
Appeal Decision

Site visit made on 23 January 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 09 February 2017

Appeal Ref: APP/F0114/D/16/3165355

23 Lymore Avenue, Bath, BA2 1BA

- 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 Mrs Josephine Vercoe against the decision of Bath & North East Somerset Council.
 - The application Ref 16/02530/FUL, dated 20 May 2016, was refused by notice dated 22 September 2016.
 - The development proposed is demolition of existing single storey rear extension and erection of side and rear, single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single storey rear extension and erection of side and rear, single storey extension at 23 Lymore Avenue, Bath, BA2 1BA, in accordance with the terms of application ref 16/02530/FUL, dated 20 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development shall be undertaken in accordance with the following approved plans: Drawing 01 (Existing Ground Floor Plan, Elevations, Site and Location Plan) and Drawing 02A (Proposed Ground Floor Plan & Elevations).

Application for Costs

2. An application for costs was made by Mrs Josephine Vercoe against Bath & North East Somerset Council. This application is the subject of a separate costs decision.

Procedural Matter

3. The appellant has raised a number of concerns with regard to the Council's determination of the planning application. However, such matters fall outside of the remit of this appeal decision and where relevant have been considered within the associated costs decision.

Main Issues

4. The main issues of the appeal are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupants of neighbouring properties.
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Reasons

Character and appearance

5. The appeal site is located on Lymore Road, which accommodates a long terrace of two-storey properties. The appeal property is mid terraced and is currently used as a House in Multiple Occupancy (HMO) for up to 5 students. The site falls within the World Heritage Site. I observed that the terrace of properties, particularly those neighbouring the appeal property do not have uniform rear elevations. Indeed, there is a variety of extensions present in differing forms. Further, it was clear that views from the street scene of the rear elevation of the appeal site are limited.
6. The proposal would result in the removal of the existing single storey rear extension and the construction of side and rear extension, which would infill a small courtyard area and would extend beyond the building line of the existing extension. Given the single storey nature of the proposal, its location on the rear elevation and the variation in layouts of the rear elevations of the neighbouring terraced properties, I consider that the scheme would not result in any harm to the character and appearance of the area.
7. The scheme's drawings include a schedule of materials, which includes bath stone to match the host property. As a result and bearing in mind my findings above, the proposal would appear subservient and not cause any harm to the character and appearance of the host dwelling.
8. For the reasons given above, I conclude on this main issue that the proposal represents high quality design. The proposal therefore complies with saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan including minerals and waste policies (2007) (the LP). In summary, these policies seek to ensure that new development maintains or enhances the character of the public realm and responds to the local context in terms of appearance, materials, siting, spacing and layout. I also consider that the scheme is in accordance with the guidance within Section 7 of the National Planning Policy Framework, which requires good design.

Living conditions

9. The single storey rear and side extension would extend beyond the existing rear elevation of the appeal property and infill a small courtyard area. Along the western boundary of the proposed extension this would be set against the flank wall of the neighbouring property No 24 and would not extend significantly past its rear building line. The proposed extension would extend further past the rear elevation of the other adjoining neighbouring property No 22. However, the extension would be single storey in height and would have a flat roof. As a result, I do not consider that the proposal would cause any unacceptable overbearing effect or loss of daylight or sunlight to No 22.
10. The proposed extension would not have any openings on the boundary with No 22 and therefore would not result in any additional overlooking from that which is already experienced, given that they are terraced properties. Whilst there would be a rear facing window serving the additional bedroom, this would not result in any overlooking that would not be expected in such a residential area and between terraced properties. The proposal would therefore not result in

any unacceptable overlooking to neighbouring properties or associated loss of privacy.

11. A number of interested parties have raised concern that the provision of another bedroom and the part reconfiguration of ground floor layout would cause noise and disturbance, causing harm to their living conditions. However, I am particularly mindful that these are terraced properties, where habitable rooms within neighbouring properties will unavoidably back onto one another. Concerns have been raised that the proposed kitchen area and dining room will now adjoin No 24, but I observed that the existing lounge, where it is reasonable to assume students spend a good amount of their time when inside the property, also adjoins No 24. There is no evidence before me to suggest that increasing the occupancy of the house by 1 person or the part reconfiguration of the ground floor layout in an existing HMO will result in any additional unacceptable noise, smell or disturbance to the occupants of neighbouring properties, whilst within their dwellings or when utilising their gardens.
12. I acknowledge that the occupants of neighbouring properties may have had issues in the past with regard to noise and disturbance. However, I consider that such matters can be suitably managed by other controls such as environmental health. Further, there is nothing before me to suggest that such occurrences are a persistent problem.
13. In conclusion on this matter, I consider that the proposal would not cause harm to the living conditions of the occupants of neighbouring properties. The scheme therefore complies with Policy D.2 of the LP, which ensures that new development does not cause any significant harm to the amenities of existing or proposed occupiers by loss of light, increased overlooking, noise, smell or other disturbance.

Other matters

14. Local residents have raised a number of concerns with regard to the extra pressure that increased occupancy at the appeal site would have on parking in the area. However, I observed on my site visit that there was on-street parking available within the surrounding streets in close proximity to the appeal site. Further, as set out above, the appeal property is occupied by students and therefore, I consider it is reasonably likely that the future occupant of the additional bedroom would not use a car. I am also mindful that the Council's highway officer did not raise any concerns with regard to the scheme.
15. Concern has been raised that there is a lack of need for HMOs in the area. Whilst there is no substantive evidence before me to support this view, I am nonetheless mindful that the property is already a HMO and is seeking to provide an additional bedroom within the property. There is no evidence to suggest that the approval of an additional bedroom within an existing HMO would cause harm to the well-being of the local community.
16. I acknowledge the concerns of local residents with regard to potential disturbance and inconvenience during the construction period. However, this is to a large extent unavoidable and can be said for most new developments. The construction of the extension would be for a temporary period of time and in my view, is not a reason to withhold planning permission.

17. The effect on neighbouring house prices has been raised. However, the Government's Planning Practice Guidance states that the courts have taken the view '*...that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property... could not be material considerations*'. (Paragraph: 008 Reference ID: 21b-008-20140306).

Planning Conditions

18. As well as the standard time limit condition (1), a condition is also necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2). The Council in their questionnaire form consider that a condition is necessary that requires the materials used in the development to match those of the existing house. However, Drawing 02A includes a schedule of materials and therefore I consider that Condition (2) is sufficient in its own right to secure the suitable appearance of the scheme. As a result, I have not imposed the condition.

Conclusion

19. For the reasons set out above and having regard to all other matters raised, including the concerns of local residents, the appeal is allowed, subject to the above conditions.

Jonathan Manning

INSPECTOR