

'Hold Date'	
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Bristol City Council

Development Management

Delegated Report and Decision

Application No: 21/00415/F **Registered:** 10 March 2021

Type of Application: Full Planning **Expiry Date:** 5 May 2021
Case Officer: [REDACTED]

Site Address: 7 Belvedere Road
 Bristol
 BS6 7JG

Description of Development: Conversion of 3no. flats into 8no. flats with the creation of a part 3-storey, part 2-storey and part single storey, rear extension.

Ward: Redland

Site Visit Date: **Date Photos Taken:**

Consultation Expiry Dates:

Advert 14 Apr 2021 **Neighbour:** 8 Apr 2021
and/or Site 14 Apr 2021
Notice:

SITE DESCRIPTION AND BACKGROUND

This application relates to a three-storey building known as 7 Belvedere Road, in Redland, north Bristol.

The building is split into three flats: a maisonette at ground floor and basement level; a flat at first floor level and another flat at second floor level. Each unit is in residential use under Use Class C3 and has two bedrooms. Access to the building is maintained through a single storey porch to the side of the building and via the front of the building.

The building is constructed in pennant stone and render and features a large bay window at the front elevation.

There are three large trees located in the rear garden of the site.

Belvedere Road includes a number of identical, large, late-Victorian townhouses which have largely been subdivided into maisonettes or flats, with three no. elderly peoples' homes / assisted living units. Historic maps indicate that 7 Belvedere Road was constructed around 1900.

Belvedere Road is a two-way street, lined on both sides with unallocated car parking. The site is on the outside edge of the Cotham North Residents' Parking Scheme.

The site is located within the Downs Conservation Area. The surrounding area is almost entirely

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residential in character but the site is in close proximity to Westbury Park School and a number of care homes on Westbury Park, Belvedere Road, the Glen and Redland Road.

In June 2020, full planning permission was refused by Development Control Committee B for the conversion of the three flats at 7 Belvedere Road to a 17-bed extension to the nursing home at 8-9 Belvedere Road (Use Class C2, residential institution). This appeal was dismissed by the Planning Inspectorate ('PINS') on the basis that the scheme would result in an unacceptable impact on highway safety.

A further, separate application (ref. 20/06030/F) seeks a change of use of the three flats to a 14-bed extension to the nursing home at 8-9 Belvedere Road (Use Class C2, residential institution). This application is pending consideration.

APPLICATION

This application seeks full planning permission for the extension of the existing building known as 7 Belvedere Road and intensification of the use on-site from three residential flats to eight.

The following housing mix is proposed:

- Five no. one-bedroom flats
- Three no. two-bedroom flats

The lower ground floor would consist of one no. one-bedroom flat, located to the front of the building, with a two bedroom flat located to the rear. The floor plan is largely identical at ground and first floor level, albeit slightly small at first floor level. The second floor would consist of one no. one-bedroom flat located to the front of the building, with further one-bedroom flat located to the rear. All flats would be served via a central staircore.

The proposed increase from three to eight flats would be facilitated via the construction of a part-one, part-two and part-three storey extension to the rear of the existing building and further excavation at lower ground floor level.

The extension would extend up to 9.7 metres from the rear elevation of the building and would be up to 10.7 metres in height above ground level. Accounting for the proposed excavation, the extension would be 12.4 metres in height above lower ground floor level. The extension would be up to 5.2 metres wide.

The extension would include two rear-facing windows at first and second floor level. Six windows are proposed at an angle between the rear and side facing elevations above lower ground floor level. Three of these windows include Juliet balconies. Three side-facing windows would be proposed above lower ground floor level.

The proposed extension would be constructed in pennant stone and render, with tile roofs.

No car parking is proposed onsite. No details have been provided of cycle parking.

No details have been provided of waste storage. The application form indicates this would be 'as existing' but does not account for the increased intensity of use.

RELEVANT HISTORY

19/03104/F - Change of use from 3 x flats to a 17 x bed extension to the nursing home at 8-9 Belvedere Road. - REFUSED.

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18/03500/F - Extension of existing basement level to create enlarged single residential dwelling (use class C3) - GRANTED subject to condition(s).

17/04752/F - Change of use from 3 x flats to a 17 x bed extension to the nursing home at 8-9 Belvedere Road. External alterations to building including rear extension and side and rear dormer roof extension. - WITHDRAWN.

