

Section 62A Applications Team  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Our ref: PR002909

Date: 11 December 2025

**Sent via e-mail**

Dear Sir/Madam,

**Town and Country Planning Act 1990**

**Erection of a two-storey building comprising 2no. self-contained flats**

**Land to rear of 372-374 Southmead Road, Bristol BS10 5LP**

**Introduction**

On behalf of our client Mr Jonathan Wignall, please find enclosed an application for the erection of a two-storey building comprising 2no. self-contained flats. The following documents accompany this application:

- Completed Application Form and Ownership Certificates.
- CIL Form 1
- Drawing no. 4460.PL.01 – Site Location Plan
- Drawing no. 4460.PL.02 Rev A – Existing & Proposed Block Plans
- Drawing no. 4460.PL.03 Rev A – Proposed Plans & Elevations
- Energy statement

The remainder of this letter explains how the proposal addresses the key legislation and how the proposal complies with the planning policy framework.

## Site and planning history

The application site comprises land to the rear of 372-374 Southmead Road, including an existing access (that passes between 370 and 372 Southmead Road), from the highway, in the Horfield ward of Bristol. There are a mix of uses in the vicinity, including residential (including two flatted developments, to the rear of 368 Southmead Road (planning permission 04/03121/F), and to the rear of 370 Southmead Road (14/00172/F)), a commercial laundry to the southwest, Southmead Hospital to the rear, and a rank of retail units (designated local centre) to the southwest. There is a second local centre, including a Lidl supermarket, 350 metres to the northeast.

The site is not within a Conservation Area, there are no Tree Preservation Orders, and no other policy designations apply. It falls within Flood Zone 1, and is shown to be at very low risk from surface water flooding.

There are inbound and outbound bus stops within a short walking distance, 50 metres to the northeast and 100 metres to the southwest, on Southmead Road, with 12 buses per hour operating in each direction towards multiple parts of the city.

This current application follows two planning applications and dismissed appeals in 2023 and January 2025, both of which are appended to this letter, for a similar development.

The first application (22/00389/F), was refused on five grounds; design, occupier amenity, neighbour amenity, highway safety and loss of green infrastructure. At the subsequent appeal (ref: APP/Z0116/W/22/3301079) the Inspector concluded that the design was acceptable, that there would be no loss of green infrastructure (there had been some small trees on site prior to the application, however these had been removed having become damaged during high winds), but upheld the other three reasons for refusal.

The second application (23/00323/F) was refused on three grounds; occupier amenity, highway safety, and failure to follow the heat hierarchy. At the subsequent appeal (ref: APP/Z0116/W/24/3350896), the Inspector concluded that this second scheme (now proposed a car-free) would not impact on highway safety, and that revisions to include an air source heat pump would address the third reason for refusal, but that the proposal would fail to provide sufficient outlook for future occupants. Neither of these appeals were submitted by the current applicant, to clarify.

## **Proposal**

My client proposes the erection of a two-storey rendered building comprising 2no. self-contained flats. The flat-roofed building takes a contemporary design approach, similar to the developments to the rear of 368 and 370, and as has previously been found acceptable in design terms.

An L-shaped footprint is proposed, so as to provide dual-aspect flats. Each flat would have one bedroom and two bedspaces, with a central stairwell, and a kitchen/diner/living area to the left-hand side, and a bedroom to the right.

Externally, areas of soft landscaping would be provided to the front of the building, and a communal bike store, and individual refuse and recycling stores would be provided within the forecourt area.

## **Planning analysis**

As noted above, the site has been the subject of two previous planning applications and appeals, and this current application seeks to overcome the reason for dismissing the most recent appeal (amenity). The applicant has therefore amended the design from a rectangular, to an L-shaped building, to address outlook. No other revisions have been made, and therefore in every other respect, the scheme is as per the 2023 scheme, which was found to be acceptable in terms of principle, housing mix, neighbour amenity highways impact and sustainable energy and unstable land. The following analysis therefore concentrates largely on occupier amenity, other than when changes to the scheme require a new assessment.

### *Principle of development*

The site falls within the Northern Arc. Policy BCS3 states that states that development within the northern arc of Bristol should encourage higher density in accessible locations, use underused land and aim to provide 3,000 new homes during the plan period.

The LPA has previously accepted that the site is a suitable location for increased density.

Policy DM21 relates to the loss of gardens. Whilst part of the site was previously part of the rear garden of 374 Southmead Road, it has now been separated off with fencing. As such, DM21 no longer applies. Notwithstanding, the site is in a sustainable location where higher densities are appropriate, and the proposal would therefore comply with DM21.

### *Housing mix*

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. The local area comprises, in the main, three-bedroom family-sized dwellings. The same mix (2no. one-bed flats) is once more proposed. There have been not material changes to warrant re-evaluation of the original assessment, as such the mix is considered acceptable.

### *Design*

In assessing the first appeal on the site, the Inspector concluded that the building would be of the same height and a similar width, would not appear overly dominant in scale, would not appear out of keeping or intrusive visually, and would be screened from Southmead Road by the frontage terraces. Nor were any issues raised with the subdivision of the existing site nor the addition of further hardstanding.

The current proposal retains the same general design, but seeks to extend the left-hand side of the building to create dual-aspect flats. The L-shaped building would sit neatly within the corner of the plot, extending slightly (by 1.5 metres) forward of the entrance porch to 370b and c, and would form a legible and coherent design within the existing backland courtyard development.

As such, the proposed development would be in accordance with Policies BCS20, BCS21 and Policies DM26-29 and would be acceptable in design terms, and overall, the proposal is deemed to be of high quality, fully in accordance with the policy expectation for a high standard of design, responsive to the local context.

### *Residential amenity of neighbours*

The first appeal was dismissed in part due to overlooking impacts from the upper floor windows towards the rear first floor windows of 372 and 374 Southmead Road, including the garden space directly behind the dwelling. The (previous) applicant sought to address this in the second application with obscure glazing, however this resulted in poor outlook for future occupiers.

This current scheme proposes angled oriel windows to the living rooms, with the glazing panel facing towards 372 and 374 being obscurely glazed below 1.7 metres internal floor height, and the clear glazing panel looking towards the rear elevation of 368c and d (which contains only obscurely-glazed bathroom windows). No fenestration (obscurely-glazed or otherwise) is proposed to the northeast

elevations, facing towards the gardens of 372 and 374. Instead, windows are proposed to the southwest elevation.



*Rear elevation of 368c/d Southmead Road*

A gap of 16.3 metres is proposed between the first floor bedroom window and the nearest first floor window to 372 Southmead Road (though there would not be direct alignment between the two). Though this is slightly below the rule-of-thumb 21 metre distance recommended in the Householder Design Guidance, the guidance does state that, in more densely developed, inner urban locations this distance may be less. The window would be stepped back from the corresponding window to 370c (which also faces towards 372) by a metre, and in this context, the additional window would not result in harmful levels of mutual overlooking.

Neither the side elevation window nor the clear-glazed panel to the oriel window would result in any harmful overlooking or loss of privacy, given the distances and angles involved, and as such, the proposal would preserve the amenity of neighbouring occupiers.

The length of the building would be extended by 4.3 metres along the boundary of the garden to 376 Southmead Road. However, given that this garden is 27 metres long, and there would be a 12 metre gap between the building and the two-storey outrigger to 378, large parts of the garden would continue to have unobstructed views to the southwest, and the proposal would not result in harmful overshadowing or increased perception of harmful overbearing, when compared with the schemes that were previously found acceptable in this regard.

#### *Amenity of future occupants*

NPPF paragraph 135 states that policies and decisions should ensure, inter alia, a high standard of amenity for future and existing users. It advises that policies may also make use of the nationally described space standards, where the need for an internal space standard can be justified.

Policy BCS18 requires residential developments to provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards, though it does not formally adopt the National Space Standard. It also states in the supporting text that building to suitable space standards will ensure new homes provide sufficient space for everyday activities, and that homes can also be used more flexibly and adapted more easily by their occupants to changing life circumstances.

National Space Standards (NDSS) require 1-bed, 2 persons dwelling to have 50qm of internal floorspace. Both flats would exceed this.

The previous application was dismissed at appeal in part because of a lack of outlook, with only glimpses of the outside leading to a perception of being *“unacceptably coupé-up in a claustrophobic internal environment thus giving rise to unacceptable living conditions.”*

Under the current scheme the living area would be dual-aspect, with the clear-glazing panel in the side elevation window, and the section of clear glazing above the obscurely-glazing panel (measuring 350mm in height by 1450mm in width) all providing natural light and relatively unobstructed outlook, given the urban environment. Large apertures are proposed (1600mm x 330mm for the clear-glazed panel to the oriel windows, 1600mm x 1600mm for the living area side elevation windows, and 1600mm x 1100mm for the bedroom windows), to maximise light. Furthermore, the bedrooms, being north-facing, would benefit from solar shading (resulting in more pleasant sleeping conditions in the summer months). The ground floor flat would also benefit from an outlook on to soft-landscaped areas.

The original scheme was refused due to a lack of private amenity space. This was addressed in the second application through the provision of courtyards, where the extended footprint of the building is now proposed.

The LPA has no adopted standards for outdoor amenity space provision. The Urban Living SPD recommends a minimum of 5sqm of private outdoor space for a 1-2 person dwelling. However, in similar situations, the LPA has taken the approach that it is not unusual for flats to lack outdoor amenity space (no private amenity space has been provided for the flats at 370 or 368), and that where there is a good supply of public open space, this can be taken into consideration (an argument that was not put forward for the first appeal).

The site is within walking distance (500 metres) of Badocks Wood, a designated Important Open Space, comprising 15ha of woodland, streams and meadowland. As such, future occupants would have convenient access to high quality outdoor space, and in the context of the urban, built up, nature of the area, and the type of accommodation provided, this access to outdoor space would be acceptable and not contradict the overarching policy aims of the Local Plan.

#### *Sustainability and climate change*

The Energy Statement confirms that the development will achieve a 65% reduction in carbon dioxide emissions, through the building fabric and the provision of an air source heat pump for both hot water and heating.

#### *Highway safety and parking*

The scheme is once more proposed as car-free, with a secure, communal bike store providing two cycle storage spaces, and purpose-built refuse and recycle stores proposed for each flat.

#### *Biodiversity net gain*

Under the Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) Biodiversity net gain (BNG) is mandatory for all sites from April 2024 (minor development having been exempted until the 2<sup>nd</sup> April 2024).

The site would qualify for the de minimis exemption, as it would impact on less than 25sqm of habitat; the site comprises tarmac, a garage, and an unvegetated garden area (laid with stone chippings), all of which would have a “very low” nil habitat value.

