



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Decision : REFUSED

Application no: 24/01813/F

Type of application: Full Planning

Site address: 703 Fishponds Road, Fishponds, Bristol, BS16 3UH.

Description of development: Rear extension and Change of Use from Takeaway (Suis Generis) to Bar with seating area, office and small kitchen (Use Class E).

Applicant: [REDACTED]

Agent: 3BD Architects

Committee/Delegation Date: 17.06.25

Date of notice: 17.06.25

The reason(s) for refusal associated with this decision are attached

DECISION: REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The introduction of the proposed balcony, directly adjacent to No.701 Fishponds Road, introduces a new discernible threat of overlooking, perceived overlooking and increased noise onto the rear elevation and fenestration of the first floor flat, and onto the rear garden area. Additionally, the bulk and scale of the development - coupled with its proximity to No.701 Fishponds Road - is such that the development would be overbearing onto this sole outdoor amenity area. Combined, this would negatively impact and prejudice the living environment of this neighbouring occupier. As such, the application is contrary to Core Strategy (2011) Policy BCS21 (Quality Urban Design) and Policies DM14 (The Health Impacts of Development) and DM30 (Alterations to Existing Buildings) of the Site Allocation and Development Management Policies (2014)
2. Due to the absence of any BNG Exemption Statement, it has not been adequately demonstrated nor is there any substantive evidence submitted within the application that the proposed development meets the 'de minimis' exemption, and consequently exempt from BNG requirements. Because of this, coupled with the absence of any mandatory BNG metric or report, the application is contrary to Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations (2024), Biodiversity Gain Requirements (Exemptions) Regulations 2024, and Policy DM19 (Development and Nature Conservation) of the Site Allocations and Development Management policies (2014).

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

672-PLA-001 - Existing site location and site plan, received 20 December 2024
672-PLA-010 - Existing floor plans, received 20 December 2024
672-PLA-011 - Existing roof plans, received 20 December 2024
672-PLA-020 - Existing elevations, received 20 December 2024
672-PLA-021 - Existing elevations, received 20 December 2024
672-PLA-030 - Existing section A-A, received 20 December 2024
672-PLA-100 - Proposed site plan, received 20 December 2024
672-PLA-110 - Proposed lower ground and ground floor plan, received 20 December 2024
672-PLA-111 - Proposed first floor and roof plans, received 20 December 2024
672-PLA-121 - Proposed elevations, received 20 December 2024
672-PLA-140 - Proposed section A-A and B-B, received 20 December 2024
Heritage statement, received 20 December 2024
Sustainability statement, received 20 December 2024

Article 35 Statement

The council always wants to work with the applicant in a positive and proactive manner. Unfortunately the proposed development is contrary to the policies of the Development Plan as set out in the officer report. Clear reasons have been given to help the applicant understand why planning permission has not been granted.

The right to appeal

You have the right to appeal against this decision. Appeals can be made online at:

<https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: [REDACTED]

If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Negotiations

Before making an appeal, you may wish to contact the case officer who dealt with your application, who may be able to advise you, how the council's objections to your proposal might be overcome if you amend your scheme. Please note that if negotiations are successful, you will need to submit a new planning application, which may, of course, be refused by committee.

Lodging an appeal will not prejudice your negotiations but you may need to agree with the council to postpone the appeal, to allow negotiations to take place.

Complaints

Only planning matters can be considered at an appeal. If you think that the council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling [REDACTED].