
Appeal Decision

Site visit made on 28 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2016

Appeal Ref: APP/Z0116/D/16/3154695
22 Stottbury Road, Eastville, Bristol BS7 9NG

- 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 Mr Hammid against the decision of Bristol City Council.
 - The application Ref 16/01919/H, dated 11 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A planning permission was previously granted for a rear extension at the appeal site. A two storey extension has been constructed and is substantially complete but is not in accord with that planning permission. The appeal relates to a further planning application to retain the existing ground floor and make alterations to the existing first floor and roof. The application subject to the appeal is, therefore, part-retrospective and intended to regularise the position and I have considered the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the existing dwelling and the area;
 - the living conditions of the occupants of 20 Stottbury Road, with particular regard to overshadowing and outlook; and,
 - the living conditions of the occupants of 24 Stottbury Road, with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal property is a two storey semi-detached house within a rectangular plot on a residential road. It is of brick construction with a pitched tiled roof and gable end wall. To the rear is a long, relatively narrow garden sloping away from the house. A two storey extension has already been constructed and is near completion.

5. The proposed extension would be substantial. The ground floor element would extend the full width of the existing house and be about 4.4 metres deep. This appears to be in accord with the ground floor of the extension that has already been built. The first floor would be set in from the ground floor on one side and would not be as wide or deep. However, its elevations would reach the eaves height of the existing building and its hipped roof would be significantly higher though below the ridge height of the main roof.
6. Notwithstanding the limited views from the road, Policy DM30 of the Site Allocations and Development Management Policies Local Plan (2014) (Local Plan) states that extensions and alterations to existing buildings are expected to respect the scale, form, proportions and the overall design and character of the host building. Extensions should also be physically and visually subservient to the existing building, including its roof form and not dominate it. Though the materials would match those of the main house, I consider that the scale and bulk of the first floor element and its contrived hipped roof design would dominate the existing building.
7. The proposed dimensions of the first floor exceed those suggested in the Council's Supplementary Planning Document Number 2, A Guide for Designing House Alterations and Extensions (2005) (SPD). The design and scale of the proposal including its roof also appears out of character with the pattern of development in the area. I note that the appellant suggests that it is the Council who have requested a pitched roof design. However, I am determining the appeal on the basis of the plans submitted by the appellant which include that design.
8. I conclude, therefore, that the proposed development would harm the character and appearance of the existing dwelling and the area. It follows that it would be contrary to the objectives of Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (Core Strategy), Policies DM26, DM27 and DM30 of the Local Plan and the SPD, which aim, amongst other things, to ensure that development contributes to local character and that its scale and massing respect the design and character of existing buildings.

Living Conditions of occupants of 20 Stottbury Road

9. The ground floor of the proposed extension would extend to the boundary with the adjoining semi-detached house at No 20. Whilst the first floor would be set in slightly it would still be less than 2 metres from the shared boundary.
10. I agree with the Council that the scale and design of the first floor, and its proximity to the boundary, would result in overshadowing to the rear of No 20 and that part of the garden closest to the house. More significantly, the extension's bulk and massing would affect the outlook from that area of the garden where the closeness of the side elevations and hipped roof would have an overbearing and enclosing effect. Though I note the appellant's reference to the 45 degree rule, this is only a guide and fails to take account of the effects on users of the garden area.
11. Consequently, I conclude that the proposal would harm the living conditions of the occupants of No 20 in respect of overshadowing and outlook. Therefore, it would conflict with the objectives of Policy BCS21 of the Core Strategy, Policy DM30 of the Local Plan and the SPD, which aim, amongst other things, to safeguard the living conditions of adjoining occupiers.

Living Conditions of occupants of 24 Stottbury Road

12. Concern has also been expressed about the effect of a window, in the side elevation of the original house, on the privacy of the occupants of 24 Stottbury Road. As the window is already in place, I was able to look out from it on my site visit. There are no clear views to the rear or into the rear garden of No 24 and the angle of any view is oblique. There are no windows on the gable end of No 24 to look into.
13. Whilst it would theoretically be possible to look down on to the entrance of No 24, which is to the side of the house, this would also be at an oblique angle and a person would need to stand immediately at the window for any view at all. Therefore, whilst I appreciate that there may be a perception of overlooking I do not consider that there would be a significant adverse effect.
14. Possible overlooking towards No 24 from the small balcony area in front of the French windows on the first floor of the extension has also been referred to. I note that the Council did not express a concern about that aspect. There are trees and vegetation along the shared boundary which provide screening and the angle of any view would be oblique. I do not consider that the view would be significantly different from the view that could be obtained from the first floor rear windows of the original house at No 22. Therefore, I do not find that the proposal would be detrimental in that respect.
15. Taking the above factors into account, I conclude that the proposed development would not harm the living conditions of the occupants with regard to privacy. Therefore, in relation to its effect on No 24, the proposal does not contravene Policy BCS21 of the Core Strategy, Policy DM30 of the Local Plan or the SPD, in respect of their aims of safeguarding the living conditions of adjoining occupiers.

Conclusion

16. Although the proposal would not harm the living conditions of the occupants of No 24, the harm to the character and appearance of the existing dwelling and area and to the living conditions of the occupants of No 20 is decisive. It leads me to conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR