



---

## Appeal Decision

Site visit made on 6 August 2019 by Ben Phillips Bsc Msc

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 11 September 2019

---

**Appeal Ref: APP/Z0116/W/19/3230591**

**6 Filton Grove, Horfield, Bristol, BS7 0AJ**

- 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 Chris Jenkins against the decision of Bristol City Council.
  - The application Ref 19/01085/F, dated 1 March 2019, was refused by notice dated 26 April 2019.
  - The development proposed is described as creation of new dwelling and associated works.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues in this case are the following:
  - The effect that the proposed dwelling would have on the character and appearance of the host property and of the surrounding area; and
  - The effect of the proposed dwelling on the living conditions of the occupiers of the adjacent properties at Nos. 4 and 6 Filton Close and No 88 Filton Avenue, with particular reference to outlook, light and privacy.

### Reasons for Recommendation

#### *Character and appearance*

4. Filton Grove is a quiet, one-way, suburban, residential road, just off Filton Avenue, which is a busy and lengthy arterial road in north Bristol. Like this part of Filton Avenue, Filton Grove is characterised by a variety of terraces, semi-detached and detached properties, of varied traditional suburban design, fronting the highway with some small front gardens and some hardstanding used for off street parking.
5. The appeal property No 6, is a detached bungalow with accommodation in the roof space located close to the junction with Filton Avenue and Muller Road. Its rear garden has a frontage onto Filton Avenue, and it is within part of this that

the appeal proposal would be constructed. Access to the new dwelling would be from Filton Avenue.

6. Given its proposed height compared to the modest scale of No 6, the proposed dwelling would not be subservient in scale to the host dwelling. However, the proposed dwelling would have a frontage onto Filton Avenue and as such should be judged in the context of development along this road, as opposed to with the host property.
7. In this regard, I find that the scale and external appearance of the new dwelling would reflect the mixed architecture on this part of Filton Avenue and would not appear out of place in this regard.
8. However, its relationship in close proximity to the rear elevation of the host property would result in a cramped form of development that would not reflect the spacious qualities of the area, including that found at the adjacent dwelling and its relationship to the dwelling fronting Filton Grove. Although this effect would be unlikely to be viewed from Filton Grove, it would be apparent from Filton Avenue, within the vicinity of the appeal site and from the rear of residential properties nearby.
9. In light of the foregoing I conclude that the proposed dwelling would be out of keeping with the character and appearance of the surrounding area, in conflict with the Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS), which advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, and Policies DM21, DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (DM), which set out that development should be appropriate to the immediate context and not harm the local character, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are consistent with paragraph 127 of the National Planning Policy Framework (the Framework).
10. In reaching this conclusion I acknowledge that the proposal before me follows discussions with the Council about reducing the scale of the proposal. I have however determined the appeal on its merits and found that harm would result. The willingness of the appellant to amend the scheme does not weigh in favour of the appeal proposal.

#### *Effect on living conditions*

11. The proposed dwelling would sit behind the electricity sub-station fronting Filton Avenue and so would be set back from the highway, following the apparent building line along Filton Avenue. The Council acknowledge that there would be no harmful effect on the outlook from Nos 4 and 6 Filton Grove. I concur. The submitted plans show that the proposed dwelling would extend some 3.25 metres beyond the existing rear elevation of its northern neighbour, No 88 Filton Avenue. It would be set off the party boundary with No 88 and given this relationship would not appear intrusive in the outlook from the rear windows of No 88, nor overbearing on this property's rear garden environment. The living conditions of the occupiers of No 88 would not be adversely affected as a result of the siting of the new dwelling.

12. The new dwelling would be sited to the south west of No 88 and at certain times of the day there would be some overshadowing of the garden area closest to No 88. However, the appellant's Sun Shadow Analysis (SSA) indicates that this would occur for a short period of time, and it would be unlikely to make the rear garden environment or the rear rooms of the dwelling less pleasant to use as a result. Whilst the submitted SSA does not include mid-summer data, there is no evidence before me to establish that the new dwelling would overshadow the rear of No 88 or result in a loss of day light to an unacceptable degree at this time of year. In the absence of substantive evidence to indicate otherwise therefore, I conclude that the proposal would be unlikely to affect light reaching No 88 to a degree that would be harmful to its occupiers' living conditions.
13. Moreover, as the new dwelling would be sited to the east of Nos 4 and 6, this would limit the period when any overshadowing from the proposal would occur. Harm to the living conditions of occupiers of these properties in terms of loss of light or overshadowing would be unlikely to occur.
14. The Council has calculated that the rear of the new dwelling would be 15.75 metres from the rear of No 6 Filton Grove and 12 metres from No 4. A person stood in the first floor rear bedroom window of the new dwelling would be likely to see nearby occupiers at No 6 in their rear garden and rear rooms in close proximity. A loss of privacy to the occupiers of this dwelling would occur as a result of the proposal and harm to their living conditions would therefore occur. I have considered whether a suitably worded planning condition could be imposed to mitigate this harm but as the rear first floor window is intended to serve a bedroom, obscure glazing it would not be reasonable.
15. In terms of the occupiers of No 4, I am satisfied that the location of the rear bedroom window away from the boundary with this property and the oblique angle of sight that would be afforded from it towards No 4 would ensure that a loss of privacy, sufficient to be harmful to the living conditions of its occupiers would not occur. The Council has not raised concern about a loss of privacy the occupiers of No 88 and I concur that harm to their living conditions would not occur in this regard.
16. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of the occupiers of No 6 Filton Grove in terms of privacy. The proposal therefore conflicts with CS Policy BCS21 and DM Policies DM27 and DM29 which collectively seek to protect living conditions and the amenity of existing development. Moreover, there is conflict with paragraph 127 of the Framework which requires that a high standard of amenity for existing and future users is provided.

### **Other Matters**

17. I note that the appellant considers that the proposal accords with other development plan policies. I have determined the proposal on its merits and against the development plan taken as a whole and found that conflict would occur. This matter does not alter the conclusions that I have reached, nor does the absence of objection from nearby properties at the planning application stage.

## **Conclusion**

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*B Phillips*

APPEALS PLANNING OFFICER

## **Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*RC Kirby*

INSPECTOR