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## Appeal Decisions

Site visit made on 24 May 2017

**by Janet Wilson BA (Hons) BTP MRTPI DMS**

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

**Decision date: 30<sup>th</sup> June 2017**

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### **Appeal A Ref: APP/F0114/D/17/3170422**

#### **6 St Nicholas Road, Whitchurch, BRISTOL BS14 0PJ**

- 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 J Hallett against the decision of Bath & North East Somerset Council.
  - The application Ref 16/05531/FUL, dated 13 November 2016, was refused by notice dated 30 January 2017.
  - The development proposed is a two storey side extension of existing dwelling house.
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### **Appeal B Ref: APP/F0114/D/17/3170086**

#### **6 St Nicholas Road, Whitchurch, BRISTOL BS14 0PJ**

- 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 J Hallett against the decision of Bath & North East Somerset Council.
  - The application Ref 16/03373/FUL, dated 5 July 2016, was refused by notice dated 17 October 2016.
  - The development proposed is the erection of a one bedroomed end of terrace dwelling.
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## **Decisions**

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

## **Main Issues**

2. From all the representations submitted and my inspection of the site, I find that a main issue in both appeals is the effect of the development on the character and appearance of the area.
3. With regard to Appeal B, there is an additional main issue of the effect of the development on highway safety, in respect of the adequacy of parking provisions and access arrangements.

## **Reasons**

### *Character and appearance*

4. The site is located in a residential area comprising a mix of both semi-detached and terraced properties. It is located on a prominent corner and is particularly noticeable when approaching along Churchways as the road gradient rises up to meet St Nicholas Road. Properties either side of the junction are set back from the pavement edge and though of different design their arrangement

- produces a loose knit character to the street and visually emphasises the prominence of development around the junction.
5. The size of the structure in both appeals is the same, though window and door arrangements vary between the two, Appeal B also proposes a modest terrace to the rear. The material proposed for Appeal A is reconstructed limestone block to match the existing terrace and for Appeal B smooth render, though the appellants have confirmed willingness to use matching stonework. To all intents and purposes the proposals are the same in terms of their siting, scale, massing and effect and I will consider them together.
  6. The structure would be set very close to the pavement edge which, in the context of other properties in the immediate vicinity and the prominence of the site, would be out of place, over dominant and incongruous. The scale and design of the structure would lack subservience, take up virtually all of the width of the side garden and would appear squashed into the remaining space. It would alter and imbalance the gap between properties either side of the junction and would be out of keeping with the prevailing character and appearance of the area resulting in a harmful visual effect.
  7. The appellants say discussions with the Council led to advice being given that an extension to the terrace could be acceptable subject to a subservient design. They state that a subservient extension as suggested would draw attention to it as a later addition to the property whereas the design sought to carry on the form, appearance, roofline and detailing of the terrace and was aimed at being characteristic of the area and not as an obviously extended dwelling. These different approaches are noted. However they do not diminish the visual harm that I have identified in terms of the appeal proposals.
  8. I acknowledge that the terrace has been extended at the opposite end by a larger amount and to form a separate dwelling. However the spacing between it and the adjacent property was significantly wider, so much so that it had sufficient space to incorporate an extension and garage on the end of the terrace. This difference in relationship means that the two sites are not comparable in size or in their context with neighbouring buildings.
  9. A number of other extensions to properties have been brought to my attention by the appellants on the basis that it would be inconsistent and unreasonable to refuse these appeals whilst other similar extensions have been approved. I saw on my visit those specifically mentioned including the appellants own property on the opposite side of the road to the appeal site. The examples vary in design but are mainly side extensions or alterations between existing houses or they are not on prominent corner plots. As such they are not directly comparable to the appeal proposals.
  10. The example most closely resembling the appeal proposals which is on the corner of Maggs Lane and St Nicholas Road has a side extension as close to the side road as the appeal proposals. However that property has a larger front garden and is set back from the road frontage by a greater distance. The context of how it is read in the street scene is different to that before me here. It does not lead me to find the appeal schemes acceptable.
  11. For the above reasons, I find that the appeal proposals would harm the character and appearance of the area and bring them into conflict with the design aims of policies D.2 and D.4 of the Bath and North East Somerset Local

Plan (2007) (the Local Plan). These policies taken together seek to ensure that development is: of high quality design; responds to its local context; reinforces local distinctiveness and in the case of extensions are subservient and respect and complement the host building.

#### *Parking and access arrangements*

12. In respect of Appeal B there is a concern that the parking spaces proposed for the existing and proposed houses fall short of the required dimensions to accommodate cars safely off the highway. I acknowledge that the plans may not reflect the actual dimensions of the spaces on the site. However, at my site visit I was able to assess that the spaces would allow medium size family cars to be parked. Whilst the local highway authority has some misgivings about drivers reversing on or off the highway to park their cars, given the relatively quiet nature of the residential road this would not pose a significant risk to highway safety. I agree and the requirements of a visibility splay could be secured by a suitably worded planning condition. Against this background the proposal would accord with the highway safety aims of policies T.24 and T.26 of the Local Plan.

#### **Other Matters**

13. The appellants emphasise in Appeal B the need to provide more housing of all types to meet the increasing demands for housing, and that development on sites in urban areas in a relatively sustainable location would ensure that the pressure on more sensitive areas would be reduced. Furthermore adding to the housing stock in this small way would not harm interests of acknowledged importance. It is not disputed that there would be a modest benefit in an additional unit to the stock in this area and that a one bedrooomed unit could provide a small unit suited to a first time buyer or someone wishing to downsize. There would also be economic advantages from the construction and occupation of a new house. However, these factors do not outweigh the harm which would be caused to the character and appearance of the area.
14. The appellants comment on pre-submission exchanges with the Council in relation to both appeal proposals when it was advised that an extension to the terrace could be possible. Pre-application advice is not binding on the Council at the application stage or at this appeal stage. In any case I have determined the appeals on their own merits.
15. In relation to Appeal A, the appellants state that following on from the National Planning Policy Framework the thrust of Government policy allows for more freedom for individual householders to build extensions without needing planning permission. However, in this case the appellants accept that planning permission is required which means the proposal has to be assessed against the prevailing development plan policies. There is also no evidence that there is a permitted development fallback to be taken into account.

#### **Conclusion**

16. Whilst in respect of Appeal B I have found that the access and parking provisions would not cause a significant risk to highway safety, both Appeal A and Appeal B would not be in accordance with the development Plan or the Framework due to their negative and harmful impact on the character and appearance of the area.

17. For the above reasons and taking account of other matters raised I conclude that both Appeal A and Appeal B should not succeed.

*Janet Wilson*

INSPECTOR