The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/Z0116/D/19/3226062
11 Durbin Walk, Easton, Bristol BS5 0RJ

- 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 S Rehman against the decision of Bristol City Council.
- The application Ref 19/00126/H, dated 9 January 2019, was refused by notice dated 22 March 2019.
- The development proposed is single storey front extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's appeal submissions include a delegated report and decision document. This report sets out the Council officer's concerns with the appeal proposal both in terms of its effect on the character and appearance of the area and on the living conditions of occupiers of neighbouring properties. However, the reasons for refusing planning permission as set out on the Council's decision notice relate only to the effect of the proposed development on the character and appearance of the area. The decision notice fails to refer to the concerns raised in the delegated report relating to effect on living conditions.

3. Despite the absence of any reference on the Council's decision notice, the appellant's appeal document includes a section on the proposal's effect on the living conditions of occupiers of neighbouring properties. As such, I am satisfied the appellant is aware that this is a matter of dispute between the main parties. Also, the appellant has had sufficient opportunity to respond to Council concerns relating to such matters. In addition to the Council's refusal reasons as set out on the decision notice, I have considered the content of all the appeal submissions when defining the main issues in my assessment of the appeal.

4. The appellant's appeal document refers to the Bristol Central Area Plan 2015 and the Old Market Quarter Neighbourhood Development Plan 2015. No extracts from these plans have been provided to me. The appellant has subsequently sent correspondence asking me to disregard these documents. The Council has also confirmed that these plans are not relevant to the assessment of the appeal. I have therefore carried out my assessment on this basis.

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the surrounding area and (ii) the living conditions of the occupiers of 9 Durbin Walk (No 9) and 13 Durbin Walk (No 13) with particular regard to light and outlook.

Reasons

Character and appearance

6. The appeal property is a mid-terrace house, 3 storeys high and located in a row of similar dwellings. Despite some alterations, the houses display a significant degree of uniformity in design, form and shape. A mix of walls, fences and hedges lie on the front boundaries, with the blockwork walls and outbuildings in the front gardens of the appeal site and No 9 being particularly conspicuous. Despite these boundary features, the houses and front gardens are easily seen from a pedestrian walkway that runs from Durbin Road, pass the housing and on towards the wider area. A belt of trees and bushes on a bank adjacent to the walkway filters views of the appeal property and adjoining houses from the A420 road.

7. The appeal development would introduce a flat roof, single-storey extension onto the front of the property. Despite the boundary walls and outbuilding to the front of the appeal site, the upper elements of the extension walls and roof would be seen by users of the adjacent walkway. As highlighted by the appellant, the extension would be screened from the nearby A420 by the existing belt of vegetation.

8. The houses in the terrace are generally flat-fronted with a uniform building line, the only marked break being a step back of the properties 1 to 7 Durbin Walk. The appeal development would project forward a significant distance beyond the front elevation of the appeal property and so stand out as a prominent feature. I note the intended use of matching materials and design features seen on the existing house. Even so, by reason of its lengthy forward projection, the proposed extension would be significantly at odds with the flat-fronted elevation of the appeal property. For the same reason, it would also fail to respond to the established building line and the general commonality of the front of the row of houses in which the appeal property sits. Therefore, the proposal would fail to deliver an architecturally integrated form of development and this incongruity would be readily apparent from the adjacent walkway.

9. The appellant has referred me to the conservatory attached to the front of 7 Durbin Walk. However, each case falls to be assessed primarily on its own merits and I do not know the full circumstances that led to the construction of this extension. In any event, the conservatory is the only significant example of a front extension seen in the row of houses and so stands out as an incongruous feature. By reason of its harmful effect on the established character and appearance of the area, it is unworthy of replication. Therefore, the presence of this conservatory fails to outweigh my assessment of the proposed development on this main issue.

10. For the reasons outlined above, I conclude that the development would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would be contrary to Policy BCS21 of the Bristol Core

Strategy 2011 (BCS) and policies DM26, DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (BLPSADMP), the provisions of the Council's Supplementary Planning Document 2, A Guide for Designing House Alterations and Extensions 2005 (SPD2) as well as the National Planning Policy Framework (the Framework). These all aim, amongst other things, to ensure development proposals are of high quality design and avoid harm to the character and appearance of an area.

Living Conditions

11. The side boundaries of the appeal property's front garden adjoin the front gardens of No 9 to the north and No 13 to the south. A stepped blockwork wall lies on both side boundaries and both No 9 and No 13 have front-facing, ground floor windows close to the side boundaries. I am unaware as to the type of room these windows serve, but note they are clear glazed.

12. In respect of No 9, the side wall of the proposed extension would be built on the boundary and would project out some distance beyond the neighbour's front elevation. Also, it would be markedly higher than the existing boundary wall. Consequently, the extension would lead to a loss of light to, and outlook from, the ground floor window as well as the front garden. The level of light reaching the front elevation and garden of No 9 is already affected by existing trees and buildings to the north, east and west. The proposed extension would lie to the south of No 9 and so would lead to an additional enclosing effect as well as a loss of direct sunlight. The loss of light and outlook caused by the proposal would be significantly harmful, regardless as to the type of room the ground floor window serves. As such the proposed development would fail to safeguard the living conditions of the occupiers of No 9.

13. In respect of No 13, the flank of the extension would be set off, but lie close to, the side boundary. The extension would be significantly higher than the boundary wall and project out a noticeable distance beyond the front elevation. Being to the north, the extension would not have a marked affect on the level of light reaching No 13. However, by reason of its height and proximity, the extension would be seen and affect the outlook from the neighbour's ground floor window close to the side boundary. It would also appear as an overbearing feature in the garden area and so fail to safeguard the living conditions of the occupiers of No 13.

14. The appellant states the front garden areas are rarely used by occupiers and suggests nearby public open space areas can provide for the amenity needs of the occupiers of No 9 and No 13. However, these are public spaces and therefore unable to meet all the functional requirements of private gardens. Also, the presence of nearby public open space fails to adequately compensate for or outweigh the harm identified through loss of light and outlook.

15. For the reasons outlined above, I conclude that the development would significantly harm the living conditions of the occupiers of No 9 by reason of loss of light and outlook and the living conditions of No 13 by reason of loss of outlook. Consequently, and in this regard, the development would be contrary to policy BCS21 of the BCS, policies DM27 and DM30 of the BLPSADMP, the provisions of SPD2 and the Framework, which all aim, amongst other things, to create places with a high standard of amenity for existing and future occupiers of property. Policy DM26 of the BLPSADMP has no specific implications with respect to this main issue of the appeal.

Conclusion

16. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR