
Appeal Decision

Site visit made on 13 March 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 29 March 2017

Appeal Ref: APP/Z0116/C/16/3160574

16 Oxford Street, Totterdown, Bristol BS3 4RQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Nicky Butt against an enforcement notice issued by Bristol City Council.
 - The enforcement notice, numbered 17/00171/Z, was issued on 8 September 2016.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission the erection of a porch that spans the entire front elevation of the property.
 - The requirements of the notice are remove the porch in its entirety.
 - The period for compliance with the requirements is 60 days after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue in this appeal is the effect of the porch on the character and appearance of Oxford Street.

Reasons

3. Oxford Street, from Cheapside Street northwards to Cambridge Street, comprises two facing residential terraces, each with a uniform elevation and small front gardens. Although there have been alterations to a number of the properties, with many examples of sash windows having been replaced, the installation of bay windows and one striking example of 'cotswold stone' cladding, the appearance of both terraces is generally coherent, with a strong symmetry.
4. A full width open porch or canopy has been constructed to the front of number 16, over and to either side of a rectangular bay window. The Council describe the porch as being some 6.2m wide and 1m deep with a maximum height of 3.7m and eaves height of 2.6m. These dimensions are not contested by the appellant. The roof is pitched with red interlocking tiles, supported by two timber posts.

5. The porch, or roof canopy, extending as it does forward of the common front elevation of the terrace is highly conspicuous from both directions along Oxford Street. In closer views the porch structure appears as an incongruous and obtrusive addition to the host premises, failing to respect or echo the style of the house or the nature of the overall terrace, causing substantial detriment to the character of the dwelling itself and the streetscene of Oxford Street.
6. The appellant has drawn attention to a number of examples of alterations to the appearances of similar terraced properties in and around Oxford Street, resulting in an informal diversity, consistent with the general character of Totterdown.
7. However, most of the examples cited are of developments which have resulted in far less disruption to the streetscene. Of the other examples little, if anything, is known as to the circumstances surrounding these and, in any event, the existence of one or more examples of harm does not justify the creation of another. Each case has to be considered on its individual merits.
8. Policy DM30 of the adopted Bristol Local Plan, Site Allocations and Development Management Policies (DMP) states that extensions and alterations to existing buildings will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene; and that Extensions should be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting and scale. There is nothing in that policy to indicate that it only applies to large extensions.
9. The development enforced against causes substantial harm to the character and appearance of both the host property and the streetscene of Oxford Street. As such it conflicts with DMD Policy DM30.
10. For the reasons given above, and taking account of all material issues raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Andrew Hammond

Inspector