

Appeal Decision

Site visit made on 31 January 2017

by G Powys Jones MSc FRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/Z0116/D/16/3164726

4 Queens Road, Bishopsworth, Bristol, BS13 8LB

- 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 S Bowden against the decision of Bristol City Council.
 - The application Ref 16/04127/H, dated 30 July 2016, was refused by notice dated 30 September 2016.
 - The development proposed is described as first floor side extension over present single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council had requested that I should view the development from within 6 Queen's Road. The necessary arrangements had been made for me to do so, but no-one was at home when I called. However, I could see all that I needed to see to arrive at my decision from within the appeal site, from No 6's front garden and the street outside.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the residents of 6 Queens Road with particular reference to ambient light, outlook and visual impact.

Reasons

4. The appellant intends erecting an additional floor over his dwelling's existing single storey side extension, built on the common boundary between the appeal site and 6 Queen's Road. The effect of the development would be to approximately double the height of the wall currently on the common boundary along its whole length. Ground levels to the rear of the respective properties differ, with No 6's below that of the appeal property.
 5. Two of No 6's windows face the proposed extension. One serves a kitchen, the other a landing. The appellant says that no habitable room is affected, as alleged by the Council in its reason for refusal. I consider this to be of significance in assessing ambient light levels, since it is the effect on habitable rooms that is normally assessed. Moreover, the Council has not presented an empirical assessment in support of its contention. There is therefore no
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convincing evidence to persuade me that ambient light levels within No 6 would be reduced to an unacceptable level, as alleged by the Council.

6. As to loss of outlook and visual impact, I share the appellant's view, to an extent, that views from within No 6 are already affected by extant development. However, the effect of the proposal, if built, would be to bring two-storey development significantly nearer to the two windows concerned. To my mind, the additional storey would be perceived from within the kitchen and externally as a high and oppressive structure. No 6's residents, including when using their garden, and especially taking account of differing ground levels, would feel increasingly and harmfully hemmed-in by development.
7. I conclude that the proposed development would harm the living conditions currently enjoyed by the residents of 6 Queens Road by reason of its oppressive effects on outlook and adverse visual impact. Accordingly, a clear conflict arises with those provisions of policy BCS21 of the Bristol Development Framework Core Strategy, and policy DM30 of the Site Allocations and Development Management Policies, directed to safeguarding neighbouring residential amenity.

Other matters

8. The appeal property is located within the Bishopsworth and Malago Conservation Area (CA), and I am therefore required to pay special attention to the desirability of preserving or enhancing its character or appearance. There is no clear indication that this was done when the original application was assessed, and in this regard the officer report on the original application is silent as to the site's inclusion in the CA.
9. To my mind, the proposed flat roofed extension is not of an attractive design and is utilitarian in appearance in comparison with the remainder of the dwelling's front elevation. Because of its prominence and elevated position, it would appear incongruous when viewed from the street below. The property would also take on a cramped, congested and overdeveloped appearance. I find that the proposal would not therefore preserve or enhance the character and appearance of the CA. This serves to augment my conclusions on the main issue that this is an unacceptable development.
10. All other matters referred to in the representations have been taken into consideration but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR