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## Appeal Decision

Site visit made on 20 August 2019

**by M Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 September 2019**

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**Appeal Ref: APP/Z0116/D/19/3221544**

**24 Stafford Road, St Werburghs, Bristol BS2 9UN**

- 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 Neil Saxena against the decision of Bristol City Council.
  - The application Ref 18/06111/H, dated 20 November 2018, was refused by notice dated 22 January 2019.
  - The development proposed is a rear dormer roof extension and elevational changes.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. In addition to the rear dormer roof extension a number of elevational changes are also proposed. The Council raise no objection to these elements of the scheme and I find no reason to find differently in respect of these changes.

### Main Issues

3. The main issues raised in this case are the effect of the proposal on (i) the character and appearance of the host building, and (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a two-storey terraced property, located along the residential street, Stafford Road. The scheme would introduce a flat-roofed dormer extension to the rear roof plane of the property. The submitted details show that, whilst the extension would not be insubstantial in its extent, it would be set below the ridgeline of the roof, set in from the eaves of the property as well as set in from the side boundaries with the neighbouring properties. As such, it would have elements of subservience.
5. In terms of the use of materials, I note that it is proposed to utilise slate to clad the exterior of the extension and utilise resin for the flat roof. There is also to be the inclusion of oak detailing. Whilst the existing property has a clay-tiled roof and white upvc fenestration, the use of the proposed materials would result in the extension having a modern appearance which, whilst not matching the palette of materials of the existing dwelling, would not have a discordant appearance. It would be read clearly as an extension to the property.

6. In this regard, I noted the appearance of other dormers in the wider area which also utilised materials differing from that of the host dwelling and they did not look so different so as to be jarring with the host buildings. I consider that this will also be the case with the scheme before me.
7. Furthermore, the inclusion of the balcony, when viewed in conjunction with the altered fenestration to the rear elevation, would not be so inharmonious as to result in a materially harmful effect.
8. Consequently, I find that the scheme would be a sympathetic and acceptable addition, which would not have an adverse effect on the character and appearance of the host building. Accordingly, the scheme would comply with Policies BCS21 of the Bristol Development Framework - Core Strategy (2011) (the Core Strategy) and Policies DM26, DM27 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014) (the Local Plan). Together, and amongst other things, these seek to ensure development reinforces and contributes to local distinctiveness, that the massing of development is appropriate to its immediate context and extensions respect the character of the host building. Whilst the Council state that the scheme would conflict with the guidance contained within the document "Supplementary Planning Document Number 2 - A Guide for Designing House Alterations and Extensions 2005" (the SPD), I have found that the scheme would comply with the design aims of the above policies.

#### *Living conditions*

9. The roof extension would introduce an external area at a second-floor level, which would have extensive views of the surrounding properties as well as their associated garden areas. The inclusion of the outdoor space has the potential to result in an increased level of activity at an elevated position. I consider this cannot be compared to the presence of only windows within a dormer, which would allow for views only from the interior of buildings. The external space would allow occupiers to sit out and spend time in the space. In my view, this would result in the occupiers of neighbouring properties being very much aware of the potential for being overlooked, over and above what would be expected by windows to a dormer, to such an extent as to have a significant adverse effect.
10. Consequently, the scheme would have an adverse effect on the living conditions of the occupiers of neighbouring properties, through overlooking. Thus, the scheme would conflict with Policy BCS21 of the Core Strategy and Policy DM30 of the Local Plan. Together, and amongst other things, these seek to ensure the amenity of existing development is safeguarded and that extensions safeguard the amenity of neighbouring occupiers. The scheme would also conflict with the guidance of the SPD, which advises that extensions should not result in unacceptable overlooking.

#### **Other Matters**

11. I note reference by the appellant to the situation that could be achieved through permitted development, in terms of windows overlooking neighbouring properties. As I have identified above, I do not consider that windows are comparable to an external balcony. I also note that there were no objections from surrounding residents. However, this does not overcome my concerns as I have outlined.

12. I have also had regard to other dormers in the area that have been brought to my attention, however none that I viewed at the time of my site visit contained a balcony, such as that which is proposed. The existence of other dormer windows therefore does not alter my findings in regard to living conditions.

**Conclusion**

13. Whilst the scheme would not harm the character and appearance of the host building, this does not outweigh the harm that I have identified to the living conditions of neighbouring occupiers.
14. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

*Martin Allen*

INSPECTOR