfall sites should be supported. Whilst it is acknowledged that the proposal is for a self-build dwelling, the scheme will enable the Applicant to sell the host dwelling, number 8, which will provide a substantial family dwelling to the open market. It should be noted that the Officer’s Report to the previously refused scheme identifies that there is a recognised need in the LPA for family housing across the city.

#### Self-build dwelling

The proposal is for a self-build dwelling. There is a national policy onus upon achieving appropriate provision of land for to accommodate self-build developments. The proposal would contribute towards meeting the LPA’s requirements for the provision of self-build development, enabling the Applicant to continue to reside into retirement in an area where they have local connections, thus additionally assisting in maintaining the vitality of the community.

#### Existing vehicular access

The site benefits from an existing vehicular access, serving the host dwelling, lessening development impact and enabling the use of an existing safe access point onto Druid Stoke Avenue.

#### Energy efficient measures

The proposal seeks the provision of a self-build, highly sustainable and energy efficient dwelling, featuring solar panels, air source heat pumps, rainwater recycling and an electric vehicle charging point. These energy efficiency measures can be secured by way of condition.

#### Emerging national planning policy

Revisions to national policy due to be published through a revised NPPF will see an increased focus on the provision of new dwellings, with the government aiming to achieve a substantial increase in development, as per Ministerial announcements. The draft NPPF now forms a material consideration in the assessment of applications and as such, the increased onus on the provision of dwellings forms a consideration in the assessment of this scheme.

## National Planning Policy Framework:

The following sections of the NPPF are relevant to this application, with HEAL commentary shown in bold.

- Paragraph 8 which set out the three dimensions to sustainable development and states:

*'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

**In the shorter term, the proposal would create employment for local builders and trades people, thus in turn contributing to the local economy. In the longer term, the dwelling occupants would contribute to the local economy through accessing local services and facilities and through Council Tax payments. As such, there are both short term and long-term economic benefits of the proposal.**

- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

**The proposal supports a strong, vibrant and healthy community, through the provision of a new dwelling, in a highly sustainable location where there is an identified significant under supply.**

- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'*

**The proposal would not result in any harm by way of waste, pollution or any effect on biodiversity or ecology, given the location of the site. Given the scheme is for a self-build dwelling, the proposal is BNG exempt. However, the Applicant would be amenable to a landscaping condition, considered to be appropriate. The proposed dwelling would achieve an energy efficient home, equipped with**

**energy efficiency measures, which can be secured by way of condition. The proposal will utilise good quality, sustainable materials for the build, designed for longevity.**

**The proposal entirely accords with paragraph 8 of the NPPF.**

- Paragraph 11 which states:

Plans and decisions should apply a presumption in favour of sustainable development.

*“For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay;*

*or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

**The proposal accords with paragraph 11 c) of the NPPF and as such, planning permission should follow.**

- Paragraph 38 relates to decision-making of Local Planning Authorities and all other levels. It states that decision-takers at every level should seek to approve applications for sustainable development where possible.

**The LPA should adhere to this obligation of the NPPF.**

- Paragraphs 47 and 48 set out how weight should be attributed to Development Plan policies.
- Paragraph 55 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other aspects.

**Conditions in respect of landscaping, materials and energy efficiency measures are considered appropriate.**

## Local Planning Policy Context:

As has previously been set out, the LPA acknowledge that they are unable to demonstrate a 5YHLS. Accordingly, the LPA's housing delivery policies are rendered out of date and as such, the weighted balance of paragraph 11 d) of the NPPF is triggered.

The following LPA policies are identified as material to the consideration of the proposal:

- Site Allocations and Development Management Policies – DM21
- Bristol City Local Plan – BCS21

The policies are identified below.

### Policy DM21: Development of Private Gardens

**2.21.1** Private residential gardens make an important contribution to the city's green infrastructure and to the character of its residential areas. This policy aims generally to retain private residential gardens in the city whilst setting out the limited circumstances where their development may be acceptable.

**2.21.2** The Core Strategy sets out the approach to providing new homes to 2026. Delivery of the new homes can mainly be secured through the development of a mix of sites across the city and has not been based on the assumption that development of significant amounts of garden land will be required. However, development of garden land may be appropriate where it would contribute to sustainable forms of development. Where such developments occur they can make a limited but useful contribution to the overall supply of new homes.

**Development involving the loss of gardens will not be permitted unless:**

- The proposal would represent a more efficient use of land at a location where higher densities are appropriate; or**
- The development would result in a significant improvement to the urban design of an area; or**
- The proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden.**

**In all cases, any development of garden land should not result in harm to the character and appearance of an area.**

**Development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.**

**2.21.3** The Core Strategy seeks higher densities of development in and around the city centre, in or close to other centres and along or close to main public transport routes. In such locations the loss of garden land may be acceptable where a more efficient use of land would result, and provided the proposed development would not result in harm to the character of the area. In accordance with other policies, new green infrastructure would also need to be incorporated into the development.

