
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: 17 October 2016

Appeal Ref: APP/P0119/W/16/3150838

29 Salisbury Road, Downend, Bristol BS16 5RD

- 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 M Hoare against the decision of South Gloucestershire Council.
 - The application Ref PK16/0338/F, dated 25 January 2016, was refused by notice dated 30 March 2016.
 - The development proposed is described as '*extensions to house and erect detached dormer bungalow*'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I note the Council's Appeal Statement seeks to introduce an additional reason for refusal relating to the proposal's provision of off street parking. However, the Council's decision notice gives two reasons for refusal none of which relate to off street parking. Therefore, the appeal decision deals with the two reasons for refusal stated on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on:
 - The living conditions of future occupants, with particular reference to amenity space, outlook and privacy; and,
 - The character and appearance of the surrounding area.

Reasons

Living conditions

4. The proposed bungalow would be to the immediate west of 29 Salisbury Road which would be re-designed to accommodate the additional dwelling. The two storey side elevation of No 2 Buckingham Place would be directly opposite the proposed bungalow. At ground floor, the proposed bungalow would have glazed patio doors serving a living room and a narrow garden area opposite the side and rear elevation of No 2. The closeness and scale of No 2 would create a strong sense of enclosure for future occupants, particularly when spending time in the living room area and garden area.
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5. In addition, to prevent overlooking from neighbours at 29 Salisbury Road, it is likely the garden area will need to be screened by a sufficiently high boundary wall or fence. Consequently, the outlook for future occupants to the rear of the property would comprise the side and rear elevation of No 2 Buckingham Place, and a narrow enclosed garden. This outlook would be particularly overbearing and harmful to the living conditions of future occupants.
6. During my site visit, I saw that the rear elevation of No 2 contains a window which serves a habitable room. Whilst a degree of overlooking would be expected at the site from No 2, this window would face towards the bungalow's rear garden, and owing to its first floor height and closeness to the appeal site, would allow direct views of the proposed garden. Consequently, future occupants would be overlooked when spending time in a large proportion of the rear garden.
7. I also share the Council's concern about the size of the garden which is only 30 square metres. This concern is increased when taking into account the garden's narrow size, and its lack of privacy, both of which would restrict a proportion of its use. The appellant states that the Council raised no such concern with the previously approved application and that the garden shape would be consistent with those at corner plots in the area. However, I do not have the full details of the previous proposal before me nor specific examples of comparable rear gardens in the area. Moreover, both of these factors would not remove or justify the harm I have identified to future occupants as reasoned above, and I must judge this appeal on its own individual merits. Similarly, whilst future residents would have the choice to accept such living conditions or live elsewhere, this would not justify or remove the harm identified above.
8. Therefore I conclude that the proposal would have a harmful impact on the living conditions of future occupants, with particular reference to amenity space, outlook and privacy. Consequently the proposal is contrary to Policy H4 of the South Gloucestershire Local Plan (SGLP) 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

9. The appeal site's corner location gives it a relatively visible appearance from public vantage points in the surrounding area. Salisbury Road is predominantly residential, comprising semi-detached and terraced dwellings which create a varied character, appearance and density. In comparison, dwellings along Buckingham Place are set back at a more consistent distance from the road and have a more spacious and ordered appearance.
10. Whilst the proposed bungalow would be closer to the road than dwellings along Buckingham Place, it would be seen in the context of the more dense and varied design of dwellings along Salisbury Road. In this respect, the proposal, including alterations to No 29, would not give the site a cramped appearance in relation to its surroundings. In addition, the proposal would reflect the dense form of development adjacent the site at the corner of Buckingham Place and Salisbury Road.

11. The subservient design of the bungalow would not be particularly noticeable when viewed alongside No 29 nor look out of place with the varied design of properties along this stretch of Salisbury Road. A condition relating to roof and wall materials would ensure that the alterations to No 29 and the proposed bungalow have a coherent appearance and blend in with surrounding properties.
12. 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, SGLP Policy H4 and paragraph 56 of the Framework which are of most relevance to this matter. Combined, these policies require development to be the highest possible standard of design that respects the character and layout of the surrounding area.

Other matters

13. The Council cannot currently demonstrate a five year supply of housing land. Consequently, in line with paragraphs 14 and 49 of the National Planning Policy Framework, policies relevant to the supply of housing cannot be considered up-to-date.
14. I acknowledge that the proposal would make a contribution to housing supply with an energy efficient dwelling, support construction employment and future occupants would have access to public transport and the town centre. In addition, I have identified no harm to the character and appearance of the surrounding area. However, in this case, the adverse impacts of granting permission identified to the living conditions of future occupants would significantly and demonstrably outweigh these factors and modest benefits arising from the proposal.
15. It has also been put to me that the previous approval at the site was not commercially viable. Whilst no evidence is before me to demonstrate whether this is case, in any event, a lack of viability with the previous approval would not remove, justify or outweigh the harm identified in relation to the first main issue above.
16. I note concerns regarding highway safety. However, as I am dismissing the appeal on the first main issue for the reasons given above, I have not pursued this matter further.

Conclusion

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

B Bowker

INSPECTOR