RESPONSE TO PUBLICITY AND CONSULTATION

A. GENERAL RESPONSE FROM THE PUBLIC

B. RESPONSE FROM INTERNAL CONSULTEES

City Design Group - Objection (Surgery Item)

The proposed development would, by nature of its scale and height, be of an excessive size that fails to be subservient to the host property. This would result in harm to the character of the host property and would fail to enhance or conserve the Conservation Area.

Transport Development Management - Objection

The site will consist of 5 x one bed dwellings and 3 x two bed dwellings should this application be granted. There are currently 2 x two bed dwellings and 1 x three bed dwelling on the site.

Appeal

The appeal was dismissed on the basis the development would harm highway safety following consideration of the reduction in car ownership as a result of the proposal, the snapshot nature of the parking surveys and the requirement for loading bays. As referenced within the appeal decision 'the parking situation results in vehicles often having to park in the middle road. This causes congestion and conflict which is exacerbated by two way working and creates a hazard for all road users'.

Local Conditions

The site is located to the edge of the Cotham North residents parking scheme. Parking in this location is at a premium which is acknowledged within the submitted parking survey, residents' comments and the appeal decision.

Car Parking

No off-street parking has been provided as part of the application proposals. Utilising census data TDM have calculated the development would likely result in the generation of an additional five cars. This is based on the following:

- o 26% no car
- o 49% 1 car
- o 25% 2 or more

TDM raise concerns regarding this intensification of parking in this area given this proposal generates the requirement for more on street parking when compared to the previous proposal and would therefore be considered to harm highway safety.

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Cycle Parking and Waste

The submitted plans (PLAN:LGR:UGR) does not demonstrate any cycle parking or waste storage which is unacceptable. Cycle parking must form an integral part of the design of the site and is necessary in promoting cycling as a form transport.

A minimum of 11 cycle parking spaces are required across the whole development and these must be secure and easily accessible. They must be covered and must not contain vertical or semi vertical stands as these do not offer acceptable parking for all sections of the community. Sheffield stands are recommended as these allow for the storage of adapted cycle which further encourage cycling.

In respect to waste storage each dwelling must have a minimum space of 0.6m x 1.5m in line with Bristol Waste requirements. This has not been demonstrated and it is likely bins will be stored on the highway given the lack of allotted space on the site. This will cause an obstruction to the highway which is unacceptable.

Recommendation

In line with the dismissed planning appeal and the proposed more space hungry development TDM recommend refusal of the application given it is contrary to Chapter 9 of the National Planning Policy Framework and Policies BCS10, DM23 and DM32 of the Bristol Local Plan.

RELEVANT POLICIES

National Planning Policy Framework – February 2019
Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

A. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

Section 5 of the NPPF sets out the approach to 'Delivering a sufficient supply of homes'. It states the importance of having a sufficient amount and variety of land coming forward to meet housing requirements.

Policy BCS5 sets out that the Core Strategy aims to deliver new homes within Bristol's existing built up areas. Between 2006 and 2026, 30,600 new homes will be provided in Bristol.

Policy DM21 states that development involving the loss of gardens will not be permitted unless:

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

Policy DM21 states that in all cases, any development of garden land should not result in harm to

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the character and appearance of an area.

Full planning permission is sought for the extension of 7 Belvedere Road to create eight flats.

The proposed delivery of five additional flats would support the delivery of new homes in Bristol in accordance with Policy BCS5.

As the proposed development would encroach on the garden area of 7 Belvedere Road, Policy DM21 is of relevance.

In respect of point i. of the Policy, the proposed development would be located in an existing residential area and would be well-located for access to shops and services. There are, however, concerns about the intensification of use may cause harm to the availability of car parking. This is explored within Key Issue E.

The proposed development may also be acceptable if it constitutes a 'significant improvement to the urban design of the area'. It should not result in harm to the character and appearance of the area. These issues are covered within Key Issue C.

On 19 January 2021, the government published the results of its 2020 Housing Delivery Test, which aims to measure how effectively each local authority is delivering housing against NPPF requirement to demonstrate a five-year supply of deliverable housing sites plus five per cent land supply buffer. Bristol was found to be delivering only 72% of the housing requirement. The penalties for this will be that Bristol will be required to provide a "buffer" of sites for 20% more homes than are needed to meet its five-year target, to produce a Housing Action Plan, and that the presumption in favour of development in the NPPF will apply.

In view of the fact that the LPA is not able to demonstrate a five year housing land supply, paragraph 11(d) of the NPPF is engaged, and the tilted balance applies to applications which result in the gain or loss of housing units.

When considering the proposal in principle and in consideration of the tilted balance, it is considered that the proposed development would support the delivery of housing in Bristol in accordance with Policy BCS5.

There are, however, a number of other factors which must be considered in terms of design and location to determine whether the proposed development is in accordance with Policy DM21. These issues are covered within remainder of this report.

B. IS THE PROPOSED HOUSING TYPE AND MIX ACCEPTABLE?

Policy BCS18 states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposed development would consist of five no. one-bedroom flats (63%) and three two-bedroom flats (37%).

The application site is located in the Manor Park LSOA. 80% of dwellings within the LSOA are flats. One-bedroom dwellings account for 25% of the housing mix, with two-bedroom dwellings accounting for 39% of the total.

Whilst it is noted that there is an overconcentration of flats within the Manor Park LSOA, the

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proposed development would not result in the loss of family houses and would provide the benefits of five additional dwellings. Generally the mix of dwelling sizes in the area is good and the proposed development would not harm the local housing mix.

It is considered that, on balance, the proposed development would be acceptable in terms of housing type and mix.

C. WOULD THE PROPOSED DEVELOPMENT BE OUT OF SCALE OR CONTEXT WITH THE CONSERVATION AREA?

Para. 194 of the NPPF states that any harm to the significance of a designated heritage asset, including its alteration, should require clear and convincing justification.

The NPPF (para. 196) also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy BCS20 sets out that an appropriate density should be informed by the characteristics of the site and the local context.

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.

Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

Policy DM30 states that extensions to buildings should be physically and visually subservient to the host building. Extensions should respect the siting, scale, form, proportions and materials of the host building and leave sufficient useable external private space for future occupiers.

The proposed development would include the erection of a part-one, part-two and part-three storey extension to the rear of 7 Belvedere Road. The proposed development would require the excavation to the front of the property to provide light to the lower ground floor and to the rear of the property. The front elevation would be largely unchanged.

City Design Group was consulted as part of the application process and raised an objection to the height, scale and massing of the proposal and the effect this would have on the Conservation Area.

The proposed extensions to the rear of the building are considered to be excessive in size, extending the existing building by over 9 metres at ground floor level. This is not considered to be subservient to the host property, contrary to Policy DM30.

The extension would reduce the existing garden space by approximately a third. Whilst there would still be a sufficient amount of garden space retained for future occupiers, the overall scale and form would be contrary to Policy DM21 and DM30 and the Downs Conservation Area Appraisal, which states that the intensification with residential use of landscaped gardens to older dwellinghouses will be resisted.

The proposed extension would project at second floor level above the existing eaves height of the host property and creates an awkward relationship with the existing roof form which does not respect the existing form or proportions of the upper floors of the building. The height of the

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extension would not be sufficiently subservient to the host property.

The proposed extension would be located to the rear of the building, and as such the effect on the streetscene would be limited to the excavations to lower ground floor level. These excavations would be similar to that as previously approved as part of application ref. 18/03500/F and are considered to be acceptable given the existing prevalence of such lightwells and basement extensions along Belvedere Road.

In terms of the effect on the Conservation Area, the proposed development would have a limited impact on the streetscene. The proposed extension would however be visible from homes on Belvedere Road and Blenheim Road and the proposal is considered to effect views of the Conservation Area from neighbouring properties.

In respect of the Conservation Area, the proposed development is considered to constitute less than substantial harm, as per para. 196 of the NPPF. As the building is already in residential use, it is considered that there is no public benefit in terms of bringing the building back into use nor would the proposals secure its optimum viable use.

In respect of Policy DM31, the excessive size of the extension and the impact on the host property is considered to be out of keeping with the Conservation Area and would fail to preserve or enhance the area.

It is noted that there is a large extension to the rear of 8-9 Belvedere Road, however that extension is of two storeys (including lower ground floor) and demonstrates some subservience to the host buildings.

In conclusion, it is considered that the proposed development would be of excessive height, scale and massing and out of keeping with the host property contrary to Policies BCS21, DM21 and DM30. The proposed development would fail to preserve or enhance the Conservation Area, contrary to Policy DM31.

