



Decision Notice and Statement of Reasons

Site visit made on 3 April 2025

Decision By K Savage BA(Hons) MPlan MRTPI

A person appointed by the Secretary of State

Decision date: 5 June 2025

Application Reference: S62A/2025/0093

Site address: 43a (Land adjacent to 43) Ambleside Avenue, Bristol

- 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 March 2025 is made by Mr Tom Upton and was validated on 28 March 2025.
 - The development proposed is: Demolition of existing side extension and lean-to structure and erection of a three-bedroom semi-detached dwelling.
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Decision

1. Planning permission is refused to the development described above, for the following reasons:
 - 1) The proposed dwelling would represent a cramped and incongruous form of development that would fail to respect the character and appearance of the area, contrary to Policy BCS21 of the Bristol Core Strategy (June 2011) and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (July 2014).
 - 2) The proposed dwelling due to its siting, scale and massing would have a harmful impact on the living conditions of occupants of 41 Ambleside Avenue in terms of overbearing and increased sense of enclosure, contrary to Policies DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (July 2014).

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 has been designated for non-major applications since 6 March 2024.

3. Consultation was undertaken on 2 April 2025 which allowed for responses by 2 May 2025. Responses were received from the parties listed in Appendix 1. A number of interested parties and local residents also submitted responses. The Council submitted an officer report which included details of consultation responses and sets out the Council's objections to the proposed development on a number of grounds. I have taken account of all written representations in reaching my decision. I also carried out a site visit on 3 April 2025, which enabled me to view the site and surrounding area.

Main Issues

4. Having regard to the application, the Council's report and comments from interested parties, together with what I saw on site, the main issues for this application are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposal on neighbours' living conditions;
 - the provision of parking, storage and effects on highway safety;
 - the effects of the proposal on biodiversity.

Reasons

Character and Appearance

5. The site is located within a suburban residential area. Dwellings are laid out in linear patterns, on narrow, deep plots, either as semi-detached pairs or short terraces of four to six dwellings. All dwellings in the immediate area are two storeys in height and there is strong consistency of form and materials, with red brick and red roof tiles predominating. Gaps between the terraces and semi-detached pairs are a further feature of the streetscene, allowing glimpses through to the greenery of rear gardens beyond and contributing alongside the front and rear gardens to the lower density layout that defines the suburban character. These factors combine to form a locally distinctive pattern of development that contributes positively to the character and appearance of the area.
6. The application site has been formed from the sub-division of the plot of No 43, comprising a single storey side/front extension still attached to the main dwelling; adjacent lightweight, timber framed structures and sections of the front drive and rear garden. The proposal seeks to replace the existing structures with a new three-bedroom semi-detached dwelling with accommodation within the roof space.
7. The dwelling would match the general scale of the existing townscape at two storeys plus a pitched roof, albeit with a slightly lower roof ridge and recessed first and second floor elevations intended to create a visual distinction from the existing dwelling at No 43. However, the dwelling would occupy the full width of the site, standing on the boundary with No 41 and reducing the original gap between the dwellings significantly. Moreover, the

site is irregular in shape, widening from front to rear, which would expose the side gable and larger massing to the rear to view from the street, exacerbating the sense of the dwelling being excessive in size and squeezed onto the site in a cramped manner.

8. This effect would be more pronounced at the rear as the inclusion of a large rear dormer window and single storey rear addition would add substantially to the overall massing of the dwelling. Indeed, due to the splayed shape of the proposed dwelling, it would appear larger at the rear than the adjoining dwelling at No 43, which has a rear dormer but no ground floor addition. Indeed, the dormer to No 43 appears to be an isolated example within the streetscene and not an established feature. I am not persuaded that the proposed dormer should be considered acceptable due to the presence of another next door, given it would be a significant factor in the harmful cumulative massing of the proposed dwelling.
9. The siting of the dwelling tight to the boundary with No 41 would conflict with the Guide for Designing House Alterations and Extensions Supplementary Planning Document Number 2 (October 2005), which sets out that a side extension should ideally, where space is available, leave at least 1 metre between it and the adjoining boundary to avoid a cramped, 'terracing effect'. A further consequence of this is that the cycle and bin storage would have to be accommodated to the front due to there being no space to provide a side access to the rear garden. The plans suggest that there would be a tight and cluttered arrangement to the front when a vehicle is also parked, with occupants and visitors having to navigate a narrow route between the vehicle and bins/cycle store to reach the front door that would undermine the appearance of the dwelling and fail to reflect the more spacious front gardens/drives along the street.
10. The Council also refers to potential prejudice to a future extension to No 41 as it would increase the likelihood of such a terracing effect to occur. Any future proposal on an adjoining site would be treated on its merits, but so far as this is relevant, I find that the scale and position of the dwelling would significantly narrow the characteristic townscape gap and introduce a dense, oversized development on a confined plot that would fail to respect the prevailing pattern and density of development within the area.
11. Moreover, although technically not a residential extension, the proposal would appear as an excessive addition to the existing semi-detached pair that would fail to respond to the more modest scale and form of the side extension to No 45, but instead would exhibit an incongruous scale and form that would erode the legibility of the original semi-detached pair and harm the wider pattern of development in the streetscene.
12. I am referred to various other applications, both on the application site and nearby. Permission has been granted for a one-bedroom dwelling on the site in August 2022. From the evidence I have, this differs materially in being narrower in width, recessed from the side boundary and incorporating a side access. The first and second floors, and rear dormer, are also smaller in size, appearing to align more closely with the scale of the side extension to No 45. As such, while this permission remains extant and capable of

