
Appeal Decision

Site visit made on 31 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/P0119/D/16/3165860

2 Ford Lane, Emersons Green, Bristol BS16 7DD

- 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 Steven Maggs against the decision of South Gloucestershire Council.
 - The application Ref PK16/3186/F, dated 24 May 2016, was refused by notice dated 22 November 2016.
 - The development proposed is described on the application form as "*the proposed work is for a two storey extension largely replacing the existing conservatory and loft conversion*".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and the erection of a two storey rear extension at 2 Ford Lane, Emersons Green, Bristol BS16 7DD in accordance with the terms of the application, Ref PK16/3186/F, dated 24 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1-site and block plans dated August 2016; 2-existing plans dated May 2016; 3-existing elevations dated May 2016; 4-proposed floor plans dated August 2016; 5-proposed elevations dated August 2016; 6-street elevation south dated November 2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the new first floor windows on the east and west elevations shown on plan 4-proposed floor plans and plan 5-proposed elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
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Procedural Matter

2. The description of development in the banner heading is taken from the application form. However, the application was amended prior to being decided by the Council and I have determined the appeal on the basis of the amended plans. Consequently, whilst section E of the appeal form states that the description of development has not changed, I have used the description taken from the Council's decision notice in my formal decision. The appellant has used the amended description elsewhere in their appeal. I am satisfied that none of the parties to the appeal will be prejudiced by the amended description.

Main Issue

3. The effect of the proposed extension on the living conditions of the occupiers of adjoining residential properties, having regard to outlook.

Reasons

Living conditions

4. The appeal property consists of a modern two storey detached 3/4 bedroom dwelling with an attached double garage. It is adjoined by detached properties of similar size and materials which form part of a planned modern residential suburb.
5. Following demolition of the existing rear conservatory, the proposed extension would project outwards from the rear of the dwelling by around 2.5 metres. Encompassing the width of the existing rear elevation (apart from the double garage), the extension would have a cross-gabled roof form. Its eaves line would be broadly level with that of the existing dwelling and would be parallel to the side boundaries. The overall height of the extension would be slightly below that of the existing dwelling.
6. 86 Guest Avenue (No 86) has its rear elevation angled towards the side boundary of the appeal property. Due to its siting and a 'dog-leg' in the shared boundary, part of the rear elevation of No 86 including its conservatory, is in proximity to the appeal property's double garage. The rear garden is at a lower ground level than that of the appeal property, as is 84 Guest Avenue (No 84) and 4 Ford Lane (No 4), the side wall of the latter dwelling being adjacent to the end of the appeal property's rear garden.
7. The size and bulk of the extension, in particular its upper floor and roof would be visible from No 86's rear facing windows, its conservatory and rear garden, as well as from some other adjoining residential properties. This would be emphasised by the raised ground level of the appeal property in relation to its neighbours. Even so, the extension would not project deeper into the garden beyond the existing rear wall of the double garage and it would therefore have a limited depth. The extension would not be closer to the shared boundary with No 86 than the side wall of the existing dwelling. It would therefore be positioned around 5 metres from the boundary of No 86, with the existing double garage in between. As a result, whilst accounting for the angled siting of No 86 the distance of the extension from the shared boundary would be substantial. There is no planning requirement for an extension to be a minimum distance from the boundary, as each proposal is examined on its individual merits.

8. The above factors would have the effect of significantly offsetting the overall scale and bulk of the extension that would be apparent when viewed from No 86. Consequently, whilst the existing outlook would alter, the extension would not appear as an unduly overbearing or overly oppressive feature in outward views from the rear windows of No 86 or from within its conservatory or rear garden. Accordingly, in my view the occupiers would not experience a significantly greater built up or more enclosed feel when enjoying their property than exists at present.
9. No 84 shares part of its garden boundary with the appeal property but together with No 4 and other adjacent residential properties will be further from the extension than No 86. Similar conclusions therefore apply in terms of the effects of the extension on the outlook currently enjoyed by the occupiers of those properties as would apply in respect of No 86. Consequently, whilst I realise that this conclusion will not be shared by some local residents, I find that the extension would not unacceptably reduce the existing levels of outlook enjoyed by the occupiers of the adjoining residential properties.
10. Therefore, the extension would accord with saved Policy H4 of the South Gloucestershire Local Plan 2006, as it would not prejudice the amenities of nearby occupiers. Furthermore, it would be consistent with the National Planning Policy Framework (the Framework) core principle at paragraph 17 of always seeking to secure a good standard of amenity for all existing and future occupants of buildings.

Other matters

11. The windows in the first floor of the extension would allow views over adjoining residential properties, but only at a considerable distance or at an oblique angle. A planning condition could be imposed to prevent any overlooking from the new windows proposed in the side of the extended dwelling. As a result, the extension would not cause an unacceptable loss of privacy to the occupiers of adjoining residential properties. I understand the concern of some local residents regarding a potential loss of daylight and sunlight. However, having regard to the significant distance between the extension and adjoining properties, I do not have any firm evidence before me which would suggest that existing light levels would be unacceptably reduced.
12. The design and overall scale of the extension would respect that of the existing dwelling, adjacent dwellings and the spatial characteristics of the estate. Whilst the roof of the extension would be slightly higher than the front gable of the dwelling, on the whole the gables would not be viewed together. Moreover, there is considerable variation in terms of the design of dwellings in the locality, including a variety of gabled roof treatments. For the above reasons, the extension would not cause unacceptable harm to the character and appearance of the area.
13. The extension would also not result in a substantially greater part of the property being occupied by built form. Its footprint would not be dissimilar to that of the existing conservatory and a substantial rear garden would be retained. In the absence of unacceptable harm to the character and appearance of the area or the living conditions of the occupiers of adjoining properties, the extension would not amount to an overdevelopment of the plot.

14. I acknowledge that a larger scale extension was originally proposed at the appeal property and that a planning application for a proposed side extension at No 4 was withdrawn in 2014. However, I have not seen any firm evidence to suggest that the extension would set an undesirable precedent for other proposals at the appeal property or elsewhere. Any future planning applications would be required to be considered on their individual merits.
15. In refusing planning permission the Council did not refer to any of the above matters and I have not found any reason to disagree with their assessment. Potential reduction in property values is a not a planning matter.

Conditions

16. In addition to the standard commencement condition, I have attached a condition specifying the approved plans, for the avoidance of doubt. I have imposed a condition requiring the external materials to match those of the existing dwelling to ensure a harmonious appearance, to safeguard the character and appearance of the area. I have also imposed a condition requiring the new first floor windows on the side elevations to be obscure glazed and largely non-opening. This is to protect the privacy of the occupiers of adjoining residential properties.
17. However, I have not imposed all of the Council's suggested conditions as some do not satisfy the tests in the Framework. Firstly, I have not imposed a condition restricting the insertion of additional windows in the east elevation of the extension. In order to be permitted development, any such windows would have to comply with condition A.3(b) of Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, thereby safeguarding the privacy of the occupiers of adjoining dwellings. The suggested condition is therefore unnecessary. Secondly, I have not imposed a condition restricting the hours of working during the construction period. I have not seen any firm evidence to suggest that the appeal property is so restricted in relation to the adjacent residential properties that such a condition would be necessary.

Conclusions

18. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR