The Planning Inspectorate

Appeal Decision

Site visit made on 21 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/Z0116/D/16/3163620
199 Avonvale Road, Redfield, Bristol BS5 9SR

- 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 Ismail Mustafa against the decision of Bristol City Council.
- The application Ref 16/03414/H, dated 16 June 2016, was refused by notice dated 2 November 2016.
- The development proposed is described on the application form as "*there will be a two storey extension of 3 metres wide by 3.5 metres length at the rear of the site, the ground floor will be extended to the current kitchen and the extended room at first floor will be an office room. Both internal and external insulation will be used for the extension".*

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed extension on the living conditions of the occupiers of adjoining residential properties, having regard to outlook, light and privacy.

Reasons

3. The appeal property consists of a two storey, mid-terraced dwelling with a modest rear garden. 197 and 201 Avonvale Road (Nos 197 and 201) adjoin the property on either side. The rear gardens of the long terrace in which the above dwellings are located back onto those of another similarly-sized residential terrace in Granville Street.

4. The proposed extension would have two storeys, projecting a depth of around 3.5 metres from the rear of the appeal property. It would have a monopitch roof of similar overall height to the eaves level of the appeal property. Therefore, the extension would be of a substantial overall scale in comparison with the relatively modest proportions of the appeal property and the adjacent dwellings.

5. Due to the position of the extension adjacent to the shared boundary, the side elevation would be in proximity to ground floor and first floor windows serving habitable rooms at the rear of No 201, as well as part of its rear garden. Consequently, the extension would be readily apparent at the rear of No 201. Due to its substantial overall size and mass, the extension would be seen as a dominant and oppressive feature. It would also have an enclosing effect that would significantly reduce the existing, largely open aspect at the rear of No

201. Consequently, the extension would significantly erode the existing levels of outlook and light currently enjoyed by the occupiers of No 201.

6. The Council's adopted Supplementary Planning Document No 2 'A Guide For Designing House Alterations and Extensions' (SPD) advises that rear extensions should, as a 'rule of thumb' not cross a 45 degree line projected from the centre of an adjoining neighbour's ground floor window. Amongst other matters, this is to avoid an overbearing visual impact on neighbouring properties in terms of bulk and proximity to boundaries and to prevent an excessive loss of light. The extension would cross the 45 degree line in relation to No 201 by a significant distance. The SPD also advises that two storey rear extensions to terraced properties may not always be acceptable as they can result in, amongst other matters, an unreasonable loss of light or outlook from adjoining houses and/or a detrimental sense of enclosure or oppressiveness. Therefore, the advice in the SPD underpins my above findings.

7. Due to its width being approximately half that of the existing dwelling, the extension would be around 2.5 metres away from the shared boundary with No 197. That neighbouring property has a door at ground floor level and an obscure glazed window on the first floor adjacent to the shared boundary. Neither opening provides the main outlook to a habitable room. Accordingly, the extension would have a more limited impact in terms of any reduction to the outlook and light currently enjoyed by the occupiers of No 197. Even so, that would not overcome the harm identified above.

8. Having regard to the modest depth of the appeal property's rear garden, the rear elevation of the extension would be around 5 metres from the boundary with the short rear gardens of 12 and 14 Granville Street (Nos 12 and 14). Given the urban surroundings, some overlooking of the rear elevations and rear gardens might reasonably be anticipated by the occupiers of the neighbouring properties. Nevertheless, the proximity to the boundaries would result in the occupiers of Nos 12 and 14 as well as No 197 finding themselves overlooked at the rear at close quarters from the first floor windows of the extension. The sense of being overlooked would be emphasised by the slightly higher level of the appeal property in relation to Nos 12 and 14. Consequently, the extension would substantially and unacceptably erode the existing levels of privacy enjoyed by the occupiers of the above properties.

9. The distance between the rear elevation of the extension and the rear windows of Nos 12 and 14 would fall well below the 'rule of thumb' 21 metre distance between windows directly facing one another recommended in order to avoid any significant loss of privacy to neighbouring houses and gardens in the SPD. Whilst the SPD also allows some scope for lower privacy distances in urban settings, it nevertheless supports my findings in respect of the effect of the extension on the privacy of the neighbouring properties.

10. I have taken the appellant's offer to slightly reduce the depth of the extension and remove one of the first floor windows, into account. However, the scope to consider amendments to a scheme during an appeal is limited. If the appellant feels that amending the scheme would overcome the Council's objections, the normal approach would be to make a fresh planning application.

11. I accept that there are some large two storey rear extensions further along the terrace. However, I have been supplied with few details of those developments. In isolation, the existence of large extensions in the locality

would not be a good reason for permitting an otherwise unacceptable development. The circumstances under which the other developments were carried out may have been very different to those of the appeal scheme.

12. For the above reasons, the extension would cause unacceptable harm to the living conditions currently enjoyed by the occupiers of the adjoining residential properties. Therefore, the extension would not accord with Policy BCS21 of the adopted Bristol Core Strategy, as it would not safeguard the amenity of existing development. It would also not accord with Policy DM30 of the adopted Bristol Local Plan-Site Allocations and Development Management Policies, as the extension would not safeguard the amenity of neighbouring occupiers. Moreover, the extension would be inconsistent with the guidance in the SPD as it would be overbearing and result in unacceptable loss of light and privacy to the neighbouring properties.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR