



Bristol City Council LPA 62A Statement Note

Planning Inspectorate Reference S62A/2025/0143

LPA Reference 25/15245/PINS

Address 36 Hampton Park, Bristol, BS6 6LH

INTRODUCTION

This Statement relates to a full planning application (LPA reference: 25/15245/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the proposed for the erection of a detached dwelling in the rear garden of 36 Hampton Park.

The Local Planning Authority (LPA) considers that the application should be refused for the following reasons:

1. The proposed single dwelling would introduce a discordant element within a cohesive pattern and grain of development and owing to the siting and awkward shape of the plot the proposal would deliver an incongruous and jarring form of development at odds with the uniformity, scale and overall design of surrounding buildings. The over-intensive and principally unacceptable development of a planned gap would be clearly visible from private viewpoints and thus would fail to preserve or enhance the established character of the surrounding Whiteladies Road Conservation Area. These factors are individually and cumulatively contrary to the National Planning Policy Framework (2024), Bristol Core Strategy (2011) Policies BCS21 and BCS22 and Site Allocations & Development Management Policies Local Plan (2014) Policies DM21, DM26, DM27, DM29, DM30 and DM31 as well as the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed scheme represents an unacceptable and over intensive form of development which is demonstrated by virtue of the sunken, poor quality back-land location and mainly single aspect design and overall siting in close proximity to significant boundary treatments which would create inadequate outlook serving the new dwelling. The development would thus result in an enclosed, oppressive, poor quality and un-adaptable living environment for future occupiers. The proposal as submitted contravenes guidance within the NPPF, Policies BCS15, BCS18 and BCS21 of the Core Strategy (2011) and Policies DM27, DM29 and DM30. of the Site Allocations and Development Management Policies (Adopted 2014).

The LPA is of the opinion that this application can be determined by written representations. This is the written submission of the LPA.

THE APPLICATION SITE

The application site comprises the front garden, side access, and part of the former rear garden, to 36 Hampton Park, a four-storey Victorian townhouse, converted to flats. The garden to the rear has been subdivided into separate amenity spaces for the respective flats, as well as a larger garden plot between the two properties (No. 36 and No. 34).

Situated close to a bend in Hampton Park between the flanks of Nos 34 and 36 and their gardens, the bulk of the appeal site is roughly wedge-shaped to the rear and is connected to the road by a narrow strip. To the rear, the appeal site slopes down to a considerably lower level than the road, though it is at a level slightly higher than adjacent gardens, from which it is separated by fences. Of a broadly open character, with a shed close to the top of its slope adjacent to its boundary with No 36

The front of the site comprises hardstanding used as refuse storage for the flats. There are then steps to the side of the building, leading down into the application site, which is enclosed by (single species) hedgerow.

The application site is located within the Whiteladies Road Conservation Area and in close proximity to a railway cutting. There are no Listed Buildings in the immediate vicinity, though the terrace to the southwest, 1-35 Hampton Park, is Grade II Listed.

THE APPLICATION PROPOSAL

Details of the Applicant's proposed development is set out in Section 4 of their Planning, Heritage, Design and Access Statement.

RELEVANT PLANNING HISTORY

Application 20/04305/F - Demolition of existing garden shed. Construction of a Use Class C3 dwelling, sunken into existing rear garden with associated refuse and cycle storage. Refused on 20th November 2020.

Application 18/01164/F - Construction of a one bed house, sunken into existing rear garden. Refused on 24th May 2018 and subsequently dismissed at Appeal on the 5th February 2019 (APP/Z0116/W/18/3209005)

CONSULTATION RESPONSES

Ward Member – Councillor Serena Ralston

“As ward councillor, I wish to object to application 25/15245/PINS (erection of a detached dwelling in the grounds of 36 Hampton Park) for the following reasons:

