
Appeal Decision

Site visit made on 13 September 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 10 October 2016

Appeal Ref: APP/P0119/W/16/3150861

79 Wallscourt Road, Filton, South Gloucestershire BS54 7NP

- 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 Roland against the decision of South Gloucestershire Council.
 - The application Ref PT16/0132/F, dated 13 January 2016, was refused by notice dated 9 March 2016.
 - The development proposed is the demolition of garage and construction of two bed detached dwelling with parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal:
 - On the living conditions of future occupants and neighbours at 77 Wallscourt Road with particular reference to privacy and outlook; and,
 - The character and appearance of the surrounding area.

Reasons

Living conditions

3. The proposed dwelling would be located in part of the rear garden of 79 Wallscourt Road. No 79 is an end of terrace property and the remaining terrace is similar in appearance and layout; each with narrow rear gardens that are bounded by a rear access road.
 4. During my site visit, I saw that the rear elevation first floor of No 79 contained a window serving a habitable room. This window would face towards the side elevation of the proposed dwelling and its garden area. The distance between the proposed dwelling and no 79 would be approximately 9 meters. Owing to the height of the window, the erection of a 1.8 metre high boundary wall would fail to prevent overlooking from no 79's habitable room window. Nor would obscure glazing to the first floor windows of the proposed dwelling prevent this loss of privacy for future occupants. The height and proximity of No 79's habitable window would allow neighbours direct views of the proposed garden area and ground floor window serving the living room. In comparison, views from first floor windows along the terrace into adjoining gardens are indirect and therefore do not have the same effect on privacy.
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5. I have also taken into account other development referred to that involve separation distances considered typical of a built up area. However, the sites referred to are not directly comparable with the appeal, which include an end of terrace dwelling and proposals in different planning authority areas, the policy requirements of which I am not aware of. Moreover, these examples do not remove or justify the proposal's harm to the privacy of future occupants.
6. A number of detached outbuildings are to the rear of the terrace which includes a large pitched roof structure at 73 Wallscourt Road and a small metal corrugated building at No 77. Whilst the current outlook for neighbours at No 77 includes a modest corrugated structure and neighbouring outbuildings, the outlook to the north of the site remains comparatively open. This open aspect ensures an element of outlook for occupants from the garden area at No 77. The two storey scale of the proposal sited at the boundary with No 77 would enclose a large proportion of this open aspect. Consequently, the impact on the outlook of neighbours at No 77 would be particularly overbearing and harmful when viewed from the adjoining garden.
7. Therefore, I conclude that the proposal would have a harmful effect on the living conditions of future occupants and neighbours at 77 Wallscourt Road with particular reference to privacy and outlook. Consequently the proposal is contrary to Policy H4 of the South Gloucestershire Local Plan and paragraph 17 bullet point 4 of the National Planning Policy Framework (the Framework). Combined, these policies require development to secure a good standard of amenity for nearby existing and future occupants.

Character and appearance

8. The appeal site is in close proximity to a corner that links Wallscourt Road to Brabazon Road. Surrounding properties are mostly terraced at Wallscourt Road and semi-detached at Brabazon Road. Whilst the majority of these properties have rear gardens, the proposed side garden area would not look conspicuous and would retain the general density of the surrounding area. The dwelling would be set back from the road and be orientated to be in keeping with properties along Brabazon Road. In addition, the proposed roadside hedgerow would screen views of any boundary fences required to subdivide the site.
9. I agree with the appellant that the proposal would visually enhance the appearance of the immediate area by improving views of the rear access road. In addition, the proposed two storey scale and side facing gables would be in keeping with properties in the surrounding area.
10. However, I do share the Council's concern regarding the use of slate and black timber cladding which are not evident in the wider terrace or in dwellings at Brabazon Road. In contrast, the materials used at Newleaze House are in keeping with its contemporary design and would not be viewed alongside the appeal site. In addition, the absence of a design code or conservation area designation is not sufficient justification to use materials that would be in stark contrast to surrounding properties. Consequently, based on the broad acceptability of the design as reasoned above, a condition could secure materials more appropriate to the immediate surroundings.
11. Therefore, I conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal meets the requirements of Policy CS1 of South Gloucestershire's Core Strategy

which requires development to be the highest possible standard of design that respects the character and layout of the surrounding area.

Other matters

12. I acknowledge a number of benefits in favour of the proposal which include its efficient use of land and contribution to housing supply. In addition, I have found no harm in relation to the second main issue. However the proposal's absence of harm to the surrounding character and appearance and the modest benefits noted above are outweighed by the harm I have identified to the living conditions of future occupants and neighbours at No 77.

Conclusion

13. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR