



Decision Notice and Statement of Reasons

Site Visit made on 21 February 2025

by Graham Wraight BA(Hons) MSc MRTPI

A person appointed by the Secretary of State

Decision date: 13 March 2025

Application Reference: S62A/2024/0072

Site address: 8 Druid Stoke Avenue, Stoke Bishop, Bristol BS9 1DD

- 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 4 November 2024 is made by Mr and Mrs D Ashby and was validated on 17 January 2025.
 - The development proposed is a self build dwelling and 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 design, which would fail to integrate well into its surroundings and fail to promote high quality urban design. The proposal is therefore contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011; Policies DM21, DM26 and DM29 of the Site Allocations and Development Management Policies 2014; and section 12 of the National Planning Policy Framework.
 - 2) The proposal would have an unacceptable effect on the living conditions of the occupants of adjacent dwellings by reason of overlooking. The proposal is therefore contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011; Policies DM27 and DM29 of the Site Allocations and Development Management Policies 2014; and section 12 of the National Planning Policy Framework.
 - 3) The proposal fails to demonstrate that it would provide for the statutory biodiversity net gain set out in Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

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 have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 20 January 2025 which allowed for responses by 18 February 2025. Responses were received from the parties listed in Appendix 1. A number of interested parties also submitted responses. The Council submitted a Statement of Case (SoC) on 18 February 2025. The SoC set out the Council's objections to the proposal on the grounds of character and appearance, living conditions, and protected species and biodiversity net gain. The SoC also included reference to consultation responses from Transport Development Management, the Flood Risk Manager and Pollution Control.
4. I visited the site on 21 February 2025 on an unaccompanied basis, which enabled me to view the site and the surrounding area.
5. I have taken account of all written representations in reaching my decision.

Main Issues

6. Having regard to the application, the consultation responses, 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 the living conditions of the occupants of nearby dwellings;
 - the effect of the proposal on protected species and whether acceptable biodiversity net gain would be provided;
 - if harm arises, whether this is outweighed by housing land supply matters and other benefits.

Reasons

Planning History and Background

7. The Council has previously considered a planning application¹ on the site for the erection of one dwelling and associated works. It was refused on the grounds of character and appearance (two reasons, one relating to the proposed dwelling and one relating to a proposed garage which was also part of the scheme), living conditions and the loss of features which

¹ 24/00564/F

contribute to nature conservation with a failure to provide acceptable net gains for biodiversity.

8. 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 changes are that it has repositioned the proposed dwelling on the site and amended its design. It is also proposed that the dwelling would be a self-build property, which means that it would be exempt from the statutory requirement to provide a biodiversity net gain and it would be possible to apply for a Community Infrastructure Levy (CIL) exemption. A further change is that neither the existing nor the proposed dwelling would be provided with garages.
9. The Council does not consider that this has addressed its concerns about the impact on character and appearance or living conditions with respect to the proposed dwelling. Furthermore, they have concerns that the proposal would adversely affect protected species and that the matter of biodiversity net gain has not been addressed if the proposed development were not to come forward as a self-build dwelling.

Character and Appearance

10. The site is located to the rear of 8 Druid Stoke Avenue and currently forms part of the large garden area of that dwelling. The dwellings towards the end of Druid Stoke Avenue and those closest on Shirehampton Road are characterised generally by large dwellings in spacious plots. There are however some dwellings with smaller plot sizes along both Druid Stoke Avenue and Shirehampton Road, with dwellings along Queens Gate also having smaller plots. Some backland development has taken place near to the site, most notably the dwelling at 6 Druid Stoke Avenue and the dwellings at 14, 16 and 16A Druid Stoke Avenue.
11. In that context, the principle of backland development is established in the area and the plot size that would be retained at 8 Druid Stoke Avenue would be consistent with those of many other dwellings in the area, as would that of the proposed dwelling. Although the proposed dwelling would be side on to the road as opposed to facing towards it as is the case with all other dwellings, it would be set well back from Druid Stoke Avenue so not to form a dominant feature within the street scene. I am satisfied therefore that, in principle, there is potential for a dwelling to be accommodated on the application site.
12. However, the design of the proposed dwelling would be at odds with the grander designs of the dwellings that front onto Druid Stoke Avenue. Whilst reference is made by the applicant to the design of 6 Druid Stoke Avenue, any proposal on the application site would have a much closer relationship to the dwellings at 8 and 10 Druid Stoke Avenue than No 6 does. What is proposed would in design terms jar with Nos 8 and 10, being of a considerably different style and appearance. It would be a dwelling of an unremarkable design that would neither take cues from the existing dwellings at Nos 8 and 10 nor seek to deliver a contrasting style of development of a high design standard. As a result, it would appear as a

visually incongruous addition and result in harm to the character and appearance of the area.

