
Appeal Decisions

Site visit made on 23 February 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 16 March 2017

Appeal A: APP/P0119/W/16/3160485

6 Anchor Road, Kingswood BS15 4RG

- 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 Patel against the decision of South Gloucestershire Council.
 - The application Ref PK16/3915/F, dated 20 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is 2-bedroom maisonette.
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Appeal B: APP/P0119/W/16/3164293

6 Anchor Road, Kingswood BS15 4RG

- 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 Patel against the decision of South Gloucestershire Council.
 - The application Ref PK16/3916/F, dated 20 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is single and second storey shop and flat extensions.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matters

2. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered them together in this document.
3. The Council, in its decision notice relating to appeal B, refers to its Design Checklist Supplementary Planning Document (Design SPD). It also refers, in both decision notices to its Residential Parking Standards SPD. I have applied some weight to those documents due to their role in supporting the relevant development plan policies.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the living conditions of the occupiers of neighbouring dwellings in respect of outlook and, also in relation to appeal A, sunlight;
 - ii) the character and appearance of the host property and surrounding area;
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- iii) highway safety in respect of provision for parking.

Reasons

Living conditions

5. Both appeal proposals would involve a substantial projection of the existing building to the rear at first floor level. That relating to appeal A would be set well away from the boundary with No 4 Anchor Road but immediately adjacent to the boundary with No 8, which would include an extension to the side of the existing rear two storey flat roof part of the building. That of appeal B would be set away from the boundary with No 8 by the width of the existing garage but set fairly close to the boundary with No 4, which would also include an extension to the side of the existing two storey flat roof element.
6. In respect of the living conditions of the residents of No 4, the existing two storey element of No 6 already extends beyond the rear elevation of that neighbouring dwelling and currently has some effect on the outlook from it and its rear garden. However, the additional extent of the appeal B proposal and its fairly close proximity to the site boundary, would, despite having a flat roof, substantially increase the massing effect to the rear of the building when seen from No 4. The effect would be one of a materially increased enclosing and overbearing impact when looking from rear habitable rooms and the area of garden closest to the dwelling of No 4.
7. The appeal A proposal, being set noticeably further from the boundary with No 4, would not have the same massing effect when seen from that property and as such would be unlikely to have that same materially increased enclosing and overbearing impact. Furthermore, in the case of both appeals the position of No 4 to the south of No 6 would ensure that there would be unlikely to be a significant loss of sunlight to that neighbouring property.
8. With regard to the living conditions of the residents of No 8, in relation to the appeal A proposal, the degree of two storey projection immediately alongside the site boundary would substantially increase the massing effect of the building seen from the rear of No 8, including the part of the garden nearest to the house. The partially intervening single storey detached garage at the rear of No 8, adjacent to the boundary, would be unlikely to weaken that effect to a material extent due to its fairly modest height and size. As such, the appeal A proposal would be likely to have an enclosing and overbearing impact when seen from No 8. Due to the position to the south of No 8, the height, projection and proximity to the boundary of the appeal A scheme would also be likely to cause a significant reduction in the amount of sunlight to the rear of that adjacent property, including that same part of the garden area referred to above.
9. The extent by which the appeal B two storey projection would be set off the side boundary with No 8, with the element immediately abutting it only being single storey, would, together with the presence of No 8's garage, be likely to avoid that same enclosing, overbearing and overshadowing impact.
10. For the above reasons, I conclude on this issue that the appeal A proposal would cause unacceptable harm to the living conditions of the occupiers of No 8 in respect of outlook and sunlight, and that the appeal B proposal would cause unacceptable harm to the living conditions of the occupiers of No 4 in respect

of outlook. As such, both proposals, in respect of this issue, would be contrary to saved policy H4 of the South Gloucestershire Local Plan (the Local Plan) and policy CS1 of the South Gloucestershire Local Plan: Core Strategy (the Core Strategy) which together require development not to prejudice the amenities of nearby occupiers and to respect the amenity of the site's context.

Character and appearance

11. The proposed developments in respect of both appeals comprise substantial flat roof additions to the existing building. Although not shown on the front elevation drawing, this includes, in relation to appeal B, a first floor side extension supported by pillars, labelled on the plans as 'flat storage' and shown as having a flat roof on the proposed side elevation drawing. That element would be a prominent feature of the building seen from the street, particularly as it would be forward of the adjacent pair of semi-detached houses to the north. As such, and in the context of the existing streetscene in that vicinity, where the roof forms are generally sloping, including the hipped design at the front of No 6 and of the adjacent semi-detached houses, that element of the proposal would appear as a jarring and incongruous feature of the streetscene. This would be regardless of the detailed design of the front elevation which I have been unable to comment on due to there being no such elevation drawing submitted.
12. The remaining extensions for both proposals would all be set well back into the site. Their extent and flat roof design would contradict the scale and design of other neighbouring properties. However, they would be generally well screened from Anchor Road vistas. Additionally, when seen from the playing fields to the rear of the site and from neighbouring properties those extensions would continue to be seen to some extent in the context of No 6 already being of a different nature to those semi-detached dwellings either side, being a fairly narrow detached building. However, in respect of appeal B that factor would be insufficient to outweigh the harm that I have found would be caused in respect of the first floor side 'flat storage' extension.
13. For the above reasons, I conclude on this issue that: the proposed development relating to appeal B would cause unacceptable harm to the character and appearance of the host property and surrounding area, contrary to policy CS1 of the Core Strategy and the Design SPD, which in respect of this issue together require development to be of high quality design; the proposed development relating to appeal A would not cause unacceptable harm to the character and appearance of the host property and surrounding area, and as such, in respect of this issue, would accord with policy CS1 and would not be at odds with the principles of the Design SPD.

Highway safety

14. I note that there is currently space for two cars to park on the site in tandem between the road and the external staircase serving the first floor flat. Whilst there is an existing garage beyond that, currently used for storage, the external staircase creates a narrow and excessively restrictive access route to that space if it were intended to be used for parking. It is therefore only those two spaces towards the front of the site that are clearly useable.
15. The appeal A proposal would include an additional dwelling to that already on the site, together with the shop. This would therefore generate the need for a

total of three parking spaces. As only two are clearly available, this would result in the likelihood of the need for on-street parking. In any case, a tandem arrangement, with reliance on others to move cars, would not be so likely to be fully utilised by all occupiers on the site in perpetuity, if the proposed dwelling were to be occupied independently from the shop and existing flat.

16. There is some on-street parking in the vicinity of the site. However, there are also significant parking restrictions along stretches of that section of road. Furthermore, whilst acknowledging it only to be a snapshot observation at my site visit, I also observed that the unrestricted stretches were fairly heavily subscribed with parked vehicles.
17. The additional demand for on-street parking in the vicinity of the site in the above context could lead to the potential for increased incidences of hazardous waiting on the highway or even unauthorised parking. This in turn would have the potential for unexpected manoeuvres and collisions.
18. With regard to appeal B, whilst this would include an additional bedroom to the existing flat and some additional shop storage space, it would be unlikely that this would necessarily generate the need for additional parking.
19. For the above reasons, I conclude on this issue that: the proposed development relating to appeal A would be likely to pose a risk to highway safety in respect of provision for parking, contrary to policy T12 of the Local Plan and the Residential Parking Standards SPD which together, in respect of this issue, require development not to have an unacceptable effect on highway safety, with minimum parking standards set out in the latter; the proposed development relating to appeal B would be unlikely to pose a risk to highway safety in respect of provision for parking, and as such would accord with policy T12 and would not be at odds with the principles of the Residential Parking Standards SPD.
20. The Council, in its decision notice, also refers to policy CS8 of the Core Strategy. However, that policy relates to improving accessibility rather than specifically highway safety and so is not directly relevant to this issue, in this case.

Other matter

21. The Council, in its officer report and appeal statement, also refers to loss of privacy relating to the occupiers of neighbouring dwellings with regard to appeal B. There are already existing habitable room windows overlooking the rear garden and conservatory of No 4. Whilst the additional windows would add to that situation, it would be unlikely to be to such an extent as to cause a material reduction in the existing level of privacy to the residents of No 4. This would especially be the case if the side window to the proposed bedroom 2 were required to be obscure glazed, which would be reasonable as it would be a secondary window to that room. In respect of No 8, the proposal would not include any additional windows to those already there and so would not worsen the level of privacy for the occupiers of that dwelling.

Conclusion

22. I have found in respect of appeal A that there would not be unacceptable harm to the character and appearance of the host property and surrounding area.

Furthermore, with regard to appeal B, I have found that the proposal would be unlikely to pose a risk to highway safety in respect of provision for parking. I also acknowledge the appellant's desire to provide additional accommodation for the growing number of family members in a very close knit community.

23. However, those factors relating to those respective appeals would be insufficient to outweigh the unacceptable harm that I have found would be caused: in respect of appeal A, to the living conditions of the occupiers of No 8 and the likely risk that would be posed to highway safety; and in respect of appeal B, to the living conditions of the occupiers of No 4, and to the character and appearance of the host property and surrounding area.
24. For the reasons given above, and taking account of all other matters raised, I conclude that the appeals should be dismissed.

Andrew Dawe

INSPECTOR