

Appeal Decision

Site visit made on 25 January 2017

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 06 February 2017

Appeal Ref: APP/Z0116/W/16/3162122

Rockwood House, Frenchay Road, Fishponds, Bristol BS16 2RA

- 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 Mike Botta against the decision of Bristol City Council.
 - The application Ref 16/00598/F, dated 15 February 2016, was refused by notice dated 12 July 2016.
 - The development proposed is "*demolition of detached garage and construction of new build detached dwelling*".
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Decision

1. The appeal is dismissed.

Planning background

2. Rockwood House stands within a large, irregular plot, to the rear of the properties fronting Frenchay Road. The ground floor is currently used as offices, with living accommodation above. Planning permission was granted in February 2015 for the conversion and extension of the house to form two dwellings (14/03425/F), including the addition of another storey, but this work has not yet been started.
3. The present appeal relates to the site of the existing garage, which stands just to the side of the house, and slightly forward of it. Planning permission was granted in June 2006 (06/01654/H) for the replacement of the garage with a 2-storey extension, including a new garage, a lounge/ kitchen and two bedrooms, all of which were to be ancillary to the main house. I understand that permission to have lapsed. The appeal proposal is for a building similar to the 2006 scheme in terms of its size and position, but detached from the main house, and to be occupied as a separate dwelling.

Main issues

4. The main issues in the appeal are:
 - the proposed development's effects on living conditions within the proposed new dwelling and at Rockwood House;
 - and the effects on the character and appearance of the area.

Reasons for decision

Living conditions

5. The new dwelling would stand corner-to corner with Rockwood House, and at right angles to it, both facing onto the shared forecourt and parking area. On
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- the ground floor the new unit would have a garage and the smaller of its two bedrooms, and on the first floor would be a combined living and kitchen area, the main bedroom, and an outdoor deck.
6. The proposed first-floor bedroom would have a wide, floor-to-ceiling window looking onto the forecourt area. In this position it would be open to close-range inward views from the existing building, and there would also be reciprocal outward views. Although the angles would be somewhat oblique, the distances would be short, and the proposed bedroom's window would be quite large. As currently configured, the relevant rooms in the main building include two bedrooms, a lounge and a balcony. With the exception of the nearest existing bedroom, where the angle would be too tight, all the others would have clear views towards the new dwelling's first floor bedroom, causing a serious lack of privacy.
 7. If and when Rockwood House is converted, under the approved scheme, the front rooms at first floor level would both become lounges, and both would have balconies and wide expanses of full-height glazing. In this case, the overlooking of the appeal building's bedroom would be further intensified. There would also be greatly increased scope for reciprocal overlooking, in the reverse direction.
 8. With regard to the proposed dwelling's living/kitchen area, it is proposed that the front window would have obscure glazing. This would prevent overlooking from the main house's first floor rooms. However, above this window there is also proposed to be a clear-glazed roof light. When the approved works to the main building are carried out, this roof light would become subject to overlooking from the nearest of the proposed new rooms at second floor level.
 9. On the ground floor, the proposed dwelling's smaller bedroom would have one of its windows facing directly onto the front courtyard. Currently this area is used for access around the building, and for parking, including by staff and visitors in connection with the office use. People would therefore be likely to pass directly in front of this window. When the main building is converted, the entrance to one of the units will be in this corner. In either scenario therefore, the level of privacy afforded to this ground floor bedroom would be poor. The only other proposed window in this room would be overshadowed by trees and decking, so omitting the front window would make the room unacceptably dark and oppressive.
 10. With regard to aural privacy, in summer months it is likely that at times windows and balcony doors would tend to be left open for extended periods. With such close proximity between dwellings, it seems to me that this would result in conversations at normal volumes, even indoors, potentially becoming audible. To my mind this would exacerbate the lack of visual privacy identified above.
 11. I accept that in some cases overlooking could be reduced by further obscure glazing. But inevitably this would also reduce the outlook available, which is an important part of creating good living conditions. The constraints of the site are such that there is little potential for any outlook in any other directions except to the front, over the courtyard. Consequently, I am not persuaded by any of the evidence before me that introducing more obscure glazing would overcome the harm that I have identified. I also acknowledge that in some cases the lack of privacy could potentially be mitigated by installing net

curtains or opaque blinds, and that in this respect occupiers would be free to exercise their own choice. But this does not change the fact that living conditions would be compromised.

12. With regard to the proposed decking, I note that the approved scheme for Rockwood House, as amended under ref. 16/05635/NMA, includes provision for blocking up the existing side windows. I also agree that, before that approved scheme is commenced, the same effect could be achieved by condition. Privacy between the deck and the existing windows is therefore not an issue. However, this does not overcome the other issues relating to privacy that I have identified.
13. I appreciate that in many respects the development now proposed would be similar to that previously approved in 2006. But that approval was for ancillary accommodation as opposed to a separate dwelling.
14. I conclude that, for the reasons set out above, the development would fail to provide for acceptable living conditions within the proposed new dwelling, by reason of inadequate visual and aural privacy. And for the same reasons, it would also have an unacceptably harmful impact on the living conditions of existing and future occupiers of Rockwood House, both in its existing form, and when converted in accordance with the existing permission.
15. In all these respects, the appeal scheme conflicts with the relevant provisions of Core Strategy (CS)¹ Policy BCS21, and Development Management (DM)² Policies BS27 and BS29, which jointly seek to safeguard the amenity of existing development, create a high-quality environment for future occupiers, and to provide appropriate levels of privacy, outlook and daylight for existing and future occupiers.

Character and appearance

16. As described above, the proposed new dwelling would be set close to Rockwood House, and indeed the spacing between them would be much closer than most other properties in the immediate area, and particularly those in Fromeside Park and the northern part of Frenchay Road. However, the Rockwood site is extensive, and the majority of it would remain undeveloped. The site as a whole would thus retain most of its present openness. The appeal site also adjoins the Oldbury Park open space to the north, and a smaller amenity area forming part of the Fromeside Park development to the south. It is therefore well separated from the other development around it, and its setting is relatively spacious. In any event inward views into the site are limited due to the mature trees all around and within the site itself. Seen in this context, the proposed development would not appear unduly cramped.
17. The proposed design and materials are contemporary in style. They would be different from those used on Rockwood House, in its existing form, or at Fromeside Park, but that does not make them unacceptable. Given the discrete nature of the site, there is no particular need for the development to match its surroundings. The scheme would be in keeping with the approved alterations to Rockwood House, should that development take place. But in any event, the design, materials and overall composition would to my mind be of an acceptable quality for this location.

¹ The Bristol Development Framework Core Strategy, adopted June 2011

² The Bristol Local Plan Site Allocations and Development Management Policies, adopted July 2014

18. I appreciate that the open space immediately to the north of the site forms part of the Oldbury Park registered historic parkland, and lies within the Stapleton and Frome Vale Conservation Area. But visibility from that area would be limited, for the reasons already stated. The setting of these historic assets would therefore be adequately preserved.
19. I conclude that the proposed development would therefore not result in unacceptable harm to the character or appearance of the area. In this respect there would be no conflict with any of the relevant policies that seek to achieve high quality design, including the relevant provisions of CS Policy BCS21 and DM Policies DM27 and DM 29. However, this does not overcome the harm to living conditions that I have identified previously.

Conclusion

20. I note all the other matters raised. However none of these affects my conclusion, that the proposed development would result in unacceptable living conditions for future occupiers of the development itself, and would cause unacceptable harm to living conditions at Rockwood House, by virtue of a lack of privacy. The appeal is therefore dismissed.

John Felgate

INSPECTOR