Overall biodiversity gain can be achieved through the provision of soft landscaping to the front of the building.

### **Planning balance and conclusion**

The Council has had a housing supply shortfall since June 2021, when changes to the standard method published in December 2020 came into force. At the time, its supply was at 3.7 years, and it has not updated its website with a five year housing land supply report since June 2021. It has dropped as low as 2.2 years, and the latest position made available is 4.14 years (BCC Examination note – 5 year housing land supply (prepared in response to Inspectors' document IN9), as part of the current Local Plan examination). Furthermore, its housing delivery test results for the last six years are (in chronological order from 2018 to 2023) are 99%, 87%, 72%, 74%, 88% and 75%.

With §11d of the NPPF thus engaged, the provision of 2no. additional dwellings, would make a more efficient use of the land. Too often, limited weight is given to the provision of single dwellings, however when viewed collectively, these windfall sites make a significant contribution to housing figures, and help to preserve greenfield sites. They are often more affordable (being smaller, and constructed quickly by SME developers), and are in sustainable locations with existing infrastructure, as is the case with the application site. In the context of the Council's current Housing Delivery and Land Supply issues, this should be given significant weight.

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a sustainable location, within easy reach of excellent sustainable transport links.

Weighted against the proposal would be the lack of outdoor amenity space, and the window-to-window distance between the first floor flat and the rear elevation window to 374 Southmead Road falling below the rule-of-thumb 21 metres. In the case of the former, this mitigated by the proximity of Badocks Wood, and in the case of the latter, given the urban location and existing development with similar window-to-window distances, this would weigh against the scheme to a limited extent, and not an extent that would significantly outweigh the benefits of two flats in a sustainable location, that would add to the local housing mix.

This letter outlines how the current proposal has addressed the previous reasons for refusal across two appeals, and raises no new issues that would justify refusal. For these reasons, the application should be supported.



The fee will be paid on request. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

**Stokes Morgan Planning Ltd**



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# Appeal Decision

Site visit made on 19 September 2022

by [REDACTED] BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> October 2022

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**Appeal Ref: APP/Z0116/W/22/3301079**

**374 Southmead Road, Southmead, Bristol BS10 5LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by [REDACTED] against the decision of Bristol City Council.
  - The application Ref 22/00389/F, dated 25 January 2022, was refused by notice dated 25 March 2022.
  - The development proposed is described as '2 no new one-bedroom dwellings on 2 storeys.'
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - the effect of the proposal on the character and appearance of the surrounding area;
  - whether the proposal provides adequate living conditions for future occupiers, with respect to light, outlook and the provision of internal and outdoor space;
  - the effect of the proposal on the living conditions of the occupants of neighbouring properties, having particular regard to outlook, privacy and light;
  - the effect of the proposal on highway safety; and
  - the effect of the proposed dwelling on the local green infrastructure.

## Reasons

### *Character and Appearance*

3. The proposed building would sit behind the terrace fronting Southmead Road, facing an existing rear courtyard area. The frontage terrace is made up of uniform and traditional two storey pitch roofed dwellings with a variety of garden sizes. However, there are also detached two storey residential backland buildings evident neighbouring the appeal site, which are of differing designs and appearances. Immediately to the rear are lengthy 1-2 storey buildings serving the wider Southmead Hospital site. To the south are large commercial buildings set back from the road.

4. The proposed 2 storey building would adjoin an existing similar two storey flat roofed residential building, known as Nos 370 B and C Southmead Road<sup>1</sup>. The building would be the same height and a similar width and would sit below the ridge height of the terrace to the front. It would not therefore appear overly dominant in scale. The building would consist of a simple form with varying window sizes. In the mixed surrounding context of the existing rear courtyard, it would not appear out of keeping nor intrusive visually and it would mostly be screened from Southmead Road by the frontage terraces.
5. The subdivision of the existing site would result in a reduced garden size to No 374, however, given the variety of garden sizes in the immediate vicinity, this would not appear incongruous or out of character. The addition of further hardstanding would not detract from the existing courtyard or wider character of the vicinity.
6. I therefore conclude that the proposed development would not harm the character and appearance of the surrounding area. The proposal would therefore comply with Policy BCS21 of the Bristol City Council Core Strategy (2011) (CS) and Policies DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014 (DM), which set out that development should be of a high quality and should not result in harm to the character and appearance of an area. These policies are in broad conformity with the National Planning Policy Framework (the Framework) which requires, amongst other matters for developments to add to the overall quality of the area and be sympathetic to local character.

#### *Living Conditions for occupiers*

7. CS Policies BCS18 and BCS21, among other matters, expect proposals to meet appropriate space standards, provide a healthy environment and sufficient space for everyday activities. Two one-bed units are proposed. The nationally described Technical Housing Standards (THS) (2015) require a minimum of 50sqm for a 1 bed 2 person flat. The Council measure the ground floor flat at 42.7sqm and the first floor unit at 48.5sqm. In addition, although the plans show double beds, neither bedroom meet the minimum THS requirement for double bedrooms, and the first floor unit does not have the required amount of storage space. Although I note the appellant refers to the proposal as being exactly what single people are looking for, they do not dispute these figures.
8. Neither unit would therefore meet minimum standards and provide adequate living conditions for future occupiers in this respect. Given the restricted internal space the units would likely also fail to be adaptable or flexible in terms of their layout, as required by CS Policy BCS15.
9. Whilst provided with a 'secure communal yard', situated in a quiet position away from traffic, this includes the bin and cycle storage areas and as communal space, would not provide privacy for users of either unit. I acknowledge that other developments may also lack such private amenity space, however, each case is determined on its own merits and this does not justify to the lack of any appropriate private outdoor space in this instance, which would not provide either unit with a healthy environment.

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<sup>1</sup> Approved under application reference 14/00172/F

10. Whilst facing a north-westerly direction, given the scale of the fenestration serving the habitable rooms and the separation distance between the frontage of the property and the rear of the terrace opposite, I am satisfied that the units would be provided with adequate levels of sunlight and daylight. In addition, given this separation distance, the outlook from both units would be acceptable.
11. However, due to the failure to meet minimum floorspace standards and lack of private amenity space, I find that the proposal would not provide adequate living conditions for the intended future occupiers of the scheme. I therefore find that there is conflict with the space standards requirements of CS Policies BCS15, BCS18 and BCS21. These policies are in broad conformity with the Framework.

#### *Living Conditions for neighbouring units*

12. Given its siting, the proposed units would directly face the rear of Nos 374 and 372 Southmead Road. Unlike any existing oblique overlooking, the first floor window, serving a bedroom, would offer clear, direct views of the rear of No 374, including the garden space directly behind the dwelling, at a limited distance. The distance between the rear of No 372 and the large first floor glazed double doors serving the kitchen/living room of unit 2 is similar. As such, these doors would offer clear, direct views of the rear of No 372, including the garden space directly behind the dwelling, again at close proximity. This would lead to a loss of privacy for the occupiers of Nos 372 and 374, to the detriment of the living conditions of the occupiers.
13. I acknowledge that the separation distances involved between the building and the rear of the properties facing Southmead Road are similar. I note that the Council set out that the windows serving these units are not directly to the rear of the neighbour in front, which they state mitigates some of the overlooking harm. As such, I can only give this existing development limited weight. In any case, each case is considered on its own merits and a previous approval would not justify further harmful development.
14. The existing outlook from the rear of Nos 372 and 374 is dominated by the existing Southmead Hospital buildings and No 370 B and C. Whilst the proposed development would bring built form closer to both properties, I am satisfied that there would remain a sufficient separation distance to ensure that the proposal would not be overbearing on the outlook from these neighbours. Similarly, despite being located to the southeast of No 376, given the separation distance and oblique angle, I am satisfied that the proposal would have no significant impact upon light or outlook upon this neighbour.
15. However, for the reasons set out above, the development would harm the living conditions of occupants of Nos 372 and 374 Southmead Road in respect of privacy. Accordingly, it would conflict with CS Policy BCS21 and DM Policies DM27 and DM29 which, amongst other matters and in accordance with the Framework, seek to provide quality urban design and safeguard the amenity of neighbouring occupiers.

#### *Highway Safety*

16. The proposed access to the site for both pedestrian and vehicles would be via the existing service lane between Nos 372 and No 370 Southmead Road. The

Council measure this access as 2.7m wide, which the appellant does not dispute, and it contains the access doors to both Nos 372 and 370. The lane also provides access to Nos 370 B and C at the rear.

17. The addition of two further units would unavoidably increase the intensity of the use of this narrow access and increase the potential for conflict between cars, and between cars and pedestrians using the entrances to Nos 372 and 370 or the units at the rear. Should this arise, there is no safe place for pedestrians, and any conflict would involve awkward reversing, potentially back onto Southmead Road and its pavement.
18. In addition, the Council indicate that the two parking spaces shown on plan do not meet the minimum required size as set out in appendix 2 of the DM, which includes a necessary buffer space. The appellant sets out that the shortfall in size is minimal, however in this location, I do not see any reason as why substandard spaces should be provided. Unlike with matters such as materials and drainage, given the uncertainty about how an increase in size, however small, would have on the adjacent communal yard and/or the garden of No 374, I do not consider that a condition to secure these details would be appropriate.
19. I note that the appellant points to the former use of the site as a car wash. I have no details of this or whether this was its formal use. In any case, it is likely that this would have been prior to the use of the access by the properties stated above, and so its potential for conflict by different users and consequential impact upon highway safety is not comparable. The Council's lack of concerns regarding highway safety when permitting Nos 370 B and C also does not lead me to a different conclusion.
20. As such, and despite the lack of objection from the Highway Authority, I find that the rear parking area would not provide a safe and accessible parking area and the submitted scheme would lead to conflict between road users in addition to any pedestrians using the rear lane. The proposal would therefore be contrary to the highway safety objectives of CS Policy BCS10, DM Policy DM23 and the Framework.
21. The Council also reference DM Policy DM32 and CS Policy BCS15, however these relate to recycling and refuse provision and sustainable design respectively. They do not mention highway safety and as such, are not relevant in this instance.

### *Green Infrastructure*

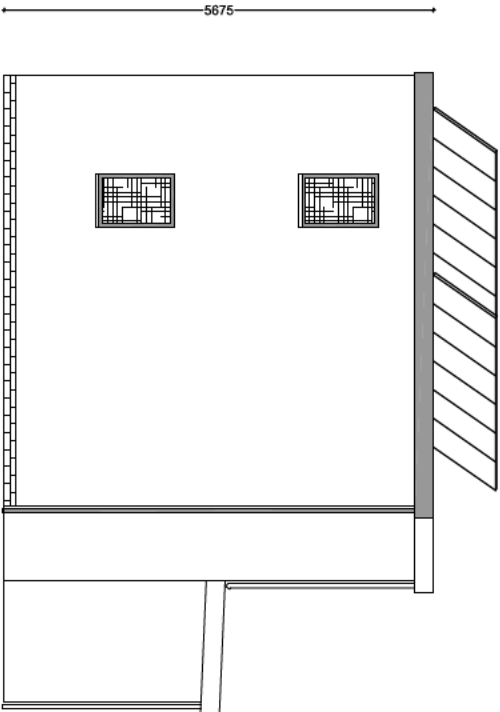
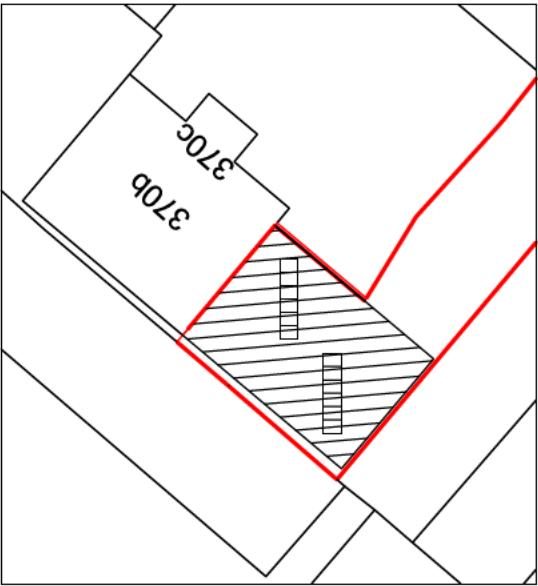
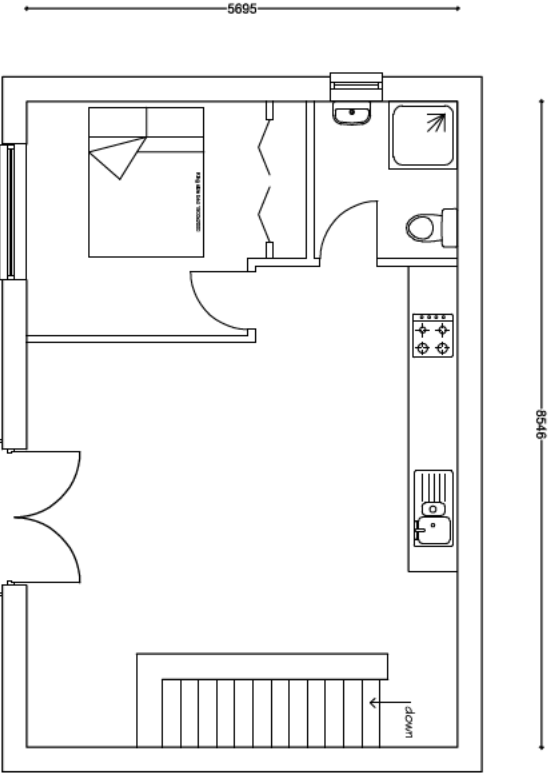
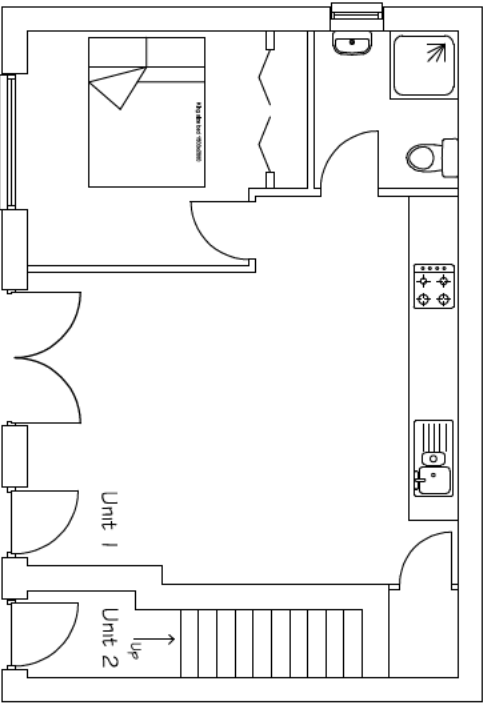
22. I understand that a number of trees grew on site, which have since been removed. It is not for me to assess what was required in that eventuality and there is nothing to indicate that the removal of the trees required authorisation in and of itself (for example by virtue of falling within a Conservation Area or being protected via a Tree Preservation Order).
23. Whilst not specifically identifying rear garden trees as green infrastructure (GI) assets, CS Policy BCS9 states that individual green assets should be retained wherever possible. DM Policy DM17, which deals with 'existing GI' seeks to make provision for tree replacement or mitigation where loss is necessary. The supporting text to this policy sets out that it seeks to protect the most valuable trees and mitigate the loss of other important trees.