implementation, it does not represent a more harmful development in terms of character and appearance, and does not therefore indicate that weight should be afforded to the proposal as a less harmful alternative.

13. An earlier permission for a two storey side extension was granted in 2006, but was not implemented and therefore does not represent a fall-back for the applicant. In any case, that extension appears to have been narrower in width and with no dormer or rear extensions. I also saw the development at 23A Gosforth Road to be similarly narrow in form, retaining a recess to the side boundary and achieving a proportionate scale to the original dwelling at No 23. Neither of these permissions therefore represents a comparable situation that would lend support to the proposal.
14. Finally, I note a scheme at 37 Ullswater Drive that was refused permission and dismissed on appeal. Although a similar type of development, it differs in the specific site layout and relationship to neighbouring dwellings. Therefore, I do not draw any determinative conclusions from this proposal and have considered the application scheme on its own merits.
15. For the reasons set out, I conclude that the proposal would cause significant harm to the character and appearance of the area. This would conflict with Policy BCS21 of the Bristol Core Strategy (June 2011) (the CS) and Policies DM21, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan (July 2014) (the SADMP), which together relate to urban design quality and the need for development to contribute positively to an area's character and identity; creating or reinforcing local distinctiveness and respecting local patterns and grain of development.

Neighbours' Living Conditions

16. The two storey gabled side elevation of the proposed dwelling would stand immediately on the boundary with No 41, extending to a depth of some 9.6 metres and a maximum of 8 metres in height. The side elevation of No 41 does not have any windows, and the proposed dwelling would be to the north. As a result, there would be no undue loss of sunlight to or overshadowing of internal rooms for occupants of No 41.
17. However, the overall size and massing of the dwelling, due to its position immediately on the shared boundary, would create a harmful overbearing and enclosing effect on the neighbouring dwelling at No 41. The lack of any setback means the external space to the side of No 41 would become severely enclosed. In addition, the massing to the rear, effectively three storeys in height due to the large dormer, would loom over the garden of No 41 in a dominant manner, undermining the existing sense of space between the dwellings and harming neighbours' enjoyment of their garden.
18. The proposed single storey extension would occupy part of the shared boundary with the existing dwelling at No 43. Any new structure on the boundary and to the south of a neighbouring window is likely to affect views to some extent and result in some increased shadowing. However, I note that the height and depth are consistent with the Council's guidance

on extensions. Having observed on site, I am satisfied that the additional massing over the height of the existing fence would be limited in its effect on both light and views from neighbouring ground floor windows, and neighbours' living conditions would not be demonstrably harmed.

19. The proposed windows would face front and rear and would therefore provide similar views over neighbouring gardens as existing windows to other dwellings. Concerns have been raised in respect of potential overlooking of dwellings to the rear on Concorde Drive. The Council notes a separation distance of 18 metres to the nearest dwelling, No 40, and a 21 metre distance from directly facing windows. I recognise that the dormer window would be at a higher level than all other windows, except the dormer next door at No 43. However, the dormer would afford similar views to existing dwellings, and at the distances involved, I am satisfied that it would not result in new direct or invasive overlooking of neighbours.
20. An air source heat pump (ASHP) is proposed against the rear wall of the ground floor addition. Public comments have expressed concern over potential noise and disturbance from operation of the unit. However, the location of the unit immediately next to the proposed living space would indicate that it would be occupants of the dwelling itself that would be most affected by any noise, and thus the developer would be incentivised to address this by way of appropriate noise attenuation measures. These could be secured by planning condition to protect neighbours from noise and disturbance.
21. For the reasons set out, I conclude that the proposal would result in harm to the living conditions of occupants of 41 Ambleside Avenue by reason of overbearing and enclosing effects. This is contrary to Policies DM29 and DM30 of the SADMP in terms of their requirements that proposals ensure that existing and proposed development achieves appropriate levels of outlook and safeguards the amenity of the host premises and neighbouring occupiers.

