
Appeal Decision

Site visit made on 19 October 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/Z0116/D/16/3156586

66 Carlyle Road, Bristol BS5 6HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Saleem Akpar against the decision of Bristol City Council.
 - The application Ref 16/01041/HX, dated 24 February 2016, was refused by notice dated 7 April 2016.
 - The development proposed is erection of a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is against a refusal to grant prior approval. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') require the local planning authority to assess developments such as the appeal scheme on the basis of their effects on the amenity of the residents of any adjoining premises, taking into account any representations received. Accordingly, I will determine this appeal in the same manner.
3. I have used the description of development given on the appeal form as this accurately captures the essence of the appeal scheme.

Main Issues

4. The proposed development would be within the parameters of the GPDO in terms of its height and depth. Thus the main issues in this appeal are the effects of the proposed development on the residential amenity of the occupiers of Nos 64 and 68 Carlyle Road in terms of the availability of daylight, sunlight and outlook.

Reasons

5. The appeal property is part of a long terrace of two-storey dwellings, with modestly proportioned narrow rear gardens. I saw that single-storey projections and extensions are not uncommon to the rear of these properties, including in the properties either side of the appeal dwelling. The appeal scheme seeks to secure the development of a flat-roofed single storey
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extension that would extend over the full width of the appeal dwelling's rear elevation, to a maximum height of 2.5m and to a depth of 5m. The proposed development would include a window and glazed doors on its rear elevation, with no fenestration on its flank walls.

6. At my site visit, I saw that the single-storey element to the rear of No 64 does not extend over the full width of the rear elevation, leaving considerable space between it and the boundary with the appeal property. This space comprises part of No 64's garden, and is overlooked by a ground floor window in the dwelling's rear wall, which serves the dining room. Whilst there is a brick boundary wall between this part of No 64's garden and that of the appeal property of around 2m in height, the proposed development would add considerably to the overall height of walling adjacent to this boundary, particularly as the site level of the appeal property is noticeably higher than that of No 64. I saw that the existing wall is an enclosing feature, particularly from the area of garden adjacent to the rear wall of No 64, and the appeal proposal would intensify this sense of enclosure to an overbearing degree, from both the garden and the ground floor window. The proposed development would thus impair the outlook available to the occupiers of No 64 from this part of the garden and the adjacent ground floor window, which would cause a materially harmful effect to residential amenity in this regard.
7. The proposed development, due to the orientation of the properties and the increased height of flank walling adjacent to No 64, would undoubtedly reduce the amount of sunlight at certain points of the day both to the area of garden adjacent to it and the ground floor window. However, due to the limited amount of time during the day when this would be likely to happen, I consider that it would not have a materially harmful effect to the living conditions of its occupiers in this regard.
8. However, in terms of daylight, the amount of sky visible can affect the quality and amount of daylight available to a space. Whilst the floor level of the dining room at No 64 would mean that availability of daylight to that window would not be interfered with to a significant degree by the proposed development, the same could not be said for the area of garden immediately next to its flank wall. Here the depth, height and proximity of the proposed flank wall would materially restrict the amount of sky visible from the space, creating a gloomy and unwelcoming environment, which would compound the proposed development's overbearing effect and thus cause considerable harm to the residential amenity of the occupiers of No 64.
9. In terms of No 68, I saw that its single-storey rear element extends over the entire width of the property's rear elevation. A brick wall of around 2m in height runs partially along the boundary between the appeal dwelling and No 68. Whilst there is a window in the rear wall of the single-storey element of No 68 adjacent to this brick wall, the proposed development would only increase the height of flank walling adjacent to this to a limited depth, and due to this I consider that no material harm would be caused to the residential amenities of the occupiers of No 68 as a result of the development.
10. I have considered the appellant's comments regarding the presence of other rear single-storey extensions and structures elsewhere in Carlyle Road, and indeed I saw a number of these at my site visit. However, in most cases, the ones I observed are to a more limited depth than the proposed development,

and where deeper structures exist I saw that they are stepped in from boundaries with other properties which would help to limit any harmful effects to the residential amenities of the occupiers of adjacent dwellings. I also saw the dormer extensions referred to by the appellant, but due to their positioning, and the nature of these features, I consider that they do not provide a precedent for proposals that would cause material effects to the residential amenities of the occupiers of adjoining properties. In any event, each proposal has to be considered on its own planning merits.

11. I note that the GPDO allows for the construction of outbuildings within residential gardens up to a height of 2.5m without the necessity to apply for planning permission, and am aware of the appellant's comments that such structures could be built up to the boundary and have similar effects to those of the proposed development. However, I am not persuaded that these structures would provide the type of accommodation that the appeal scheme seeks to secure, and thus do not genuinely offer an alternative to the proposed development. Moreover, such structures, if built in a similar position to the proposed development, could interfere with the outlook and amenity space to the rear of the appeal dwelling, not necessarily to the convenience or benefit of its occupiers. I am thus not persuaded that there is a realistic prospect of such development being brought forward and, as a consequence, only attach very limited weight to this consideration in the overall planning balance.
12. I am aware of the appellant's comment that a pitched roof structure could have a greater effect than the proposed flat roof, however, as I have found that harm would arise from the proposal as submitted, I attach only limited weight to this consideration.
13. I have found that the proposed development would cause material harm to the residential amenities of the occupiers of No 64 in terms of the outlook available from the adjacent ground floor window and garden, and in terms of daylight available in the garden. This material harm outweighs the lack of harm I found in respect of the availability of sunlight to the occupants of No 64, and to the residential amenities of the occupants of No 68. In these regards, the proposed development would conflict with Policy BCS 21 of the *Bristol Development Framework: Core Strategy* (adopted June 2011); Policy DM30 of the *Bristol Site Allocations and Development Management Policies: Local Plan* (adopted July 2014) and *Supplementary Planning Document 2: A Guide for Designing House Extensions and Alterations* (adopted October 2005). Taken together, and amongst other things, this guidance and policy seeks to ensure that new development avoids material harm to the residential amenity of the occupants of neighbouring dwellings.
14. For these reasons too, the proposed development would run contrary to the provisions of Schedule 2, Part 1, Paragraph A.4 of the GPDO due to its adverse impact on the residential amenity of the occupiers of No 64.

Other Matter

15. I have considered the appellant's comment that they would consider lowering the height of the extension to 2.3m. However, this would be a material change to the proposal that is outside of the scope of this appeal which has focussed on the details as submitted to the Council as part of the prior approval application. Any changes of this nature would need to be determined by the Council as a fresh application in the first instance.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

G J Fort

INSPECTOR