



Decision Notice and Statement of Reasons

Site visit made on 14 November 2024

By C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 17 January 2025

Application Reference: S62A/2024/0064

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 26 September 2024 is made by Paul Rhodes and was validated on 14 October 2024.
 - The development proposed is 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 granted for demolition of an existing conservatory and the erection of a two-storey dwellinghouse with associated works in accordance with the terms of the application dated 26 September 2024, subject to the conditions set out in the schedule below.

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) have been designated for non-major applications since 6 March 2024.
3. Consultation was undertaken on 18 October 2024 which allowed for responses by 15 November 2024. No representations or consultation responses were received during that period. The Council's Statement of Case relating to the earlier application, and relevant development plan policies, were submitted alongside the application questionnaire and I have taken these into account in reaching my decision.
4. During the course of the application a new National Planning Policy Framework has been published (the Framework). The main parties have

been invited to comment on its implications for the application and the responses received have been taken into account.

5. I carried out an unaccompanied site visit on 14 November 2024, which enabled me to view the site, the surrounding area and other sites highlighted by the applicant.

Background

6. This site was the subject of an earlier application for planning permission made on 14 May 2024 for a development with the same description as that now proposed. This was refused planning permission under Section 62A of the Town and Country Planning Act 1990 on 19 August 2024 for reasons relating to the effects on character and appearance and highway safety. The application before me is therefore a resubmission and includes changes to the scheme, in particular relating to the scale and design of the proposal and amendments to the front garden area.

Main Issues

7. Having regard to the application, the planning history, 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, with particular regard to access and parking.

Reasons

Character and Appearance

8. The site is located at the corner of Queenshill Road and Crossways Road. The area is largely residential in character, comprising long roads of predominately two storey semi-detached properties sharing similar set backs from the road with gardens extending to the rear. Queenshill Road is one of two semi-circular roads which enclose The Square, an area of green open space. Crossways Road provides a link between The Square and an area of green space to the rear of the application site, and degree of visibility is possible of both open spaces when traveling along Crossways Road. I observed that the characteristics of buildings and plots around the junctions in the wider area vary, but generally give a sense of spaciousness which contributes positively to the character of the area overall.
9. The application site contains a semi-detached property, typical of those in the wider area. It has a single storey conservatory to the side elevation and a side garden enclosed by a tall wall and fencing. The front garden is used extensively for off-street parking and is only partially enclosed by a section of low level timber fencing. No.89 Queenshill Road to the north similarly has a single storey side extension and tall side boundary wall, giving a degree of symmetry either side of the junction.
10. As above, the proposal has been amended since the earlier application. The addition to the side of the house would now incorporate a notable set back

of approximately 800mm from the front elevation of the host property, as well as a stepped down ridgeline. The width of the new house and its projection towards Crossways Road has also been reduced. Together these alterations give the proposal the appearance of a visually subordinate side extension to no.87, which allows the original character of the semi-detached pair to be appreciated. As a consequence it would also retain a feeling of spaciousness around the junction. While the proposal would still be visible in long views along Crossways Road from the east, I find that the openness of those views has already been substantially eroded by the height and forward building line of the new development at Paignton Square behind.

11. In conclusion on this main issue, together the alterations to the proposal adequately address the concerns of the earlier Inspector and the development would be acceptable in terms of its effects on the character and appearance of the area. The proposal would comply with Policy BCS21 of the Development Framework Core Strategy 2011 (the CS), and Policies DM21, DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan 2014 (the LP) which relate, among other things, to the character and appearance of the area including local distinctiveness, high quality urban design and development involving loss of gardens. The proposal would comply with the design objectives set out in the Framework.

Highway Safety

12. The earlier Inspector raised concerns for the effects of vehicle movements close to the crossroads and potential conflict with both pedestrians and other vehicles. The amendments to the proposal have included the removal of any off street parking for the new house. The proposal would provide a one bedroom house plus a first floor study. The Council's Parking Standards contained in Policy DM23 and Appendix 2 of the LP set out a maximum car parking standard of one space for a one bed house, or 1.25 spaces for a two bedroom house. As this is set out as a maximum the absence of any off street parking would adhere to the policy requirement. The plans also demonstrate that ample opportunities would exist for the safe storage of cycles on the site, including a storage facility to the front of the house. Two off street parking spaces would remain in front of no.87 for use in connection with the existing house.
13. In conclusion on this main issue, the proposal would be acceptable in terms of its effects on highway safety. It would comply with Policy DM23 of the LP and BCS10 of the CS which relate to parking provision and promotion of sustainable travel patterns.