D. WOULD THE PROPOSED DEVELOPMENT RESULT IN ANY UNACCEPTABLE IMPACTS ON RESIDENTIAL AMENITY?

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers.

Policy DM30 sets out that extensions or alterations to buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers.

The proposed extension would adjoin the boundary of 8-9 Belvedere Road, and extend up to 4.5 metres from the rear wall of 7 Belvedere Road at second floor level (equivalent to roof level at 8-9 Belvedere Road) and 7.6 metres from the rear elevation at first floor level.

A review of the approved plans from the consent (refs. 17/02774/X and 08/02673/F) to extend 8-9 Belvedere Road has been undertaken to determine the position of windows on the rear elevation of the adjoining property. The centre points of the closest existing window at first floor and dormer window at 8-9 Belvedere Road would be located 2.5 metres and 1.9 metres respectively from the boundary with 7 Belvedere Road.

The dormer window is unlikely to cross a 45 degree line drawn on elevation from the top of the extension. The first floor window would cross a 45 degree line drawn in both plan and elevation and is likely to be overshadowed by the proposed extension.

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The proposed extension includes a number of side-facing and partially side-facing windows. Some of the proposed windows include Juliet balconies. These additional windows would increase overlooking towards 6 Belvedere Road and beyond and would lead for neighbouring gardens to be overlooked.

The overall excessive height and the extent to which the upper floors of the proposed development would extend from the rear of 7 Belvedere Road would likely create a sense of overbearing to gardens and amenity spaces of 6 and 8-9 Belvedere Road.

It is considered that the proposed development would be contrary to Policies BCS21 and DM30 by causing harm to residential amenity through overshadowing, overlooking and overbearing.

E. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?

Policy BCS10 states that developments should be designed and located to ensure the provision of safe streets. Development should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 of the Site Allocations and Development Management Policies outlines that development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access onto the highway network.

The proposed development would not include any onsite parking. The details of cycle and waste storage are absent from this application.

Transport Development Management was consulted and raised an objection to the proposed development on the basis of the impact upon street parking.

The appealed proposal to extend the care home at 8-9 Belvedere Road was dismissed by the Inspector on the basis that the proposed development would cause congestion and conflict which is exacerbated by two way working and creates a hazard for all road users due to a lack of available parking.

Transport Development Management estimates that the new proposal for eight flats would generate additional demand for five car parking spaces. Whilst the applicant has provided a car parking survey which indicates that a minimum of 10 parking spaces were available, it was considered by the Inspector that there was insufficient parking available to manage the demand associated with the care home extension of a maximum of three car parking spaces. This is corroborated by the public comments and a Parking Survey which was provided by the Westbury Park Community Association (WPCA) in response to the application. As the demand for parking spaces for the five additional flats would be greater than that associated with the care home extension, it is concluded that the effects described by the Inspector would likely occur as a result of this new proposed development.

It is concluded that the proposed development would result in an unacceptable demand for parking when compared with the significant parking pressures locally. This would likely result in cars parking unsafely along Belvedere Road and the surrounding streets and would result in unsafe and unacceptable traffic conditions, contrary to Policy DM23.

Whilst the application does not include details for waste and cycle storage, it is considered that this could be secured via condition, and as such, a reason for refusal is not added to that effect.

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F. DOES THE PROPOSED DEVELOPMENT GIVE SUFFICIENT CONSIDERATION OF SUSTAINABLE DESIGN AND CONSTRUCTION?

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaption, material consumption and biodiversity should be included as part of a sustainability or energy statement.

The submitted energy statement outlines that a 54% saving on residual CO2 emissions could be achieved through the implementation of energy efficiency measures. Whilst no details have been provided of these measures, it is considered that details can be secured via pre-commencement condition.

It is considered that sufficient consideration has been given to sustainability, subject to the addition of a pre-commencement condition for the submission of details of the energy efficiency measures proposed.

G. WOULD THE PROPOSED DEVELOPMENT RESULT IN ANY UNACCEPTABLE IMPACTS UPON GREEN INFRASTRUCTURE?

Policy BCS9 states that individual green assets should be retained wherever possible and integrated into new development.

Policy DM17 states that all new development should integrate existing trees.

BCC's validation checklist states that an arboricultural report (see Table 2) must be submitted where there are trees within a proposed application site, or on land adjacent to an application site (including trees in neighbouring gardens and street trees), that could influence or be affected by the development, including works such as site access, service routes and site compounds. Information will be required on which trees are to be removed and retained, the means of protecting those to be retained during demolition and construction works and compensatory planting for removed trees.