Highways, Parking and Storage

22. One off-street parking space is proposed to the front of the dwelling. There is an existing broad vehicle crossover leading to the highway that serves No 43 and could also be used by the proposed dwelling. I saw that visibility is good in both directions, both from the edge of the driveway and the edge of the highway, and traffic is light and modest in speed. As such, I am satisfied that there is no inherent risk to highway or pedestrian safety.
23. A concern is raised by the Council in respect of the tight arrangement to the front drive, and whether sufficient space exists to access the proposed bin/cycle stores, which should provide for two bins and cycles respectively, due to the need to also provide 0.5 metre buffers to either side of the parking space for ease of access to and egress from parked vehicles. Based on the plans before me, I am satisfied that an arrangement could be proposed that would enable sufficient access to bins, cycles and parked vehicles. The specific storage facilities and layout could be addressed by planning condition.

Biodiversity

24. The applicant has provided a Biodiversity Net Gain (BNG) Exemption Statement, indicating that some 13m² of habitat, mainly lawned parts of the rear garden, would be lost. This is below the 25m² threshold for statutory BNG to be provided. The Council has indicated a need to verify this, but no contrary evidence has been put to me and I have no reasons to doubt the applicant's position in this respect. This aside, modest biodiversity opportunities would be provided by the proposed green roofs to the front and rear ground floor projections, as well as a new tree and pond in the rear garden, provision of which could be secured by condition.

Other Matters

25. The dwelling would accord with national space standards in terms of overall floorspace, individual room sizes and ceiling heights. The dwelling would offer suitable front and rear outlook and light to rooms. Sufficient external space would also be provided by the rear garden. The lack of external access to the rear garden is a drawback of the proposal, though I am not referred to a development plan policy that specifically requires its provision. Therefore, whilst its absence would be an inconvenience, the overall standard of accommodation would still be acceptable.
26. The applicant's Energy and Sustainability Statement sets out that the proposal would achieve a 67.17% decrease in carbon dioxide (CO₂) emissions beyond baseline levels, through use of photovoltaic panels at roof level and the aforementioned ASHP. This would accord with the requirements of Policy BCS14 that development should include measures to reduce CO₂ emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources.
27. The Community Infrastructure Levy (Amendments etc.) (England) Regulations 2025 came into force on 1 May 2025. Regulation 2 enables developments approved directly under Section 62A to be subject to Community Infrastructure Levy (CIL) contributions. The Council has set out that the proposal represents chargeable development under the CIL Regulations and that a sum of £8,134.20 would be required as a contribution in this case. On the evidence before me, I have no reasons to disagree. Were the development acceptable and permission granted, it would be for the Council as the charging authority to issue a Liability Notice following the grant of planning permission.

The Planning Balance

28. 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.
29. As set out above, the proposal would cause harm to the character and appearance and neighbours' living conditions, resulting in conflict with Policies BCS21 of the CS and Policies DM21, DM26, DM27, DM29 and DM30

of the SADMP. This results in conflict with the development plan as a whole. I afford significant weight to this conflict.

30. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites in accordance with the Framework, with supply stated to be at 4.08 years. Therefore, the provisions of Paragraph 11(d) of the Framework apply to the application.
31. The provision of an additional dwelling would accord with the Framework's objective of significantly boosting the supply of homes. This attracts significant weight in favour of the proposal in light of the Council's housing land supply shortfall.
32. The addition of a dwelling would also widen housing choice locally, albeit the evidence indicates that three bedroom units are the most prevalent house size in the area. The proposal would also provide investment and employment during construction, and spending in the local economy by future occupants thereafter. In environmental terms, the dwelling would be energy efficient and achieve significant carbon reduction over baseline. There would also be modest measures to encourage biodiversity. Having regard to the overall scale of the proposal, these are benefits collectively attracting moderate weight.
33. Set against these benefits, the proposal would have permanent adverse impacts in terms of character and appearance and neighbours' living conditions, contrary to the Framework's expectations for high quality design and developments which create places with a high standard of amenity for existing and future uses. Taken together, these harms carry very significant weight. Moreover, whilst the proposal would be a windfall site on brownfield land, the harms identified mean that the proposal would not gain support from the Framework in terms of making effective use of land or representing a suitable site for windfall development. Nor, for reasons already set out, do I afford the applicant's fall-back position favourable weight as a material consideration.
34. Overall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, Paragraph 11 does not indicate that permission should be granted and the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

35. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore I recommend that planning permission should be refused.

K Savage

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