24. The appellant maintains that the trees were '*weak and straggly and were damaged by recent high wind and needed to be removed.*' In the absence of any definitive information to contradict this, and notwithstanding that the GI is not now 'existing', it is not established that the trees were important, valuable or indeed even removed as part of the proposed scheme. Whilst I note the comments from the Council's Arboricultural Team and from neighbouring occupiers, the appellant has stated in part 10 of the application form that no trees are on the development site.
25. Whilst a small area of the private rear garden of No 374 would be built upon, some limited additional landscaping within the communal yard could be secured by a condition of a planning permission. Therefore, in the absence of substantive evidence to demonstrate that the appeal site comprises important GI and given the siting in a private garden at the rear of a terrace, I am satisfied that the development would not conflict with the aims of the above listed policies or the Planning Obligations Supplementary Planning Document (2012).

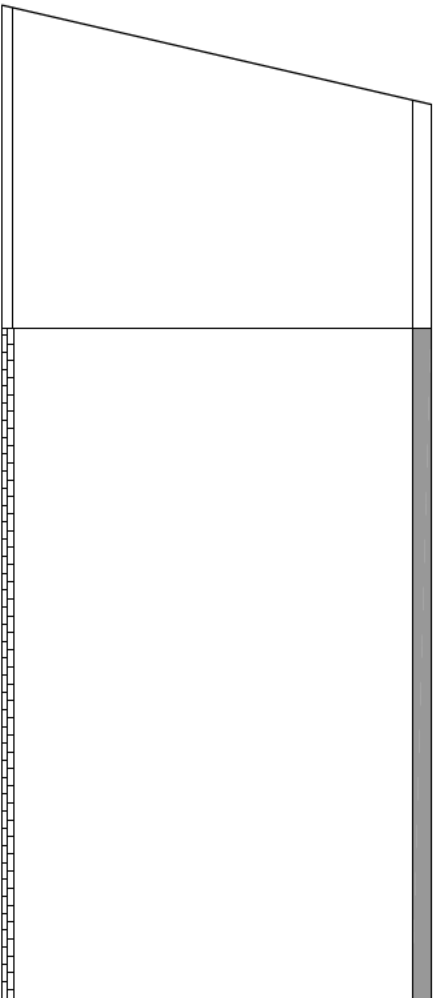
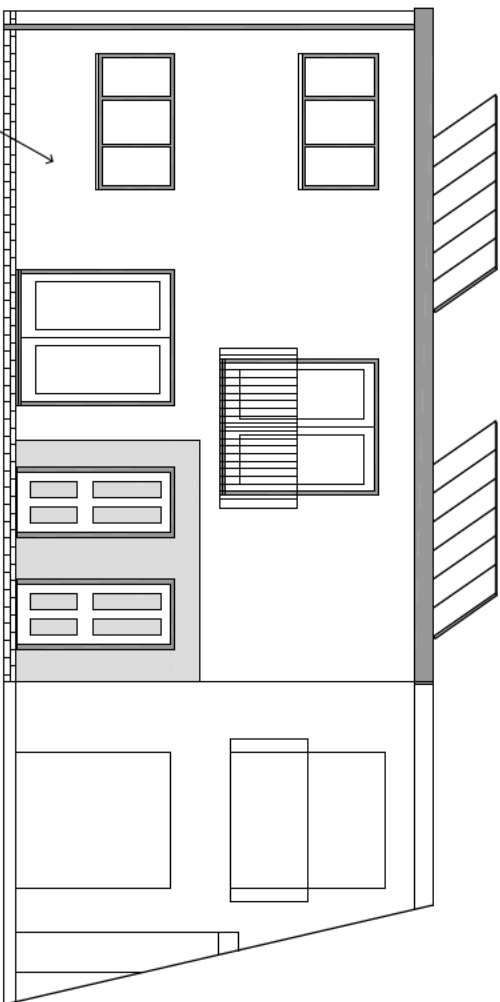
### **Planning Balance and Conclusion**

26. The Council accept that the latest Housing Delivery Test figures show that it has not delivered the required housing numbers over the past 3 years, and the shortfall is significant. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
27. The proposal would result in 2 additional units of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. As a 1 bed units, the proposal would contribute to the housing mix and supply in a location with good access to services and facilities. I also acknowledge that the sustainable design features proposed.
28. I have taken full account of all the matters advanced in support of the proposal. However, due to the nature and scale of the appeal proposal, the benefits would be relatively limited. The lack of suitable living conditions for future occupiers, harm to the living conditions of the occupants of neighbouring properties and harm to highway safety are matters to which I attribute great importance. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
29. Whilst I have found the proposal to be acceptable in terms of character and appearance and with regards GI, this does not overcome the conflict with the development plan in relation to matters of living conditions and highway safety. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

  
INSPECTOR



White render finish with extruded fascia, doors and windows and render accent to complement adjoining property.



DRAWING: COMBINED PLANS & ELEVATIONS	DATE: OCT 2021	DRAWING REF: 021-1147-01	REVISION: A	PROJECT ADDRESS: REAR OF 374, SOUTHHEAD RD, BRISTOL, BS10 5LP	J. EDWARDS ASSOCIATES LTD PROPERTY SURVEYORS & CONSULTANTS TEL. [REDACTED]
	SCALE: 1:100@A3				





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## Appeal Decision

Site visit made on 18 December 2024

By [REDACTED] MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025.

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**Appeal Ref: APP/Z0116/W/24/3350896**  
**374 Southmead Road, Bristol, BS10 5LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr S Rossiter against the decision of Bristol City Council.
  - The application Ref is 23/00323/F.
  - The development proposed is described as 2 No new one-bedroom dwellings on 2 storeys.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The site's planning history is relevant to my considerations, and I note the outcome of a fairly recent appeal<sup>1</sup> concerned with a broadly similar proposal. In his latest submission the appellant has attempted to address the reasons for the dismissal of the previous appeal.

