

WARD: Hartcliffe & Withywood

SITE ADDRESS: 2 Lyveden Gardens Bristol BS13 9QR

APPLICATION NO: 21/05929/F Full Planning

DETERMINATION DEADLINE: 30 December 2021

**New dwelling to garden area. (Self Build).**

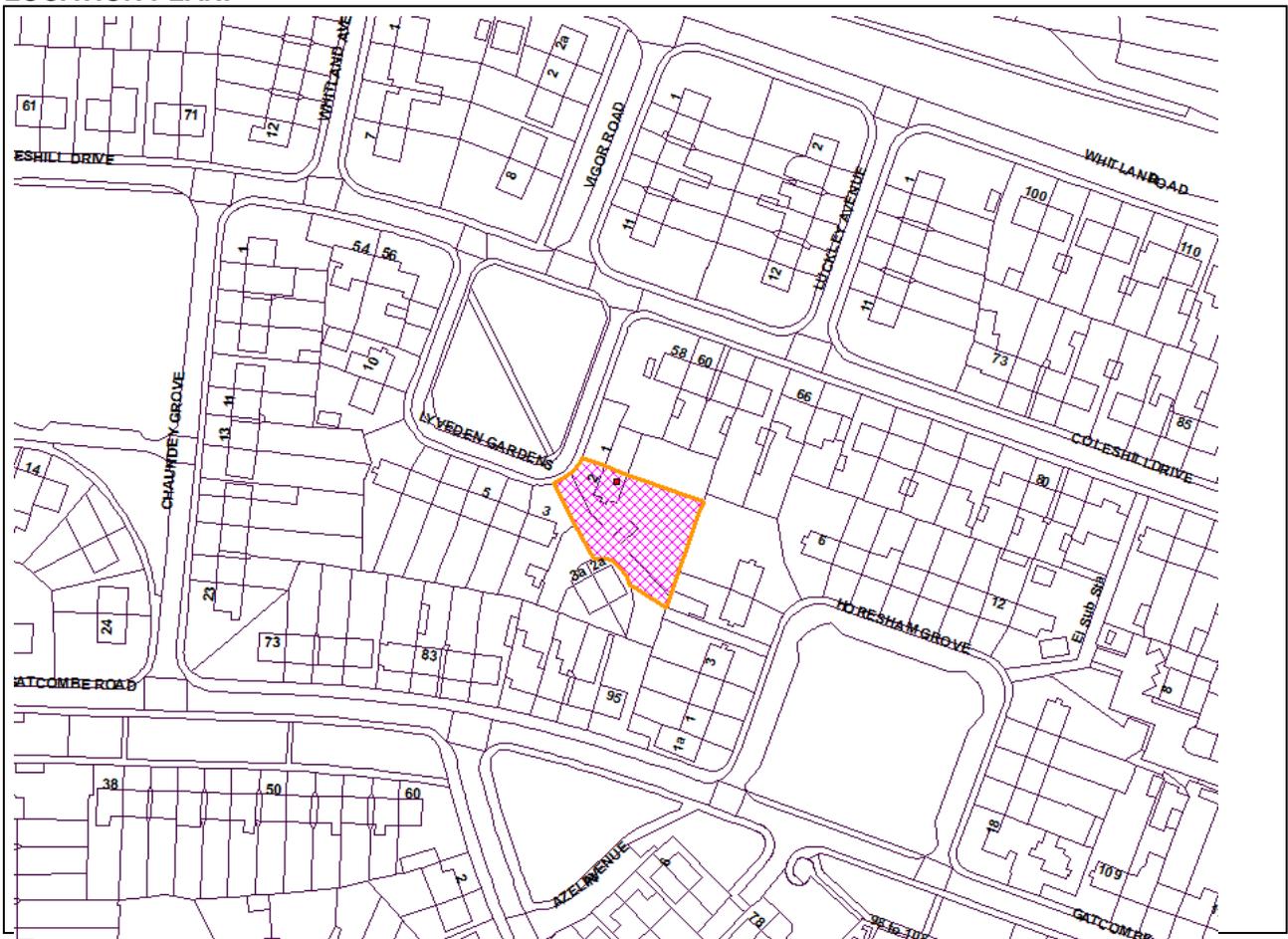
RECOMMENDATION: Refuse

AGENT: MPDS  
31 Lanes End  
Bristol  
BS4 5DP

APPLICANT: C Mockridge  
2 Lyveden Gardens  
Bristol  
BS13 9QR

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



## SUMMARY

The application site is comprised of land which forms part of the rear garden of no. 2 Lyveden Gardens in Hartcliffe and Withywood. The site does not have a street frontage, however it does address a footway which runs between Lyveden Gardens and Horesham Grove and is therefore visible from the public realm.

The current application comprises the erection of a single storey dwelling in the rear garden of no. 2 Lyveden Gardens. This application is a resubmission of the current design approach, the previous scheme having been refused in 2021. These applications were preceded by the refusal of four similar schemes between 2006 and 2013. Of the five total refused applications on this site, three applications have been assessed by the Planning Inspectorate and subsequently dismissed at appeal.

The latest application has attracted two letters of support from neighbouring properties. The application is also supported by Hartcliffe and Withywood ward Councillor Helen Holland.

The application site is considered by officers to be principally unsuitable for increased densities of residential development as a result of the over-intensive and cramped form of development which would need to be introduced for any development on this site to meet the Nationally Described Space Standards.

The current application is lacking in visual interest and fails to contribute positively towards increasing levels of natural surveillance over the footway as it does not include any windows in the principal elevation. Officers have identified that this would conflict with policy as the proposed development would not provide an active frontage to the public realm. Development of this type would not represent high quality urban design and would be harmful to local appearance and character.

Officers have engaged with the applicants in attempt to overcome issues regarding the overall built footprint and the lack of visual interest however no changes to the scheme have been forthcoming.

Reasons for refusal for the previous applications have included: design (scale, massing, footprint and overdevelopment of the site); lack of access to the adopted highway; issues relating to parking; and harmful impacts to neighbour living conditions by virtue of overlooking and overbearing resulting in an undue sense of enclosure. All of the applications presented to the Planning Inspectorate for assessment have included reasons for refusal relating to harm to the character and appearance of the area through scale, massing, built footprint resulting in a cramped and over intensive form of development. On all three occasions, Inspectors have dismissed the appeals concluding that the scheme would result in a cramped and awkward arrangement that would be harmful to the character of the area. Officers find no reason to dispute the findings of the Inspectors when considering the current proposal.

Overall and on this basis the scheme is brought to committee with a recommendation for refusal.

## SITE DESCRIPTION AND APPLICATION

The site relates to a portion of the existing rear garden of no. 2 Lyveden Gardens which contains an ancillary single storey garage at present. The site does not have a street frontage, however it is visible from the public realm. Pedestrian and vehicular access would be sought from Lyveden Gardens via an existing footway which connects Lyveden Gardens to Horesham Grove.

The surrounding area is characterised by residential development which is mainly comprised of two storey, semi-detached pairs and terraces. Dwellings in the immediate vicinity are faced in either red brick or render with pitched roofs, clad in roman concrete tiles. Lyveden Gardens is set around a green square, as are many other streets in the surrounding area. The site is not located within a conservation area and does not contain a listed building or structure.

The application seeks planning permission for the erection of 1no. single storey dwelling in the land to rear of no. 2 Lyveden Gardens. The new dwelling would have two bedrooms suitable for accommodating three occupants. 1no. proposed parking space would be located to the west of the proposed dwelling. Bin and bike storage would be located in the rear garden.

The application is considered to essentially be a resubmission of 21/01083/F. The only material change to the previously refused scheme has been the removal of glazed patio doors on the south east elevation and replacement with high level windows. As such, previous concerns regarding overlooking of neighbouring properties have fallen away.

## RELEVANT HISTORY

- 75/00504/U\_S: Garage. Date closed 3<sup>rd</sup> April 1975, GRANTED subject to conditions.

- 06/03321/F: Erection of one, three-bedroom detached dormer bungalow (with a ridge height of 6.2m above ground level). Date closed 31<sup>st</sup> May 2007, REFUSED on the following grounds:

1. The proposed development because of its design, orientation and backland location would result in an undesirable form of development as a result of the lack of (i) no direct access to the adopted highway and (ii) its potential to prejudice the future comprehensive development of the adjoining garage court site. As such the proposal is considered contrary to the provisions of Policies H4 and B8 of the Adopted Bristol Local Plan (1997) and the First Deposit Proposed Alterations to the Bristol Local Plan (2003).
2. The proposed development because of its scale, massing and footprint in relationship to the comparatively restrictive size of the site, would result in a cramped and over intensive form of development, characterised by a development:
  - i) That is out of character with the form and layout of the surrounding residential properties;
  - ii) That provides a poor relationship between the dormer bungalow and its respective amenity space; and

Development Control Committee A – 16<sup>th</sup> March 2022

Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

- iii) That has a main (east) elevation with a principle window, serving the kitchen, less than 1.5m from the site boundary.

As such, the proposal is considered contrary to Policies B1, B2, B5 and B8 of the Adopted Bristol Local Plan (1997) and the First Deposit Proposed Alterations to the Bristol Local Plan (2003).

3. The proposed development would have an unacceptable impact upon the amenities of nearby residential occupiers by reason of (i) loss of sunlight and (ii) an increased sense of enclosure and an overbearing relationship of the proposed building to the houses and gardens of No. 2 Lyveden Gardens and Nos. 4 and 5 Horesham Grove. As such, the proposal is considered to be contrary to the amenity criterion set out in Policies B1 and B8 of the Adopted Bristol Local Plan (1997) and the First Deposit Proposed Alterations to the Bristol Local Plan (2003).

This application was APPEALED and subsequently DISMISSED by the Inspector.

The Inspector noted; 'The appeal plot would have pedestrian and vehicular access from an adjacent garage court which also provides a pedestrian route between Lyveden Gardens and Horesham Grove to the east. The appeal site does not have frontage to an adopted highway and in that context I consider it to be a backland site positioned between existing residential properties'.

With regard to character and appearance, the Inspector stated; 'The appeal dwelling would be sited at the eastern part of the plot with only a narrow gap between its eastern elevation and the common boundary with 5 Horesham Grove resulting in a cramped and enclosed context for the appeal scheme. The dwelling would have a significantly larger foot-print and occupy a greater portion of its plot than most nearby properties...The distance between the western side elevation of the proposed dwelling and the rear main elevation of 2 Lyveden Gardens is indicated to be about 12 metres and the distance between the western side elevation of the proposed dwelling and the rear of 5 Horesham Grove would be of the order of 14 metres. These factors lead me to conclude that the scheme would result in a cramped and awkward arrangement of buildings and result in a layout that would be harmful to the character of the locality'.

With regard to the impact to living conditions of existing and future occupants, the Inspector noted; 'The proximity of [the window on the western side elevation] to windows at first floor level at the rear of 2 Lyveden Gardens...would give rise to unacceptable overlooking between the two properties. There would also be overlooking of the areas of amenity space to the north and south sides of the proposed dwelling from the rear of 2 Lyveden Gardens and from Nos 4 and 5 Horesham Grove which would contribute to the enclosed context for the proposed dwelling'.

Finally, the Inspector concluded; '...the proposed development would be materially harmful to the living conditions of occupants of 2 Lyveden Gardens and 5 Horesham Grove and to the future occupants of the appeal scheme through overlooking, enclosure and loss of daylight and sunlight'.

- 07/04378/F: Erection of a detached single storey 2 no. bedroom dwelling, to rear. Provision of 2 no. parking spaces. Date closed 28<sup>th</sup> April 2008, REFUSED on the following grounds:

Development Control Committee A – 16<sup>th</sup> March 2022

Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

1. The proposed development because of its footprint in relationship to the comparatively restrictive size of the site and the residual amenity space for the host building, No. 2 Lyveden Gardens, would result in a cramped and over intensive form of development that is out of character with the form and layout of the surrounding residential properties. As such, the proposal is contrary to Policies B1, B2 and B8 of the Adopted Bristol Local Plan (1997) and the First Deposit Proposed Alterations to the Bristol Local Plan (2003).

The application was APPEALED and subsequently DISMISSED by the Inspector.

The Inspector noted; 'This part of the estate is characterised by two storey terraced and semi-detached dwellings laid out in a spacious manner and fronting the various estate roads. The spacious element of the area's character is derived from the reasonably large plots on which the dwellings are sited together with a number of areas of green open space'.

With regard to the impact that the appeal proposal would have on the character and appearance of the surrounding area, the Inspector noted; 'The proposed dwelling would be single storey and its ridge height therefore much lower than other dwellings in the area. Moreover, it would not front onto a highway and its alignment would follow that of the boundary of the garage court rather than the existing pattern and layout of other dwellings. The combination of these factors would result in the new dwelling appearing as a somewhat contrived form of backland development which would be out of keeping with the pattern of residential development in the area'. They further noted; 'The combination of the small size of the proposed plots; the orientation, form and style of the new dwelling; its backland setting; and its relationship to the highway would result in an awkward in somewhat cramped development which would be harmful to the presently open, spacious and ordered layout of this part of the estate'.

Finally, the Inspector concluded; 'Although the provision of an additional unit of accommodation would be desirable...good design is fundamental to using land efficiently. In this case, I consider that the design of the development would be harmful to the character of the area and I conclude that this and the other matters raised do not outweigh the factors that have led to my conclusions on the main issue in this case'.

- 10/01692/F: Proposed new detached dwelling in the garden of No 2 Lyveden Gardens.  
Date closed 26<sup>th</sup> July 2010, REFUSED on the following grounds:

1. The siting of the proposed two storey dwelling would result in a cramped layout that would cause harm to the character and layout of the surrounding area. The detached nature of the building and its detailed design is also out of keeping and therefore the proposal is contrary to policies B1, B5, B8 and H4 of the adopted Bristol Local Plan (December 1997), the advice contained within Policy Advice Note 1: 'Residential Guidelines' (November 1993), Planning Policy Statement 1: 'Delivering Sustainable Development' (2005) and Planning Policy Statement 3: 'Housing' (June 2010).
2. The proposed bungalow would by virtue of its scale, mass, footprint and siting cause harm to the amenity of the occupiers of 2 Lyveden Gardens residents resulting in a cramped form of development which would create a harmful sense of enclosure and be over bearing, contrary to policies B1, B5, B8 and H4 of the adopted Bristol Local Plan (December 1997), and the advice contained within Policy Advice Note 1: 'Residential Guidelines' (November 1993).

Development Control Committee A – 16<sup>th</sup> March 2022

Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

3. The parking arrangements shown on the plans would involve a number of complicated manoeuvres in and out of the spaces and are therefore unacceptable. The provision of four parking spaces exceeds the maximum standards of the Bristol Local Plan. The parking provision of the site is therefore contrary to policy M1 of the Bristol Local Plan 1997.

- 13/00233/F: Proposed new 3 bed dwelling. Date closed 10<sup>th</sup> April 2013, REFUSED on the following grounds:

1. The proposed dwelling and associated parking arrangement, because of its scale, mass, layout, relationship to the main house 2 Lyveden Gardens, and siting on a restricted area of space would result in a cramped layout that would detract from the amenities of the site and harm the character and identity of the locality. As such, it would be contrary to policy BCS21 of the Core Strategy (2011) and saved policies B2 and B5 of the Bristol Local Plan (1997).
2. The proposed dwelling because of its scale, mass, footprint and position in relation to the adjoining property 2 Lyveden Gardens, would represent a visually overbearing development that would create a harmful sense of enclosure to occupiers of this property and result in an unacceptable level of overshadowing to the rear garden. It would fail to safeguard their residential amenity and would therefore be contrary to policy BCS21 of the Core Strategy (2011).
3. The parking arrangements shown on the plans would involve a number of complicated manoeuvres in and out of the spaces and are therefore unacceptable. The provision of four parking spaces exceeds the maximum standards of the Bristol Local Plan. The parking provision of the site is therefore contrary to policy M1 of the Bristol Local Plan 1997.

The application was APPEALED and subsequently DISMISSED by the Inspector.

It was acknowledged that the open space and gaps between buildings characterise the road with a sense of spaciousness. The Inspector noted that 2no. semi-detached dwellings had been built to the south of the site, however they contended that 'these are set back from the road with significant separation from the existing houses of 2 and 3 Lyveden Gardens...By contrast the proposed dwelling would be set closer to both the road and no 2 and it would be built on part of the appellant's garden. Whilst there is an existing single garage serving No 2 in a similar position as the front elevation of the proposed house, due to its scale, height and design it appears subservient to the house and maintains the sense of spaciousness. The proposed new dwelling on the other hand, due to its greater scale, height and massing and given its siting close to No 2 would result in it having a cramped appearance in the context of the currently spacious character of the street when viewing from the road and associated open space.'

With regard to impacts to the living conditions at neighbouring properties, the Inspector noted that the main views to the neighbouring properties, nos. 4 and 5 Horesham Grove, would be via rooflights which would not result in an undue loss of privacy. However, the Inspector stated that the appeal proposal would be significantly overbearing on the host dwelling, no. 2 Lyveden Gardens.

- 21/01083/F: New dwelling (2-bed bungalow) to garden area.(Self Build). Date closed 7th July 2021, REFUSED on the following grounds:

1. The proposed residential dwelling by virtue of its overall built footprint and siting would result in the cramped overdevelopment of the site and would result in the erosion of the openness of the plot. The proposed development would fail to present an appropriate response to the established townscape layout and would disrupt the uniformity, rhythm and balance of the wider streetscene. Furthermore, the proposal would present a blank elevation to the public realm. Therefore, the proposal would be considered to be incongruous. In this regard, the development would fail to promote local character and distinctiveness, representing poor quality design. The development is therefore contrary to Section 12 of the National Planning Policy Framework, Bristol Core Strategy (2011) Policy BCS21 (Quality Urban Design), and Policies DM21 (Development of Private Gardens), DM26 (Local Character and Distinctiveness), DM27 (Layout and Form) and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies (2014).
2. The application has failed to demonstrate that the proposed building would safeguard an acceptable living environment for all adjacent residential dwellings. Limited separation distances between habitable rooms within the proposed development and the existing neighbouring properties would result in mutual overlooking and loss of privacy. Development which fails to safeguard acceptable living conditions and amenity at adjacent properties is contrary to Section 12 of the National Planning Policy Framework, Policy BCS21 (Quality Urban Design) of the Bristol Core Strategy as well as DM27 (Layout and Form) and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies Local Plan.

## **RESPONSE TO PUBLICITY AND CONSULTATION**

8 neighbouring properties were directly notified of the proposed development via neighbour notification letter.

The neighbour consultation expired on 3<sup>rd</sup> December 2021.

2 responses were received in support of the proposed works.

**Transport Development Management** has commented as follows:-

Transport Development Management (TDM) were consulted regarding the proposed works. It was noted that the proposed parking space would need to have private access as the pedestrian lane between Lyveden Gardens and Horesham Grove does not form part of the adopted highway. It was considered that this would not be ideal however it would be acceptable on balance. TDM noted that intervisibility between future occupiers accessing the parking space and pedestrians using the lane would be acceptable.

## **RELEVANT POLICIES**

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

## **ASSESSMENT**

### **PRINCIPLE OF DEVELOPMENT**

The National Planning Policy Framework (NPPF, 2021) states that; ‘the purpose of the planning system is to contribute to the achievement of sustainable development’. This includes economic, social and environmental objectives. This includes economic, social and environmental objectives as outlined at paragraph 8.

Section 5 (Delivering a sufficient supply of homes) of the NPPF outlines that; ‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay’. Strategic policies should be informed by a local housing need assessment outlining the minimum number of homes needed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 11 (Making effective use of land) of the NPPF states that; ‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.’ Paragraph 118(d) states that planning should ‘promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively’.

Section 5, Paragraph 71 of the NPPF states: "Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

Policy BCS1 (South Bristol) of the Core Strategy outlines that South Bristol will be a priority focus for development and comprehensive regeneration. The Policy states that development will primarily occur on previously developed land and will be supported by a range of improvements to key public services and infrastructure.

Policy BCS5 (Housing Provision) of the Core Strategy outlines the Council’s aim to deliver new homes within the built up area to contribute towards accommodating a growing number of people and households in the city. Provision of new homes will be in accordance with the spatial strategy for Bristol set out in this Core Strategy and it is envisaged that 30,600 new homes will be provided in Bristol between 2006 and 2026. Additional provision which accords with the spatial strategy may be appropriate within the plan period. The minimum target will be 26,400 homes between 2006 and 2026.

Policy BCS10 (Transport and Access Improvements) of the Core Strategy states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport.

Development Control Committee A – 16<sup>th</sup> March 2022  
Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

Policy BCS18 (Housing Type) of the Core Strategy states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation mixed, balanced and inclusive communities.

Policy BCS20 (Effective and Efficient Use of Land) states that new development will maximise opportunities to re-use previously developed land. Where development is planned opportunities will be sought to use land more efficiently across the city. Imaginative design solutions will be encouraged at all sites to ensure optimum efficiency in the use of land is achieved. Higher densities of development will be sought:

- i. In and around the city centre;
- ii. In or close to the other centres;
- iii. Along or close to main public transport routes.

Policy DM1 (Presumption in Favour of Sustainable Development) of the SADMP outlines that the city's approach to development proposals will generally be positive and reflective of the presumption in favour of sustainable development as referenced throughout the NPPF.

Policy DM21 (Development of Private Gardens) of the SADMP sets out the LPA's approach to the development of residential gardens. This is in accordance with paragraph 71 of the NPPF as noted above. The policy outlines that private garden space is recognised to make an important contribution to the city's green infrastructure and to the character of its residential areas. The policy generally aims to retain private residential gardens in the city whilst setting out the limited circumstances where their development may be acceptable.

The policy highlights that the housing provision targets as set out within the Core Strategy (Policy BCS5) have not been based on the assumption that development of significant amounts of garden land will be required. However, development of garden land may be appropriate where it would contribute to sustainable forms of development.

The policy states "development involving the loss of gardens will not be permitted unless:

- i. The proposal would represent a more efficient use of land at a location where higher densities are appropriate; or
- ii. The development would result in a significant improvement to the urban design of an area; or
- iii. The proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden.

"In all cases, any development of garden land should not result in harm to the character and appearance of an area".

The site is comprised of land to the rear of no. 2 Lyveden Gardens and contains a single storey garage at present.

The proposal would generate one additional dwelling which would make a small contribution to the objectives of BCS5.

Development Control Committee A – 16<sup>th</sup> March 2022  
Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

When considering Policy DM21, which refers to the development of private gardens, the policy requires that the proposal represents a more efficient use of land at a location where higher densities are appropriate; or that the development would result in a significant improvement to the urban design of an area; or that the proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden. In all cases, any development of garden land should not result in harm to the character and appearance of the area.

The proposal would not relate to the extension of an existing dwelling as the proposed dwelling would be self-contained and detached. The impact on the character of the area is dealt with further below, although in general it is not considered that the proposal would represent a significant improvement to the character of the area. The issue for discussion at present however is whether the site is located in a sustainable area where higher densities of development are appropriate.

The site is located approximately 10 minutes' walk from the Symes District Centre. This would provide a range of shops, facilities and services to future occupiers and would reduce the requirement for private vehicular transportation. The nearest bus stop would be 5 minutes' walk from a number of bus services which would provide access to the city centre.

Within the local area (Lower Super Output Area (LSOA)), Census data (2011) suggests the majority of residences (61.8%) are houses as opposed to flats, maisonettes or apartments. The prevailing accommodation size is 3 bedroom accommodation with this representing 50.3% of total accommodation locally. Smaller proportions of accommodation include 1 bedroom (6.7%), 2 bedroom (38.1%), 4 bedroom (4.2%), 5 or more bedrooms (0.6%). The proposed development in this instance would create a 2 bedroom house. Whilst the provision of a house would not contribute positively to addressing the existing imbalance locally, the proposal would provide a size of accommodation which is not the prevailing type. The development is for a single residential unit which would not significantly further imbalance local housing stock. The proposals offers the minor benefit of the creation of an additional dwelling. On balance, it is not found that the proposed development would warrant refusal on the basis of contribution to mix and balance.

Development of residential gardens is only permitted in certain scenarios and in all cases this type of development should not result in harm to the character and appearance of the area. Despite the site being located in an area where further residential development could be acceptable, in this instance there are significant concerns with regard to the harm which the detailed proposals would cause to the appearance, character and distinctiveness of the local area. The application has consequently failed to demonstrate that increased density through development of garden land can be accommodated at this particular site. Given the relevant planning history for this site, it is unclear whether this issue can realistically be overcome. A detailed assessment of this impact will follow within the next section of this report however in light of this conclusion; the principle acceptability of the proposed development of garden land has not been established.

## **DESIGN AND CHARACTER**

Section 12 (Achieving well-designed places) of the NPPF outlines that; 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.

Development Control Committee A – 16<sup>th</sup> March 2022  
Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

Section 12 of the NPPF also states that; 'Development that 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'.

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.

Policy BCS21 (Quality Urban Design) of the Core Strategy 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 DM21 (Development of Private Gardens) of the SADMP outlines that private garden space makes an important contribution to the cities green infrastructure. In all cases, any development of garden land should not result in harm to the character and appearance of an area.

Policy DM26 expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. 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. This policy states that development should also respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes. Policy DM29 further states that the design of new buildings should be of high quality. Policy DM26 in addition to the above states that 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 (Layout and Form) of the SADMP outlines that the layout, form, pattern and arrangement of streets, open spaces, development blocks, buildings and landscapes should contribute to the creation of quality urban design and healthy, safe and sustainable places. The layout and form of development will be expected to enable active frontages to the public realm and natural surveillance over all publicly accessible spaces.

The proposed dwelling would be built in the rear garden of no. 2 Lyveden Gardens.

The site addresses a pedestrian access route which runs between Lyveden Gardens and Horesham Grove, however it does not have a street frontage. As such, the proposal would be considered to sit somewhere between an infill and a backland development.

Development Control Committee A – 16<sup>th</sup> March 2022  
Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

There is an existing single storey garage on the site at present, however this is clearly ancillary to the main dwelling with regard to its overall form, scale and massing.

The application site forms part of a planned, interwar housing estate. Whilst not in a designated conservation area, the uniformity of design is a defining characteristic of the area. The principles of the estate include: the planned layout and interrelationship between buildings and spaces; the low density urban grain; the planned public green spaces and the extent of other green spaces, including residential gardens.

The open, low density character of the area is derived from the uniformity of the rhythm and balance of development compared with planned gaps. When viewed collectively, the homes in the estate retain the clearly defined and consistent pattern of urban grain which was associated with the original estate design. The application site is a planned gap within the streetscape in the form of a residential garden. The garden setting of the application site contributes positively to the character of the area as a spacious, low density, garden suburb when viewed from the pedestrian access route between Lyveden Gardens and Horesham Grove. Existing dwellings in the local area present a regularity or rhythm of the spaces between houses and a regularity or rhythm of the plot and garden sizes.

Whilst it is acknowledged that no. 2 Lyveden Gardens is not particularly notable or high quality with regard to the criteria for infill development outlined in DM26, the townscape is unified, which produces a need to reproduce the existing pattern, form and design of the existing development.

The proposal would be a single storey, 2 bedroom dwelling which would be faced in render with a pitched roof. Although the proposal would be a single storey, the built footprint of the dwelling would be larger than the surrounding properties and as such would fail to be subservient to the frontage dwelling, no. 2 Lyveden Gardens.

The proposed development would present a blank elevation to the public realm, which would provide very little visual interest. The proposal would fail to provide an active frontage and would not take opportunities to provide natural surveillance over the public footway, which would conflict with DM27.

The relevant site history includes several appeals which were considered by the Inspector and subsequently dismissed. Applications 06/03321/F and 07/04378/F both related to the construction of a single storey dwelling on the current application site.

With regard to application 07/04378/F, the Inspector noted that the 'estate is characterised by two storey terraced and semi-detached dwellings laid out in a spacious manner and fronting the various estate roads. The spacious element of the area's character is derived from the reasonably large plots on which the dwellings are sited together with a number of areas of green open space'.

The Inspector further noted; 'The proposed dwelling would be single storey and its ridge height therefore much lower than other dwellings in the area. Moreover, it would not front onto a highway and its alignment would follow that of the boundary of the garage court, rather than the existing pattern and layout of other dwellings. The combination of these factors would result in the new dwelling appearing as a somewhat contrived form of backland development which would be out of keeping with the pattern of residential development in the area...The combination of the small size of the proposed plots; the orientation, form and style of the new dwelling; its backland setting; and its relationship to the

highway would result in an awkward and somewhat cramped development which would be harmful to the presently open, spacious and ordered layout of this part of the estate’.

While it is acknowledged that the garage court referred to by the Inspector has since been demolished and redeveloped with a pair of semi-detached dwellings, it is considered that the relatively recently built dwellings do align with the existing characteristics of the estate in their scale and form and fill a planned gap in such a way that suitably complements the existing urban grain of the area. The proposed dwelling however, would be sited at an awkward orientation with surrounding dwellings and would fail to take opportunities to improve the urban design of the area as the principal elevation of the proposal when viewed from the access lane would be significantly lacking in visual interest and would fail to take opportunities to improve natural surveillance through the placement of windows. Furthermore, the cramped arrangement of the proposed development would result in an appearance of overdevelopment on the site.

The proposed development would result in the minor benefit of the creation of an additional dwelling. The limited weight attributed to this minor benefit would not be considered to outweigh the harm to the character and appearance of the area in this instance.

### **NEIGHBOURING AMENITY**

Section 12 (Achieving well-designed places) paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Policy BCS21 (Quality Urban Design) of the Bristol Core Strategy advocates that new development should give consideration to matters of neighbouring privacy, outlook and natural lighting.

Policy DM29 (Design of New Buildings) of the SADMP states the design of new buildings should be of high quality. To achieve this, new buildings are expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

The proposed dwelling would be built to the side of no. 2 Lyveden Gardens and approximately 17.8m from existing dwellings in Horesham Grove. The ground floor rear elevations of nos. 4 and 5 Horesham Grove include windows to habitable rooms.

As a general rule of thumb, a gap of 21 metres should be retained where habitable rooms face one another in order to preserve privacy.

The windows in the side elevation of the proposed development would be sited at a high level. As such, the proposal would not be considered to result in overlooking or loss of privacy despite the limited separation distance.

The proposal is considered to be acceptable on the grounds of neighbour amenity.

### **STANDARD OF ACCOMODATION**

Section 12 (Achieving well-designed places), paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. The NPPF states that policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

Policy BCS15 (Sustainable Design and Construction) of the Core Strategy outlines that sustainable design and construction will be integral to new development in Bristol by addressing flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting.

Policy BCS18 (Housing Type) of the Core Strategy outlines that residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

Policy BCS21 (Quality Urban Design) of the Core Strategy outlines that development will be expected to promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses. The Policy further outlines that buildings and spaces should be adaptable to changing social, technological, economic and environmental conditions.

Policy DM29 (Design of New Buildings) of the SADMP states the design of new buildings should be of high quality. To achieve this, new buildings are expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. New residential development should provide dual aspect where possible, particularly where one of the aspects is north-facing.

The relevant space standards are the Department for Communities and Local Government (DCLG) Nationally Described Space Standards for new housing published in March 2015. These outline technical standards for application to all tenures of new housing across England. The standards set minimum internal areas which accommodation should provide relative to the number of future occupants.

Relevant to this application, 2 bedroom, 3 occupant dwellings comprised of a single storey are required to provide minimum internal area of 61m<sup>2</sup>. The standards also set minimum levels for built in storage within new houses, bedroom sizes and minimum floor to ceiling heights. Double bedrooms should have a floor area of 11.5m<sup>2</sup> and a minimum width of 2.75m. Single bedrooms should have a floor area of 7.5m<sup>2</sup> and a minimum width of 2.55m. The dwelling should ensure 2.3m floor to ceiling height for at least 75% of the gross internal floor area. Any area with headroom of less than 1.5m is not counted within the gross internal area unless solely used for storage. Built in storage of 2.0m<sup>2</sup> is required within 2 bedroom dwellings.

The proposed dwelling would include floor area totalling 65.1m<sup>2</sup> and would therefore meet the required levels of total internal area as outlined within the space standards. The proposed bedrooms would similarly meet the required area thresholds. Floor to ceiling heights would meet the required 2.3m level. The proposal would be dual aspect, and as such the proposed dwelling would achieve acceptable levels of natural daylight and outlook.

## **TRANSPORT & HIGHWAYS**

Section 9 (Promoting Sustainable Transport) of the NPPF outlines that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

In relation to sustainable transport, the NPPF states that development should:

- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) Create places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy BCS10 (Transport & Access Improvements) of the Core Strategy states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport.

Developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

The following hierarchy for transport user priorities is set out:

- a) The pedestrian;
- b) The cyclist;
- c) Public transport;
- d) Access for commercial vehicles;
- e) Short stay visitors by car;
- f) The private car.

Policy DM23 (Transport Development Management) of the SADMP outlines that new development should not give rise to unacceptable traffic conditions and will be expected to provide safe access to the highway network. The policy also outlines that new development should be accessible by sustainable transport methods such as walking, cycling and public transport. Furthermore, the policy sets standards for parking provision. Policy DM23 requires a maximum provision of car parking spaces and minimum provisions for cycle parking.

Based upon the limits outlined within DM23, a maximum of 1.25 car parking spaces can be accommodated per 2 bedroom dwelling and a minimum of 2 cycle parking spaces are required. It is noted that in relation to individual or small-scale developments car parking standards will be applied flexibly to allow for the best layout of the site.

Policy DM32 (Recycling and Refuse Provision in New Development) of the SADMP outlines that all new development should provide bin and recycling storage facilities fit for the nature of development, with adequate capacity for the proposed development, in a location which is safe and accessible for all users and does not harm the visual amenity of the area or neighbouring amenity.

As highlighted within the Principle of Development section of this report, the site is found to represent an accessible location for residential development. This is based upon proximity to local shops and services as well as public transport accessibility which would mean that future occupiers are not necessarily dependent on private cars.

Pedestrian access to the proposed dwelling would be sought via the connecting pedestrian route between Lyveden Gardens and Horesham Grove. One car parking space would also be accessed via the connecting pedestrian route.

The proposed refuse and cycle storage would be located to the west of the proposed dwelling.

Transport Development Management (TDM) were consulted regarding the proposed works. It was noted that the proposed parking space would need to have private access as the pedestrian lane between Lyveden Gardens and Horesham Grove does not form part of the adopted highway. It was considered that this would not be ideal however it would be acceptable on balance. TDM noted that intervisibility between future occupiers accessing the parking space and pedestrians using the lane would be acceptable.

It is noted that bins would need to be manoeuvred to the public highway so that they could be collected and the area for collection has not been shown on the plans. However, further details of this could be secured via condition in the event that planning permission was granted.

The proposal is considered to be acceptable on the grounds of transport and access.

## **SUSTAINABILITY AND CLIMATE CHANGE**

Themes of sustainability, carbon reduction and climate change underpin national planning policy. Policies BCS13-15 of the Core Strategy relate to the LPAs expectations with regard to sustainable construction of new buildings and emissions in respect of climate change. These policies must be addressed and the guidance within the LPAs Climate Change and Sustainability Practice Note followed. New dwellings are expected to minimise energy requirements. This will be achieved by high standards of energy efficiency including optimal levels of thermal insulation, passive ventilation and cooling, passive solar design, and the efficient use of natural resources in new buildings. Core Strategy Policy requires new dwellings are also incorporate an element of renewable energy to reduce carbon emissions by a further 20% above energy saving measures.

The applicant has submitted a sustainability statement in support of the proposed development. This document outlines a range of measures that the development would take to achieve suitable levels of energy efficiency and reduce energy consumption. These include specification of thermal elements to meet the building regulations requirements. This will decrease the overall heating demand of the development. In addition to building fabric, the building services (i.e. lighting, plumbing and wiring) will be efficient and meet the building regulations requirements.

The sustainability statement includes an energy table for the whole of the development. This indicates that these measures would make a 22.0% reduction in carbon emissions which can be achieved via on site renewable energy generation, specifically via the installation of photovoltaic panels. These have not been shown on the plans however the details of the proposed panels could be secured via condition in the event that planning permission was granted. The proposed development would therefore make an acceptable contribution to the policy objectives of sustainability and climate change.

## **SURFACE WATER DRAINAGE AND FLOOD RISK**

Policy BCS16 (Flood Risk and Water Management) of the Core Strategy states that development in Bristol will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will be considered where essential for regeneration or where necessary to meet the development requirements of the city.

Development in areas at risk of flooding will be expected to:

- i. be resilient to flooding through design and layout, and/or
- ii. incorporate sensitively designed mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary, in order to ensure that the development remains safe from flooding over its lifetime.

All development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

Policy DM33 (Pollution Control, Air Quality and Water Quality) of the SADMP states that Development which has the potential, either individually or cumulatively, for an unacceptable impact on environmental amenity, biodiversity or water quality by reason of pollution as set out in the Core Strategy but is considered desirable for reasons of economic or wider social need will be expected to provide an appropriate scheme of mitigation.

The policy proceeds to outline that “Development adjacent to underground or surface water bodies covered by the Water Framework Directive and Severn River Basin Management Plan should contribute towards those water bodies maintaining or achieving Good Ecological Status. This may take the form of on-site measures or a financial contribution to off-site measures.”

“In terms of water quality, the River Frome, Brislington Brook, Malago, River Trym and Colliter’s Brook do not currently achieve Good Ecological Status due to impacts from flood protection / land drainage schemes and urbanisation. To comply with the Water Framework Directive water bodies should reach good ecological potential by 2027. Measures will therefore be sought from development adjacent to waterways covered by the Water Framework Directive, where feasible and viable, either through measures in the Severn River Basin Management Plan or other good practice such as naturalised river habitats, deculverting and appropriate vegetation management plans. The River Avon is at good ecological status and this should not be allowed to deteriorate through development.”

The proposed development is located within a surface water drainage discharge zone where the discharge should be limited to the existing discharge rate. The proposed development

Development Control Committee A – 16<sup>th</sup> March 2022  
Application No. 21/05929/F : 2 Lyveden Gardens, Bristol BS13 9QR

includes a significant loss of garden land which would result in an increase to the discharge rate. As such, details of a comprehensive site specific sustainable urban drainage scheme taking account of local conditions will be required prior to commencement in order to provide sufficient mitigation for development. Such details would be sought via condition in the event of permission being granted. Subject to this measure however the development would avoid causing any significant increase in flood risk locally.

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The following development types will be liable for CIL:

- i. Development comprising 100m<sup>2</sup> or more of new build floorspace
- ii. Development of less than 100m<sup>2</sup> of new build floorspace that results in the creation of one or more dwellings
- iii. The conversion of a building that is no longer in lawful use

The development would create approximately 65m<sup>2</sup> of net new build residential floorspace within the outer Bristol CIL charging area (£50per m<sup>2</sup>). Consequently, the development generates CIL liability totalling £3,250 (plus indexation) payable on the commencement of development.

### **CONCLUSION**

The proposal would be considered to harm the character and appearance of the area and result in a development that would fail to preserve the uniformity of the existing townscape. Furthermore, the proposal would result in a cramped appearance on the site which would be discordant with the urban grain of the surrounding area. It is therefore considered that the proposed development is unacceptable and should subsequently be refused accordingly.

### **EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

### **RECOMMENDED    REFUSE**

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

**Reason(s)**

1. The proposed residential dwelling by virtue of its overall built footprint and siting would result in the cramped overdevelopment of the site and would result in the erosion of the openness of the plot. The proposed development would fail to present an appropriate response to the established townscape layout and would disrupt the uniformity, rhythm and balance of the wider streetscene. Furthermore, the proposal would present a blank elevation to the public realm. Therefore, the proposal would be considered to be incongruous. In this regard, the development would fail to promote local character and distinctiveness, representing poor quality design. The development is therefore contrary to Section 12 of the National Planning Policy Framework, Bristol Core Strategy (2011) Policy BCS21 (Quality Urban Design), and Policies DM21 (Development of Private Gardens), DM26 (Local Character and Distinctiveness), DM27 (Layout and Form) and DM29 (Design of New Buildings) of the Site Allocations and Development Management Policies (2014).

## **Supporting Documents**

### **4. Department For Work And Pensions, Flowers Hill.**

#### **1. Existing and Proposed Plans and Elevations**