Other Matters

14. The proposal would provide an acceptable standard of accommodation for future occupants, providing suitable internal spaces as well as private outdoor amenity space. Given the siting and design of the proposal, it would also be acceptable in terms of its effects on the living conditions of occupants of nearby properties, and measures have been integrated to

adapt to climate change. The proposal is therefore acceptable in these respects.

15. Under the statutory framework for biodiversity net gain (BNG), every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met, subject to exemptions. The applicant considers the proposal meets the BNG de minimis exemption because less than 25 square metres of habitat would be affected. This position was accepted under the earlier application given that much of the site would remain a domestic garden and given the existence of hard surfacing to the side of the property. These circumstances have not changed and it remains the case that the incursion into areas of habitat would be very limited, and would be de minimis. In addition, this application would entail the provision of a new soft landscaped front garden area with potential to support new biodiversity.
16. The Council consider that the proposal is chargeable development under the Community Infrastructure Levy (CIL) Regulations and that if the application had been submitted to them then CIL would have been payable. I have no reason to conclude otherwise and this is capable of being a material consideration as a local finance consideration. No planning obligation has been submitted with the application nor other financial payment offered in lieu of a CIL contribution.
17. The Council have detailed the infrastructure which such a CIL payment would contribute to. This includes flood remediation, junction improvements and community facilities in specified locations across the Council's wider administrative area. However, there is not substantive evidence to suggest that it is necessary to secure these measures as mitigation for the effects of this particular development. As such, I consider the absence of such a contribution for those purposes attracts little weight as a consideration against the proposed development in this instance.
18. Under the previous application the Council accepted that it could not demonstrate a 5 year land supply for housing. There is not substantive evidence to suggest this is no longer the case and accordingly the provisions of paragraph 11d) of the Framework are relevant to the application. I have not found that the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development and, turning to paragraph 11d)ii), I have given little weight to the lack of a CIL contribution for the reasons given. In terms of benefits, the proposal would add a new home to the housing stock, which is particularly important given the identified shortfall of land for this purpose. This would be in an established built up area with good accessibility to services and facilities including public transport, and could be built out relatively quickly. The Framework acknowledges the importance of such sites to meeting the housing requirement of an area. Despite being limited to a single unit, the proposal would provide a benefit of moderate weight. Accordingly, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, having regard to the matters listed in paragraph

11d)ii. The proposal would therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Conditions

19. Under the earlier application the Council provided a list of conditions which it considered would be appropriate in the event that planning permission were granted. I have considered these in light of the advice in the Planning Practice Guidance.
20. Facilities for cycle and refuse storage are shown on the proposed plans and, given the size of the site and availability of other spaces for these purposes if required, it would not be necessary to submit further details for approval. The drawings also contain details of the proposed external materials which are acceptable given the site's context. As a vehicular access does not form a part of this proposal, the need for details and delivery to be secured has fallen away. As access from the street for pedestrians and cyclists is similarly shown on the drawings, and would be an inherent part of the proposal, I do not consider it necessary to condition the delivery or maintenance of those accesses.
21. The Council note the site is not one thought to have been subject to a potentially contaminating use, although a condition relating to unexpected contamination has been suggested. I have, however, amended its wording to remove the need for written approval in the event that unexpected contamination is not found. There is little information relating to risk from radon and ground gases, and I note the Council's suggestion this is given as advice only. I have no strong reason to find otherwise.

Conclusion

22. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and planning permission is granted.

C Shearing

Inspector and Appointed Person

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 24149: PL01, PL02, PL03, PL04, PL05, PL07, PL08, PL09.

Reason: To provide certainty.

3. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure safe conditions for future occupants, in accordance with Policy DM14 of the Site Allocations and Development Management Policies 2014 and paragraph 189 of the National Planning Policy Framework.

End of Schedule

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. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any changes.
- 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 ("the Act") 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>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council and any applications related to the compliance with the conditions must be submitted to the Council.
- v. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition 11 (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply – in this case the exemption below:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).