13. The applicant has drawn my attention to other dwellings in the area, which they consider demonstrate that there is a diverse range of architectural styles in the locality, including the use of different materials and the presence of some new dwellings of a contemporary design. Whilst I acknowledge the diversity that exists in those respects, this does not overcome my finding that what is before me would result in harm to the character and appearance of the area. Interested parties have raised concern as to the visual impact of the proposed new parking area to serve No 8, which would be on its frontage. However, other properties in the area already have similar frontage parking and as such this would not be an untypical arrangement.
14. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area. It would therefore fail to accord with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM21, DM26 and DM29 of the Site Allocations and Development Management Policies 2014 (SADMP) where they collectively seek to deliver high quality urban design that contributes positively to an area's character and identity and to ensure that development does not result in harm to character and appearance. It would also fail to accord with the section of the Framework which seeks to achieve well-designed places.
15. As the proposal would cause harm to the character and appearance of the area, this is a matter which weighs significantly against the development.

Living conditions

16. The main front elevation of the proposed dwelling would face towards the rear elevations of the dwellings on Shirehampton Road. There would however be a substantial distance between those elevations. This would ensure that there would not be harmful overlooking between the existing properties and the proposed dwellings. The properties on Shirehampton Road have long gardens and although the proposed dwelling would face towards those gardens, the separation distance maintained would still be adequate to ensure that there would not be any undue overlooking onto the private rear garden areas, especially those parts closest to the dwellings themselves.
17. The rear elevation would face towards the garden of 10 Druid Stoke Avenue. Screening to the ground floor could be achieved either by an increase in the height of the existing boundary treatment or through the provision of a new boundary treatment. Only one of the three proposed first floor windows would serve a habitable room, and the window which is closest to the boundary with No 10 would serve a bathroom, thus meaning that it would be likely to be obscurely glazed and could also have top opening lights only, to prevent overlooking. However, the window serving the bedroom would be close to the boundary with No 10 and would allow unacceptable overlooking onto its private rear garden area.

18. The side elevation that would face towards 6 Druid Stoke Avenue would, at first floor level, have a high-level window serving a staircase which would not give concerns as to overlooking potential. However, the window serving the bedroom would be very close to the boundary with No 6 and would allow unacceptable overlooking onto its private rear garden area. The side elevation facing towards 8 Druid Stoke Avenue would have first floor windows serving two bedrooms and a bathroom. One of the bedroom windows would be close to the new boundary that would be formed with the host property and this proximity would allow unacceptable overlooking onto the private rear garden area of No 8. Windows at ground floor level facing both of those existing dwellings could however be adequately screened by boundary treatment and/or landscaping.
19. Due to the separation distances that would be retained and the relative positioning of the proposed dwelling to all of the existing dwellings in the vicinity, there would not be any undue harm through a loss of daylight or sunlight, from the massing of the proposal or in terms of outlook from existing windows. External lighting at a domestic property would not be likely to give harm to the living conditions of the occupiers of nearby dwellings.
20. In conclusion, there would be unacceptable overlooking from a number of windows on the proposed dwelling onto the private rear garden areas of adjacent dwellings. This would mean that the proposal would fail to accord with Policy BCS21 of the CS and Policies DM27 and DM29 of the SADMP where they seek to safeguard the amenity of existing development, and with the aims of the Framework in the same regard.
21. As the proposal would cause harm to the living conditions of the occupants of some of the adjacent dwellings, this is a matter which weighs significantly against the development.

Protected species & biodiversity net gain

22. An Ecology Statement (ES) has been provided with the application. This is said to be in lieu of a full update of the Preliminary Ecology Appraisal (PEA) of the site that was submitted with the previous application, given the short time that has passed since the survey work was done. The ES advises that the only structure to be demolished, which is the detached garage that currently serves No 8, has a negligible suitability to roosting bats. The proposed dwelling itself would be sited on what is currently short cut grass. Whilst a copy of the PEA has not been provided with the application, and the Council also states they do not have a copy before them, the ES which is authored by a chartered ecologist provides adequate comfort that there would not be harm to protected species.
23. A planning obligation would be required to secure the proposed dwelling as a self-build dwelling. Without this, it is possible that the dwelling could be built out as a normal market dwelling and would not be exempt from providing the biodiversity net gain required under Schedule 7A of the Town and Country Planning Act 1990. No details of the existing biodiversity metric on the site have been provided, and therefore it is not possible to

establish whether there would be a net gain, to what extent there would be a gain and whether this could be achieved on-site.

24. In conclusion, the proposed development would not cause harm to protected species. Consequently, it would accord with Policy DM19 of the SADMP where it seeks to avoid harm to protected species, and with the Framework in the same regard. This consideration is a neutral factor in the planning balance. However, it has not been shown that a biodiversity net gain would be provided, which is a requirement set out in legislation and the Framework. This weighs significantly against the proposed development.