**2.21.4** Loss of garden land may be acceptable where improved urban design can be achieved. Improvements to urban design may occur, for example, where the development would fill an incongruous gap in an otherwise built-up frontage. Redevelopment of a number of properties may result in overall loss of garden land but create improved design.

**2.21.5** Changes to front gardens do not always require planning permission. Where permission is necessary, the policy ensures that the character of an area is not harmed by inappropriate material, loss of boundary treatments and discordant design features.

#### Policy Links

##### Bristol Local Plan Core Strategy – Lead Policy

- BCS9: Green Infrastructure

##### Other key Core Strategy policies

- BCS5: Housing Provision
- BCS20: Effective and Efficient Use of Land
- BCS21: Quality Urban Design

The proposal accords with exception criterion i) of the policy. The proposal makes effective use of land, utilising a large existing plot to achieve a new dwelling, whilst retaining an appropriately sized plot to the host dwelling and as such, would not result in a loss of garden land to number 8, but rather a reduction.

The policy requires that any development of garden land should not result in harm to character and appearance. It has been demonstrated that the proposal would achieve an appropriate addition to an existing ribbon of garden land development, on a comparable sized plot, utilising relevant and attractive design.

Accordingly, the proposal demonstrates positive policy support.

**Policy BCS21**

New development in Bristol should deliver high quality urban design. Development in Bristol will be expected to:

- Contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.
- Promote accessibility and permeability by creating places that connect with each other and are easy to move through.
- Promote legibility through the provision of recognisable and understandable places, routes, intersections and points of reference.
- Deliver a coherently structured, integrated and efficient built form that clearly defines public and private space.
- Deliver a safe, healthy, attractive, usable, durable and well-managed built environment comprising high quality inclusive buildings and spaces that integrate green infrastructure.
- Create a multi-functional, lively and well-maintained public realm that integrates different modes of transport, parking and servicing.
- Enable the delivery of permanent and temporary public art.
- Safeguard the amenity of existing development and create a high-quality environment for future occupiers.
- Promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses.
- Create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.

To demonstrate the delivery of high quality urban design, major development proposals with a residential component should be assessed against 'Building For Life' (or equivalent methodology). As a guide, development should aim to achieve the standards set out in the table below.

This generic design policy seeks to ensure high quality design is achieved across any site. The proposal would not conflict with any of the criteria of the policy, achieving a well-designed, relevant and attractive dwelling, set within an appropriate plot and comprising an appropriate scale and plot density ratio.

Accordingly, the proposal complies with policy BCS21.

## Conclusion:

This Planning Statement accompanies an application for *'Proposed dwelling and associated works'* at 8 Druid Stoke Avenue, Bristol, BS9 1DD. The application is submitted pursuant to s.62A (Authorities in Special measures) of the Town and Country Planning Act 1990 (As Amended) on behalf of the Applicant's, Mr and Mrs D Ashby.

The site is not subject to any designations/constraints and is located within the settlement boundary, thereby constituting sustainable development.

This resubmission has sought to address matters raised in relation to the previously refused application scheme. The proposal in hand demonstrates the following fundamental changes to the scheme:

- Dwelling citing and orientation
- Dwelling design and scale
- Removal of garage scheme to the host dwelling (number 8)

The following material considerations form the planning justification for the scheme in hand:

- Appropriate and attractive design
- Existing precedence
- Sustainability
- Lack of a 5YHLS
- Policy failure
- Additional unit of housing
- Self-build dwelling
- Existing vehicular access
- Energy efficient measures
- Emerging national planning policy

The proposal is identified to accord with paragraph 8 of the NPPF, thus constituting sustainable development.

Given the LPA are unable to demonstrate a 5YHLS, the LPA's housing delivery policies are rendered out of date, triggering the weighted balance of paragraph 11 d) of the NPPF.

In line with paragraph 11 d) of the NPPF, planning permission should be granted, unless either limbs (i) or (ii) apply:

*(i) 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Turning to limb (i), the proposal does not fall within the protected areas criteria outlined at the footnote. Consequently, limb (i) does not provide a clear rationale for refusal and is thus disapplied.

It is then therefore necessary to consider limb (ii). Given that the proposal does not depart from any policies of the NPPF, it cannot be concluded that any harm that could reasonably be attributed to the proposal could significantly and demonstrably outweigh the material benefits of the proposal as outlined. As such, limb (ii) is disapplied. Planning permission should logically therefore follow.

### **Recommendation:**

It is respectfully recommended that the application be granted planning permission, either in accordance with paragraph 11 c) of the NPPF/ s.36 (6) planning balance or the weighted balance of 11 d) of the NPPF.

### **Appendices**

1. Planning application documents reference 24/00564/F.
2. Appeal decision reference APP/Z0116/W/22/3308537.
3. 45-Degree Angle Plan.

**October 2024**

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