### Main Issues

3. The main issues are: (a) whether the proposals provide acceptable living conditions for future residents with particular regard to light and outlook, and (b) the effect of the proposals on highway and pedestrian safety.

### Reasons

#### *Living conditions*

4. The appeal site is located in a backland location, behind a terrace fronting Southmead Road. It is reached from the main road along a lane between Nos 370 & 372 Southmead Road. The lane also serves other units which have been built alongside the appeal site. Parking spaces are evident together with a hard surfaced area used partly as a turning area and partly for amenity purposes. The site is partly occupied by a garage with an up and over door, otherwise it is clear of development.
5. So as to overcome an objection raised by the previous Inspector, part of 374 Southmead Road's rear garden would be used as separate amenity areas for the two proposed units, and these would include space for bin/recycling storage and bike parking.

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<sup>1</sup> Ref APP/Z0116/W/22/3301079 dated 19 September 2022.



6. The two single bed units would occupy the ground and first floors respectively and would be accessed separately. The ground floor unit would have a set of French doors opening out from a bedroom into its dedicated external amenity space, alongside an oriel window serving the living/kitchen area.
7. Two oriel windows would serve the upper unit. In order to prevent overlooking and loss of privacy to the residents of Nos 372 & 374 Southmead Road<sup>2</sup>, the main, large window panes facing Southmead Road would be obscurely glazed, whilst the two narrow side panes would be in clear glass. I accept the appellant's point that the use of appropriately sourced obscure glazing need not reduce the amount of light entering the habitable rooms to an unacceptable extent. I also note the presence of openings using obscured glazing in the rear wall which would aid with lighting.
8. Whilst the appellant's efforts to address the previous Inspector's comments are acknowledged, the effect of using the obscure glazing in the main windows would be to leave a significant proportion of the living area and the only bedroom without an effective outlook. The glimpses of the outside afforded by the side windows could only be obtained at an oblique angle from limited parts of each room. Future residents would thus, in my view, perceive themselves as unacceptably couped-up in a claustrophobic internal environment thus giving rise to unacceptable living conditions in a modern development.
9. In conclusion, in view of the failure to provide an appropriate level of outlook I find the development to be an unacceptable proposal conflicting with those aspects of Core Strategy (CS) Policy BCS21 and Local Plan (LP) Policy DM27 and DM30 directed to achieving a high quality environment for future occupiers.

#### *Highway and pedestrian safety*

10. For the appeal, the appellant commissioned a report from a transport consultant to address this aspect, but the Council has chosen not to comment on it. Unlike the previous proposal the development would be 'car-free' in the sense that no parking spaces would be provided for the two units. Having regard to the presence of local shops and services within easy walking distance and the level of public transport availability, I consider this to be a very accessible location, and the need for dedicated car spaces is thus unproven.
11. Representations have been made to the effect that vehicles may nevertheless be attracted to the rear hard-surfaced area, for example, by delivery vans or visitors. The appellant makes the point that parking could be controlled or managed by condition in the event of the appeal succeeding. I share that view. Moreover, I have seen no evidence to challenge the appellant's point that the use of the garage currently occupying the site generates vehicle movements along the access lane. These would cease if the appeal succeeded.
12. There is no convincing evidence before me that the use of the access by either pedestrian or vehicles has caused problems relating to safety in the past, notwithstanding that doors serving Nos 370 & 372 open directly onto the lane. I therefore remain unconvinced that unacceptable or unsafe conditions would arise, particularly to pedestrians or cyclists, or to users of the main road outside.

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<sup>2</sup> Another objection raised by the previous Inspector.

13. I conclude that the proposal would not put either highway, pedestrian or cyclist safety at unacceptably increased risk. Accordingly, there is no material conflict with the provisions of CS policy BCS10 and Site Allocations and Development Management Policies DM23 & DM32 directed to achieving sustainable travel patterns and safe and adequate access for all sections of the community.

#### **Other matters**

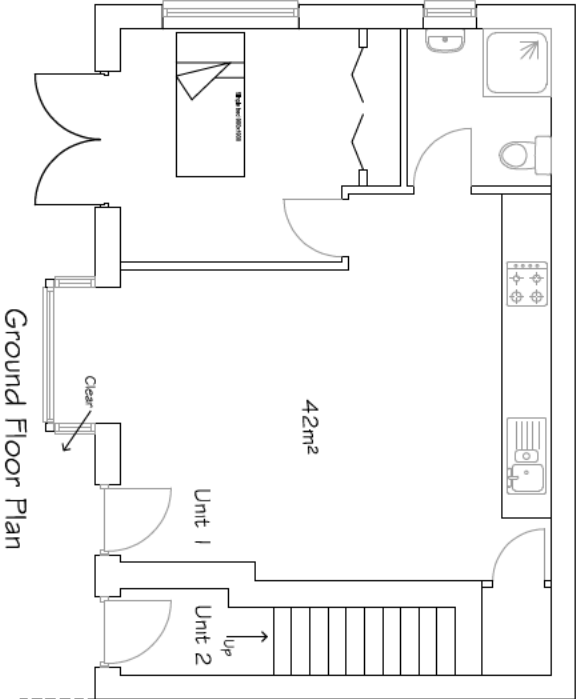
14. I consider that the applicant has addressed the Council's third reason for refusal by confirming, in addition to the presented energy report, that gas fired heating would be excluded and substituted by air source heat pumps. This is an aspect that could be covered by the imposition of a condition in the event of the appeal succeeding.
15. All other matters have been taken into account, including the representations made by local residents, but no other matters raised is of such strength or significance as to outweigh the considerations leading to my conclusions.

#### **Overall Conclusions**

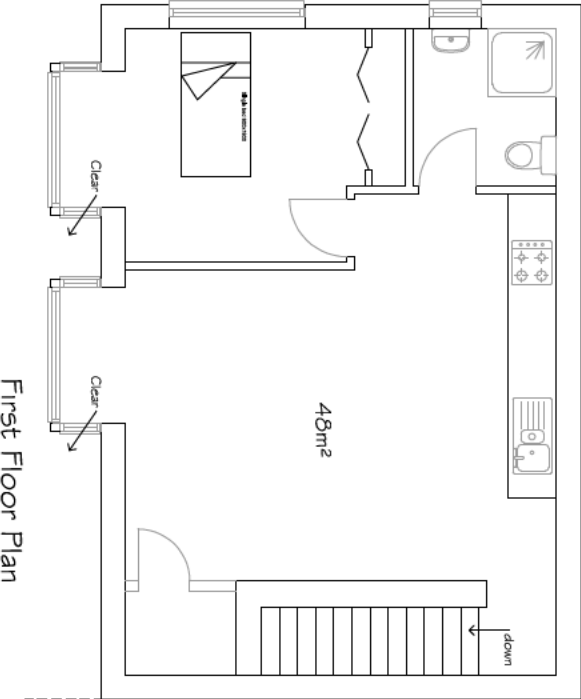
16. I find for the appellant in respect of the second main issue, that of the effect of the development on highway and pedestrian safety. However, I find against the appellant in respect of the first main issue, that in respect of the living conditions of future residents. This is sufficient reason to refuse the appeal.
17. Accordingly, the appeal is dismissed.



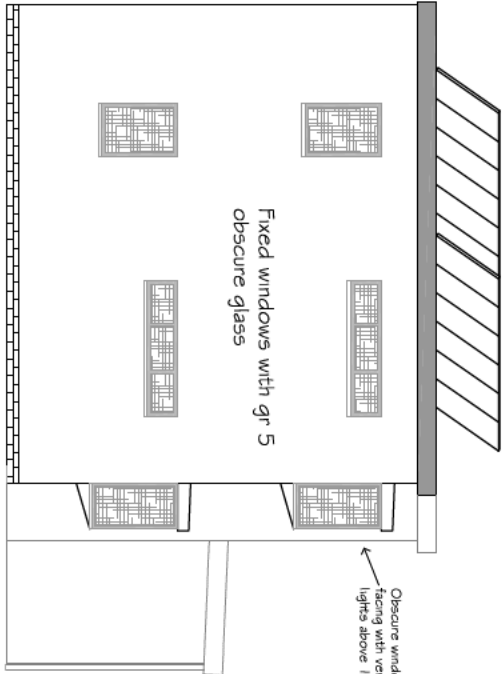
INSPECTOR



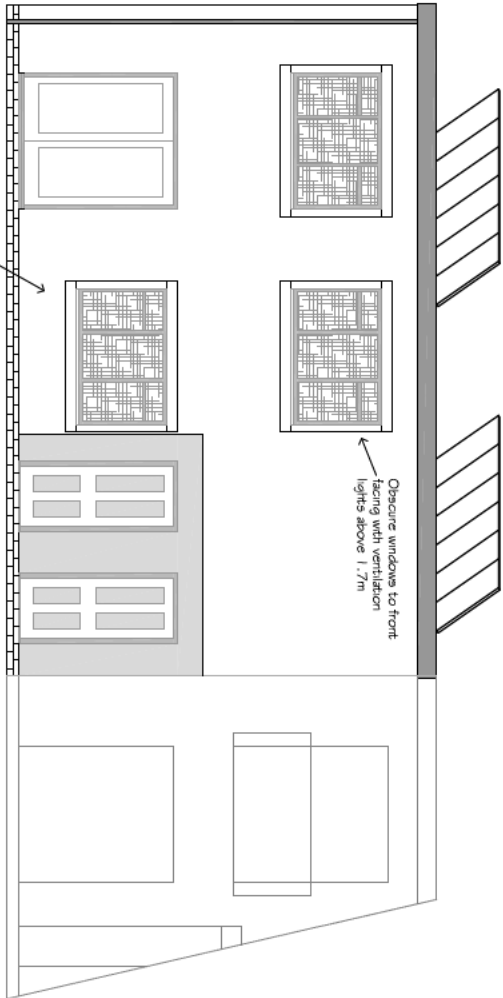
Ground Floor Plan



First Floor Plan



North East Elevation



North West Elevation



South East Elevation



DRAWING: COMBINED PLANS & ELEVATIONS	DATE: JAN 2023	DRAWING REF: 023-1147-01	REVISION: A	PROJECT ADDRESS: REAR OF 374, SOUTHMEAD RD, BRISTOL, BS10 5LP	J. EDWARDS ASSOCIATES LTD PROPERTY SURVEYORS & CONSULTANTS TEL. [REDACTED]
	SCALE: 1:100@A3				