- The proposal is out of keeping with the character of the Whiteladies Road Conservation Area
- It represents development of garden land which is contrary to Local Plan policy
- Gardens are essential for amenity. As the climate changes and heatwaves become more prevalent, gardens are ever more important for human health. Clifton Down ward has no public open space and residents are dependent on private gardens for amenity
- Despite what the applicant says, development of the garden is likely to reduce biodiversity. At a time of increasing nature deficit in the UK, we can't afford to lose

garden space, especially in cities. (The UK is one of the most nature-depleted countries on Earth (State of Nature 2023 – Report on the UK's current biodiversity)

- The proposal site appears to be cramped and sunken. There are likely to be limited levels of light for the proposed development which will mean poor quality accommodation for any future resident
- The proposal is for a one-bedroom studio property which will do little to contribute to Bristol's housing need. I am concerned that, rather than provide a permanent home, it would more likely be used for short-term lets such as an Airbnb – we already have an over-concentration of these types of properties in the ward. These types of properties frequently cause anti-social behaviour issues for neighbours.

I note that two applications for very similar proposals at this site were refused and, in one case, dismissed at appeal. This application proposal is still out of keeping with the Conservation Area. For this and the reasons above, the benefits of the application do not outweigh the harm and the application should be refused.”

KEY ISSUES

(A) WOULD THE APPLICATION BE ACCEPTABLE IN PRINCIPLE?

Section 2 of the National Planning Policy Framework (NPPF) places the presumption in favour of sustainable development at the heart of decision making on proposals for new development. In respect of housing, Section 5 recognises the contribution to be made by small sites and states that planning authorities should seek opportunities to support small sites to come forward.

Policies BCS5 (Housing Provision) and BCS18 (Housing Type) of the Bristol Core Strategy as well as Policy DM1 (Presumption in Favour of Sustainable Development) of the Site Allocations and Development Management Policies Local Plan (SADMP) reflect this guidance. Policy BCS5 (Housing Provision) of the Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development.

Policy DM21 (Development of Private Gardens) of the SADMP outlines that private garden space makes an important contribution to the city's green infrastructure. In general, the Council will seek to retain private gardens however there are certain circumstances where development on private gardens will constitute sustainable development and contribute positively to the city's supply of new homes. Such circumstances occur where proposals make more efficient use of land where higher densities are appropriate, development results in significant improvements in urban design and where development involves an extension to an existing dwelling, retaining adequate functional garden. In all cases, any development of garden land should not result in harm to the character and appearance of an area. Development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

It is noted that the land, while once part of the garden area ancillary to No. 36, has since been divided off under previous consent to subdivide the host property into flats. Whilst it is no longer in direct use as a garden to any surrounding dwelling, its original function remains as garden and it still retains the open quality of such an amenity.

It has been consistently assessed that this area is an unsuitable location for higher density development. It would harm the appearance and character of the area and is read as an

incongruous form of development within the context of the surrounding area. The proposal would represent over intensive development of the site which by virtue of its siting and scale would provide substandard living conditions for future occupiers,

(B) WOULD THE PROPOSAL HAVE AN ACCEPTABLE IMPACT ON RELEVANT HERITAGE ASSETS?

The application site is located in the Whiteladies Road Conservation Area. In assessing the impact on this heritage asset, the Council are mindful of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), Policies BCS21 and BCS22 of Bristol's Core Strategy (adopted June 2011) and Policies DM21, DM26, DM27 and DM31 of Bristol's Site Allocations and Development Management Policies Local Plan (adopted July 2014)(the DM Policies); and Bristol's PAN 2 Conservation Area Enhancement Statements (November 1993).

The National Planning Policy Framework (NPPF) places great weight in conserving designated heritage assets including Conservation Areas. It requires the applicant to demonstrate their understanding of the heritage significance of any asset impacted by development, and, where harm to the assets would occur, there must be clear and convincing justification for that harm.

The Policy requirement of Local Plan Policy DM31 is that the special character of designated Conservation Areas should be preserved or enhanced.

