



Appeal Decision

Site visit made on 18 December 2024

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Appeal Ref: APP/Z0116/W/24/3348152

Garage to side of 13 Strathmore Road, Bristol, BS7 9QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Martin George Thomas against Bristol City Council.
 - The application Reference is 23/04794/F.
 - The development proposed is the demolition of the existing garage with the construction of a new 2 bed dwelling in its place.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the existing garage with the construction of a new 2 bed dwelling in its place is refused.

Preliminary and Procedural Matters

2. The site's address is described in the appeal form as garages to the side of 11 Strathmore Road. The plans make it clear however that proposal involves the erection of a dwelling on the site of an existing dilapidated garage to the side of 13 Strathmore Road.
3. The Council did not determine the application. However, it submitted a statement for the appeal which confirms that it would have refused planning permission had a determination been made. The statement also clarifies that the Council acknowledges that an amended plan was submitted to it prior to the appeal being made, and its statement is directed to the amended plan. I shall therefore determine the appeal based on the amended plan (Ref SR.P02/A).
4. The appellant's statement is principally directed to the manner in which the Council dealt with (or did not deal) with his application, the delays experienced, the alleged failure to properly communicate, and alleged maladministration. However, I should clarify that my role is to determine the appeal on its planning merits. It is not for me to comment on issues relating to the Council's conduct or possible maladministration.

Main Issues

5. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of its surroundings, and

(b) the living conditions of neighbouring residents and future residents of the proposed dwelling with particular reference to visual impact, internal space and outlook.

Reasons

Character and appearance

6. The extracts of old OS plans contained within the appellant's Design and Access Statement (DAS) provides an indication of the historical development of the street and its surroundings. They show that Strathmore Road and the adjacent Rudthorpe Road were developed together, probably during the late Victorian and/or Edwardian periods. The two roads are set at an angle to one another, and the OS plans show that where they met the roughly triangular area of land formed at the junction appeared undeveloped. That remained the case until just before the second world war, when single storey garages were built, including that on the appeal site.
7. More recently, planning permission was granted for two dwellings on the sites of former garages. One of these was for the present No 13 Strathmore Road – this formed a continuation of the terrace on the road's southern frontage in a style matching that of the terrace. Further to the south-east a detached dwelling has recently been completed, taking the place of 2 former garages. This appears to have been designed to complement the design and materials of the garages rather than that of the long-standing terraces.
8. Notwithstanding the latest residential addition to this part of the street its character is dominated by residential terraces well over 100 years old. They present an unified, attractive and, from the front, a largely unspoilt appearance. The design of the proposed dwelling would be completely at odds with that of the predominant style of the area. Whilst its height would be roughly equal to the terrace to the north-west its pattern of openings and fenestration would be different, inappropriately so in my view, and the proposed forward protrusion at ground floor level would appear intrusive and contrived.
9. While I have read the design justification for the proposed dwelling contained in the DAS I do not consider that it would fit harmoniously into its visual context. Indeed, it would cause visual harm in this attractive street. I am mindful of the Framework's advice¹ that development that is not well designed should be refused. I note the appellant's comments that a great deal of time and effort was spent on this aspect. To my mind, however, those efforts have not succeeded, and I shall follow the Framework's guidance.
10. In conclusion, I find the proposed development design would harm the character and appearance of its surroundings. Accordingly, a clear conflict arises with those aspects of Core Strategy Policies BCS21 and Local Plan Policies DM26 & DM27 and DM30 directed to achieving good quality urban design contributing positively to local character and distinctiveness.

Living conditions

11. The appellant seeks to replace a small domestic garage of a limited footprint with what is, in effect, a 3 storey dwelling. The dwelling would have a larger footprint

¹ The National Planning Policy Framework paragraph 139

then the garage, and would be significantly taller. Since only a small rear amenity area is proposed, the rear wall of the proposal would be set very close to the rear garden boundary shared principally with No 11, and to a lesser extent with 13 Rudthorpe Road. The rear wall, given the roof design proposed, would be sheer and vertical and the upper floor windows facing Rudthorpe Road would be obscure glazed for the most part.

12. Whilst the obscuring of the windows would prevent overlooking of the properties in Rudthorpe Road, it means that the property's two bedrooms would be left without an effective outlook, restricted to a glimpse of the sky above a level of 1.7m. I do not consider this an acceptable level of outlook in a modern residential development, particularly from both bedrooms in a dwelling.
13. Moreover, the rear wall's closeness to the rear boundary would mean that its impact on the residents of No 11 & 13 Rudthorpe Road would prove dominating and oppressive in view of its height and bulk, particularly when viewed from their rear gardens. I appreciate that a dwelling has recently been approved virtually immediately to the south-east, but this is not as high as the dwelling proposed.
14. The Council's also refers to the quantum of internal spaces proposed and considers that they fail to meet national standards² for a housing development of the type proposed. The data used by the Council have not been disputed. Whilst this aspect would not in itself be sufficient reason, in itself, to refuse planning permission, it is symptomatic, in my view, of an attempt to overdevelop a restricted site in an unacceptable manner.
15. I therefore conclude that the proposed development would harm the living conditions of neighbouring residents by reason of its adverse visual impact upon them and fail to provide an acceptable environment for future residents by reason of inadequate outlook. Accordingly, a conflict arises with those provisions of Core Strategy Policies BCS21 directed to safeguard the amenity of existing development and Local Plan Policies DM27 and DM29 directed to achieving good quality internal residential environments.

Other matters

16. All other matters raised have been taken into account, including the representations made by local residents, but no other matter is of such significance as to outweigh those considerations that led to my conclusions.
17. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

² Technical housing standards – nationally described space standard (2015)