Housing land supply

25. The Council sets out that it has a housing land supply of 3.54 years. This differs to the 2.24 to 2.45 year supply referred to in an appeal decision² that the applicant has provided. Even on the basis of the Council's higher figure, there is a significant shortfall in housing land supply. Furthermore, the latest Housing Delivery Test figure is 75%, with the Council required to provide a buffer. The applicant refers to this as a policy failure in that the Council has no up to date policies in order to deliver its required housing supply.
26. The proposal would provide an additional dwelling in an established suburb of Bristol that has good access to services and facilities and to public transport. It would do so on a small site, making effective use of land and adding a windfall dwelling to the housing land supply. It would provide an additional family house to the city's housing stock and would broadly contribute to the growth agenda. Collectively, these are considerations which offer significant support to the proposed development.

Other benefits

27. The submission sets out the proposed dwelling as a highly sustainable and energy efficient dwelling, featuring solar panels, air source heat pumps, rainwater recycling and an electric vehicle charging point. This carries moderate weight in its favour.
28. There would be some economic benefit during construction and then after through the spend of residents in the economy. This too is a consideration which attracts moderate weight in support of the proposed development.

Other matters

29. I acknowledge that the scheme has been amended from the earlier planning application that was refused by the Council, and that the applicant has acted proactively in attempting to overcome the previous reasons for refusal. However, as set out above, this has not fully overcome all of the previous reasons. That the proposed dwelling would allow the applicant to

² APP/Z0116/W/22/3308537

stay in the area in retirement is not a consideration which offers weight in favour of the proposed development.

30. Whilst the Flood Risk Manager states that comments concerning sustainable drainage and surface water management need to be addressed, the application site is located within an established settlement. I am satisfied that the Council's suggested planning condition regarding a sustainable drainage system could be imposed to address this matter. Likewise, matters relating to the proposed air source heat pump and noise generation could be subject to further details being secured by a condition.
31. There is no substantive evidence before me to demonstrate that the existing utility infrastructure in the area would not be able to accommodate one additional dwelling. There is no objection from the Highway Authority and based upon this and my own observations at my site visit, the use of the existing access to serve one additional dwelling would not give rise to unacceptable harm to highway safety.
32. Although the applicant considers that the dwelling would be affordable, it would not fall under the definition of affordable housing set out in the Framework. This therefore carries no weight in support of the proposal. Matters relating to restrictive covenants and to loss of views are not relevant to the planning merits of the case.
33. It is proposed that the new dwelling would be a self-build dwelling, but the applicant has not provided the completed planning obligation which would be required to secure it as such. Accordingly, this does not weigh in favour of the proposal.
34. The Council consider that the proposed development is chargeable development under the CIL Regulations and that if the application had been submitted to them it would have been liable for CIL. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration. The Council also consider that if the application had been submitted to them the applicant could, in due course, have assumed liability for CIL and claimed a self-build dwelling exemption.
35. The Council have detailed the infrastructure which such a CIL payment would contribute to. This includes a number of infrastructure schemes in specified locations across the Council's wider administrative area. However, there is no substantive evidence to suggest that it is necessary to secure these measures as mitigation for the effects of this particular development nor that any such measures would be directly related to this development.
36. In any event, no completed planning obligation has been submitted with the application in lieu of a CIL contribution, or to secure the development as a self-build dwelling, nor has any other financial payment been offered in lieu of a CIL contribution. 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.

The Planning Balance

37. 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. The Framework is such a material consideration.
38. As the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11d) of the Framework is triggered and the balance set out in 11d)ii applies. This states that planning permission should be granted 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
39. The Framework seeks to achieve well designed places, which the proposal would fail to do. This adverse impact would be significant and long lasting. The proposal would also fail to maintain a high standard of amenity for existing users. Furthermore, it has not been demonstrated that there would be a biodiversity net gain, which too is an aim of the Framework. Whilst there are a number of benefits that would arise from the scheme as outlined above, including with relation to housing land supply, these do not justify the permitting of a dwelling of a design which would cause such harm to the character and appearance of the area, harm to living conditions and fail to provide biodiversity net gain.
40. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.
41. Whilst I have not found that there would be harm to protected species, the proposal would cause harm to the character and appearance of the area and to living conditions and fail to accord with Policy BCS21 of the CS and Policies DM21, DM26, DM27 and DM29 of the SADMP. It would as a result fail to accord with the development plan, taken as a whole. Having regard to all of the benefits of the proposal, I conclude that these do not outweigh the harm to the character and appearance of the area and to living conditions and the consequent conflict with the development plan, alongside the failure to provide for a biodiversity net gain.

Conditions

42. The Council have recommended and requested conditions to be imposed should the application be permitted. Having reviewed these conditions, in my view considering the application as a whole, imposing these conditions would not overcome or otherwise outweigh the harm I have found in my reasoning above.

Conclusion

43. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan and therefore I conclude that planning permission should be refused.

Graham Wraight

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.
- 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>

Appendix 1 - Consultee responses

Bristol City Council