There are three trees located to the rear of 7 Belvedere Road. The applicant has stated that the trees would not be affected by the proposed development, however no tree survey or arboricultural impact assessment has been submitted as per the requirements of BCC's validation checklist to demonstrate that the trees would not be affected.

For BCC to fully assess the potential arboricultural impact of the proposals we require supporting arboricultural information produced by an arboriculturalist in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. This information was requested but not provided within the statutory timescales.

In the absence of this information, it is not possible to demonstrate that the existing green infrastructure onsite could be retained and would be integrated into the development in accordance

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with Policies BCS9 and DM17.

CONCLUSION

The proposed development would contribute positively to Bristol's housing supply and the mix of homes is considered to be acceptable. Sufficient consideration has been given to sustainable design and construction.

The proposed development is considered to be of an unacceptable scale, height and massing to the detriment of the character of the host property and the Downs Conservation Area. By virtue of its scale, height and position, the proposed development would result in unacceptable overshadowing, overlooking and overbearing. The proposed development would generate unacceptable demand for car parking in an area where parking is already congested and not readily available. No information has been provided in respect of waste and cycle storage, nor in respect of protecting retained trees onsite.

It is considered that, whilst the proposed development would create five additional flats which would in turn contribute positively to Bristol's housing supply in accordance with Policy BCS5, this is outweighed by the harm that would be created by the proposed development in terms of design, residential amenity and transport and highway safety.

The officer report and refusal reasons identify conflict with a number of local plan policies and NPPF expectations in terms of design, amenity, highways/movement, which represent adverse impacts that outweigh the provision of housing as proposed. The adverse impacts of approving the development would significantly and demonstrably outweigh the benefits, when assessed against the local plan and policies in the NPPF taken as a whole, such that the proposals cannot be considered sustainable development.

These detrimental impacts are sufficient to justify refusal of full planning permission, even when the tilted balance is applied in accordance with paragraph 11(d) of the NPPF.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

RECOMMENDED REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposed development, by nature of its excessive height, scale and massing would be out of keeping with the character of the host property and the Conservation Area. This would be contrary to Policy BCS21 of the Bristol Core Strategy 2011, Policy DM30 and Policy DM31 of the Site Allocations and Development Management Policies 2014.

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2. By nature of its size and proximity, the proposed development would result in overshadowing and overbearing impact on the adjacent windows of 8-9 Belvedere Road and would result in unacceptable overlooking towards the gardens of 5 and 6 Belvedere Road via side-facing windows/Juliet balconies. This would be contrary to Policy BCS21 of the Bristol Core Strategy 2011 and Policy DM30 of the Site Allocations and Development Management Policies 2014.
3. The proposed development would result in an increased demand for on-street car parking in an area which is oversubscribed. This would lead congestion and conflict between road users and would result in harm to highway safety, contrary to Policies BCS10 of the Bristol Core Strategy 2011 and DM23 of the Site Allocations and Development Management Policies 2014.
4. The proposed development does not demonstrate that the existing green infrastructure onsite could be retained and would be integrated into the development. This is contrary to the requirements of Policies BCS9 of the Bristol Core Strategy 2011 and DM23 and DM17 of the Site Allocations and Development Management Policies 2014

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

034:E:01 Existing Site/Roof Plan, received 10 March 2021
 034:E:02 Existing Lower and Upper Ground Floor Plans, received 10 March 2021
 034:E:03 Existing First and Second Floor Plans, received 10 March 2021
 034:E:04 Existing North and South Elevations, received 10 March 2021
 034:E:05 Existing Side Elevation, received 10 March 2021
 034:P:01A Proposed Site/Roof Plan, received 10 March 2021
 034:P:02 Proposed Lower and Upper Ground Floor Plans, received 10 March 2021
 034:P:03 Proposed First and Second Floor Plans, received 10 March 2021
 034:P:04 Proposed North and South Elevations, received 10 March 2021
 034:P:05 Existing Side Elevation, received 10 March 2021
 Parking Beat Survey, received 10 March 2021
 Design and Access Statement (Jan. 2021), received 10 March 2021
 Heritage statement, received 10 March 2021
 Sustainability statement, received 10 March 2021
 034:P:06 Proposed side elevation, received 10 March 2021

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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