The character of the Whiteladies Road Conservation Area was defined by the Inspector in 2019:

"Although buildings to the rear are more varied in terms of their age and style, the appeal site is in the midst of a row of semi-detached buildings with a marked consistency of scale, elevational treatment, and set-back from the street, coupled with, on the whole broadly comparable garden depths. Taken together the strong uniformity of the architecture, the predominantly well-vegetated front plots, and the mature trees visible to their rears are aspects of Hampton Park which add a sense of order and spaciousness to the immediate street scene, and contribute to the character and appearance of the Whiteladies Road Conservation Area, within which the appeal site sits. Indeed the significance of the Conservation Area derives, to a considerable degree, from the cohesive spacing and designs of its constituent buildings. In its current 4 As set out in paragraphs 2 and 212 of the Framework Appeal Decision APP/Z0116/W/18/3209005 <https://www.gov.uk/planning-inspectorate/3> form the appeal site adds to this sense of spaciousness and its shed is typical of ancillary structures related to domestic properties." (Paragraph 8)

The conclusion reached by the Inspector was therefore:

"Consequently, mindful of the duty arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), these considerations, taken together, lead me to the conclusion on this main issue that the proposed development would fail to preserve the character and appearance of Whiteladies Road Conservation Area. For these reasons too, the proposed development would conflict with Policies BCS21 and BCS22 of Bristol's Core Strategy (adopted June 2011); Policies DM21, DM26, DM27 and DM31 of Bristol's Site Allocations and Development Management Policies Local Plan (adopted July 2014)(the DM Policies); and Bristol's PAN 2 Conservation Area Enhancement Statements (November 1993). Taken together, and amongst other matters, the policies and guidance

seek to ensure that development contributes positively to an area's character and identity, reinforcing local distinctiveness; respects the local pattern and grain of development; and safeguards heritage assets. In arriving at this view, I have taken into account the references to Court judgements⁸ within the appellant's statement." (Inspector's Letter Paragraph 17)

In the assessment of this revised proposal, nothing has changed. The scheme would fail to preserve the character and appearance of Whiteladies Road Conservation Area for the same reasons

(C) IS THE PROPOSED DESIGN ACCEPTABLE?

Section 12 of the National Planning Policy Framework (2024) Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

NPPF Paragraph 135 states (amongst other things) that decisions should ensure that development is sympathetic to local character and history.

NPPF Paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

Paragraph 41 of the National Design Guide states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Paragraphs 52 and 53 outline that local identity is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings. Well-designed new development is influenced by an understanding of local character including built form and includes the composition of street scenes, individual buildings and their elements; the height, scale, massing and relationship between buildings; roofscapes; and façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors and their details.

Bristol Core Strategy Policy BCS21 (2011) 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.

Policy DM26 in the Site Allocations and Development Management Policies (2014) expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. This policy states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and setbacks from the street, skylines and roofscapes. Development should also reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion.

Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions. Infill development will be expected to have regard to the prevailing character and quality of the surrounding townscape. The higher the quality of the building group and the more unified the character of the townscape, the greater the need to reproduce the existing pattern, form and design of existing development.

Policy DM27 in the Site Allocations and Development Management Policies expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards the creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. DM27 further states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to establish a coherent and consistent building line and setback that relate to the street alignment.

While the visibility of the revised dwelling would remain low in terms of public views, the significant and intensive infilling of the sunken garden space which itself forms a natural break between the highly uniform buildings to either side would still be clearly visible from private views. The sense of order and spaciousness as noted by the Inspector would be disrupted, and the overall form and design of the new dwelling would remain at odds with the uniformity of design to neighbouring buildings.

The proposed single dwelling would introduce a discordant element within a cohesive pattern and grain of development and owing to the siting and awkward shape of the plot the proposal would deliver an incongruous and jarring form of development at odds with the uniformity, scale and overall design of surrounding buildings. The over-intensive and principally unacceptable development of a planned gap would be clearly visible from private viewpoints and thus would fail to preserve or enhance the established character of the surrounding Whiteladies Road Conservation Area.

CONCLUSION

For the reasons set out above, it is the assessment of the LPA that this application proposal should not be approved.