
Appeal Decision

Site visit made on 27 April 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 May 2017

Appeal Ref: APP/P0119/D/16/3162373

17 Kingfisher Close, Bradley Stoke, Bristol BS32 0AN

- 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 & Mrs Russell against the decision of South Gloucestershire Council.
 - The application Ref PT16/1705/F, dated 11 April 2016, was refused by notice dated 16 August 2016.
 - The development proposed is 2 storey side & single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for 2 storey side & single storey rear extension at 17 Kingfisher Close, Bradley Stoke, Bristol BS32 0AN in accordance with the terms of the application, Ref PT16/1705/F, dated 11 April 2016, subject to the following conditions:
 - i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale location plan, 412/2/C Amendment C, 412/3 Amendment C, 412/4 Amendment A, Amended Block Plan issued 4/8/16.
 - iii) 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.
 - iv) The extension hereby permitted shall not be occupied until the first floor window on the rear elevation of the side extension hereby permitted has been fitted with obscured glazing, and no part of that window 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 window is installed and once installed the obscured glazing shall be retained as such thereafter.
 - v) The off-street parking facilities shown on the plan hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.
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Main Issues

2. The main issues are the effect of the proposed development on:
 - i) the amenities of the occupiers of No 16 Kingfisher Close in respect of provision for vehicle access and manoeuvring;
 - ii) the character and appearance of the surrounding area in respect of the proposed front parking spaces.

Reasons

Amenities of the occupiers of No 16 in respect of vehicle access and manoeuvring

3. The existing vehicular access is shared with No 16. There is space in front of No 17's existing garage for parking a car without impeding vehicular access and manoeuvring in relation to No 16's off-street parking, including its garage and forecourt area.
4. The proposed side extension would project forward of the existing garage on land owned by the appellant. However, it would not encroach beyond or to the side of where that parking space in front of the existing garage is positioned or onto land not owned by the appellant. Furthermore, there would be no need to park in front of the proposed new garage, other than whilst waiting in connection with access to or from it, due to the proposed provision for two spaces in front of the house. The proposed side extension would therefore maintain the existing level of provision for access and manoeuvring of vehicles relating to No 16.
5. I have had regard to concerns relating to the proposed development being in contravention of the deeds of the property in terms of encroachment into the area of shared access. However, notwithstanding my consideration above of the concerns relating to impeding vehicular access and manoeuvring space, any matters relating to such deeds would be a civil matter between the parties concerned.
6. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the amenities of the occupiers of No 16 in respect of provision for vehicle access and manoeuvring. As such, it would accord with policy T12 of the South Gloucestershire Local Plan which, in respect of this issue, requires new development to provide safe access capable of accommodating the motorised traffic generated by the proposal.
7. The Council, in its decision notice relating to this issue, also refers to the South Gloucestershire Local Plan: Core Strategy (the Core Strategy). However, I have not been directed to any specific policies of that document in respect of this issue.

Character and appearance

8. The proposed parking area for two cars in the front garden would replace existing lawn, hedge and tree planting. However, it would not occupy the entire frontage, leaving scope for retention of some soft landscaping. Furthermore, there are already a number of other properties in Kingfisher Close, including in the close vicinity of the site, with substantial hardstanding areas in their front gardens for car parking. In that context, the proposed

parking area would not appear as an unusual or jarring feature of the streetscene.

9. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area in respect of the proposed front parking spaces. As such, it would accord with policies CS1 and CS9 of the Core Strategy which together, in respect of this issue, require development to achieve the highest possible standards of design and site planning and to protect the environment in a sustainable way.

Other matters

10. Concern has been raised regarding encroachment across ownership boundaries with adjacent properties. However, I have received no substantive evidence to clearly show that there would be any such encroachment. Furthermore, provision in respect of any existing drains would be a matter for consideration under separate Building Regulations.
11. I have also had regard to concerns raised about the loss of visual amenity for adjoining properties. As well as my conclusions in respect of the second main issue, the proposed development would be subservient to the existing house in terms of its scale and being set back from the existing front elevation. Furthermore, materials to match the existing house could be secured by condition. There would therefore not be unacceptable harm caused to the visual amenity of the occupiers of adjoining properties.

Conditions

12. The Council has suggested four conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended some of the wording. The standard time condition would be necessary. In the interests of the character and appearance of the surrounding area, a condition to ensure that the proposed materials relating to external surfaces of the development shall match those used in the existing building would also be necessary.
13. The first floor window in the rear elevation of the proposed side extension would be in fairly close proximity to the private garden area of the property to the rear of the site and noticeably closer than existing first floor windows. Therefore in the interests of the privacy of those neighbouring occupiers when using that garden area, a condition to ensure that the window concerned is appropriately obscure glazed and non-opening below a height of 1.7 metres above the floor level of that room, would be necessary.
14. In the interests of highway safety and the amenity of neighbouring residents and the area generally, it would be necessary for a condition to ensure that the proposed off-street parking is provided before first occupation of the proposed extension.
15. Although the Council has not suggested it, in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.

Conclusion

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

Andrew Dawe

INSPECTOR