
Appeal Decision

Site visit made on 13 March 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 30 March 2017

Appeal Ref: APP/Z0116/W/16/3164717

Flat 2, 54 Gloucester Road, Bishopston, Bristol BS7 8BH

- 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 H Ahmadi against the decision of Bristol City Council.
 - The application Ref 16/03193/F, dated 10 June 2016, was refused by notice dated 1 August 2016.
 - The development proposed is the erection of a one and a half storey rear extension to provide a further bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the external shell of the rear extension had been erected.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for existing and future occupants, with particular regard to outlook, sunlight, daylight, noise and disturbance.

Reasons

4. The appeal relates to a three storey terrace property with a mixed commercial and residential use.
 5. The Council's Supplementary Planning Document Number 2, 'A Guide for Designing Alterations and Extensions' (SPD 2), states that extensions should be designed so as not to cross a 45 degree line projected from the adjoining neighbours' nearest ground floor habitable room window. In this case the windows affected are those which serve the bedrooms of flats 1 and 4, which face out onto a rear communal garden at ground and first floor level respectively. These are classed as habitable rooms by SPD 2 and are the only windows which serve these single bedroom units.
 6. I was able to observe that the extension is positioned very close to the edge of both windows and despite the above description is two storeys in height and of significant depth. Consequently the extension substantially breaches the 45 degree line and results in a domineering, overbearing and oppressive form of development that significantly compromises the outlook from both windows.
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7. The harm is compounded by the existing high flank wall at No 56 Gloucester Road, which is positioned immediately adjacent to the common boundary and a similar distance from the other side of the windows. Occupants therefore have to look down a considerable length of built development projecting from both sides of the window, thereby creating a narrow channel effect and an oppressive sense of confinement.
8. Given these characteristics, as well the orientation of the extension to the south west of the affected windows, it is inevitable that the proposal results in a material loss of light and sunlight reaching the same. This exacerbates the oppressiveness of the development and this would not be adequately compensated for by the outlook from the east facing lounge windows.
9. The proposal would also result in the sole rear access to the flats being relocated materially closer to the ground floor bedroom window of flat 1 than the previous arrangement. Whilst the appellant asserts that this space is little used, it is nonetheless the only amenity space associated with the flats and is used for bin storage. I also note that it is intended to provide covered cycle storage in this area. The rear door is therefore likely to be the focus for comings and goings in this location, thereby resulting in additional harm above the previous arrangement in terms of noise and disturbance.
10. Whilst there are a number of rear extensions to properties in this area, I have not been made aware of any comparable approved schemes which would serve as a direct precedent to the appeal development. In any case, I have determined the appeal on its own merits.
11. I appreciate that the proposal would increase the size of the living accommodation for flat 2, however, this benefit would not outweigh the significant harm I have identified above. I also acknowledge that the proposal would not result in harm to the living conditions of the occupiers of any property on Wolseley Road or Raglan Road or to the character and appearance of the host dwelling and surrounding area. However the lack of such harm is a neutral factor in the planning balance and therefore cannot weigh in favour of the proposal. Even if the Council has not yet instigated enforcement action, it has nonetheless refused planning permission for it.
12. I appreciate that the flats affected form part of the same complex, however, it is clear from the plans that they are independent units of accommodation. Although current occupiers have not have objected, I have found that the development is harmful to their living conditions and such harm would also arise to any future occupiers. The appeal proposal is therefore contrary to Policy BCS21 of the Bristol Development Framework Core Strategy and Policies DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies and SPD 2. These state, amongst other matters, that extensions to existing buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers.

Conclusion

13. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones Inspector