



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: 24 July 2019

Appeal Ref: APP/Z0116/D/19/3226410

119 Richmond Road, Montpelier, Bristol BS6 5EP

- 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 Barney Hawes against the decision of Bristol City Council.
 - The application Ref 18/05793/H, dated 2 November 2018, was refused by notice dated 18 January 2019.
 - The development proposed is demolition of existing two storey rear extension with a new two storey extension. Replacement of the existing butterfly roof with a new flat roof including roof lights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 121 Richmond Road in respect of any overbearing effect or sense of enclosure.

Reasons

3. The appeal property is a mid-terrace house set above and facing Richmond Road. Part of the north-east side boundary of its back garden adjoins the rear garden of No 121. A brick wall lies on this shared boundary.
4. The side wall of the single storey element of the proposed extension would be built on the common boundary with No 121. This flank wall would be markedly higher than the existing boundary wall and project out some distance beyond the rear elevation of No 121.
5. The back garden to No 121 is already partially enclosed by a projection to the rear of No 123 to the side and by the imposing, 3 storey high rear elevation to 110 St Andrew's Road adjacent to the end boundary. By virtue of its position, length of projection and being higher than the existing boundary wall, the side wall of the appeal proposal would add a further sense of enclosure and so cause a significant overbearing effect on the neighbour's back garden. As such, the proposal would fail to safeguard and would significantly harm the living conditions of the occupiers of No 121.
6. The first floor element of the proposed extension is set back from the common boundary, in a similar position to the existing 2 storeys high projection to the

rear of the appeal property. As such, this element of the proposal would not cause any additional overbearing effect on No 121, although this fails to address the harm caused by the ground floor element.

7. I note the appellant's daylight and sunlight assessment which claims the proposed development complies with the 45 degree rule of thumb as set out in the Council's Supplementary Planning Document 2, A Guide for Designing House Alterations and Extensions 2005 (SPD). The assessment shows the ground floor element of the proposed extension crosses the 45 degree line on plan when taken from No 121's kitchen window, so it would seem to me that the extension fails to comply with the 45 degree rule. In any case, regardless of the SPD guidance, I find the proposed development would cause unacceptable harm to the living conditions to No 121 for the reasons as set out above.
8. For the reasons outlined above, I conclude that when the development is considered as a whole, it would cause significant harm to the living conditions of the occupiers of No 121, by reason of causing an unacceptable sense of enclosure and overbearing effect. Consequently, and in this regard, the development would be contrary to policy BCS21 of the Bristol Core Strategy 2011, policy DM30 of the Bristol Local Plan Site Allocations and Development Management Policies 2014, the SPD and the National Planning Policy Framework. These all aim, amongst other things, to create places with a high standard of amenity for existing and future occupiers of property.

Other Matters

9. The appeal site lies in Montpelier Conservation Area (MCA), which draws its significance partly from the architectural and historic interest of terraces of fine Georgian and Victorian townhouses. Being a house set in such a terrace, the appeal property makes a positive contribution to the character and appearance of the area.
10. Also, the appeal property adjoins 117 Richmond Road, a grade II listed building. The significance of this late Georgian property lies with its age as well as interesting and attractive architectural features on its front elevation. The appeal proposal would be immediately adjacent and seen with the rear elevation of No 117 and therefore affect the setting of the listed building.
11. I have regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area and the desirability of preserving the setting of a listed building as set out in 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. The Council raise no objection to the appeal proposal on the grounds of harm to heritage assets. The proposed development would be to the rear of the property so would have no impact on the street scene or the wider area. Also, it would have no impact on the front and most significant elevation of No 117. As such, I find the proposed development would preserve the character and appearance of the MCA and preserve the setting of No 117. However, the lack of harm in this respect fails to address or outweigh my conclusions in respect of the main issue.
12. The proposed development would incorporate energy saving elements, use low environmental impact materials and include green roofs to help encourage biodiversity and attenuate storm water run-off. The proposed alteration to the

roof would allow for future installation of photovoltaic panels and include rooflights, thereby reducing reliance on artificial lighting. Taken together, I give these factors positive weight in favour of the appeal scheme. Nonetheless, such factors are of insufficient magnitude to outweigh or alter my conclusions on the main issue.

13. I appreciate the proposed development has been designed to meet the needs of the appellant's family. However, such a factor fails to overcome my overriding concerns relating to the harm of the proposed extension on the living conditions of the occupiers of No 121.

Conclusion

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

Jonathan Edwards

INSPECTOR