



## 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.

**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 [REDACTED] 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.

### 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.

<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