



Appeal Decision

Site visit made on 26 September 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/Z0116/D/19/3232246

263 Muller Road, Horfield, Bristol, BS7 9NE.

- 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 J Cattoz against the decision of Bristol City Council.
 - The application Ref. 19/00799/F, dated 11 February 2019, was refused by notice dated 22 May 2019.
 - The development proposed is the construction of a 2 storey extension to rear of property and provision of parking in front garden and new dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a 2 storey extension to rear of property and provision of parking in front garden and new dropped kerb in accordance with the terms of application Ref. 19/00799/F, dated 11 February 2019, and subject to the following conditions:
 - (1) The development thereby approved shall begin before the expiry of three years from the date of this permission.
 - (2) The materials of the external surfaces of the extension shall be as set out on the approved plans drawings: TL010_P_03 Rev I and TL0101_P_04 Rev F.
 - (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) the proposed first floor side window shall be non-opening and glazed with obscure glass prior to the first occupation of the extension hereby approved, and shall be maintained thereafter as non-opening and obscure glazed.
 - (4) The extension hereby approved shall not be occupied until a 1.8m high close boarded fence has been erected adjoining the party boundary from the rear wall of the original dwellinghouse for a length of 3.5m to match the length of the west facing side extension. The fence shall be retained in this manner thereafter.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and

- The effect on the living conditions of the occupiers of the adjoining property at 261 Muller Road.

Reasons

Background

3. The appeal site contains a two storey end of terrace property which lies in a residential area of similar properties. It sits in an elevated position above Muller Road and has rendered elevations above a brick plinth on the front elevation and has a hipped roof with red tiles. It is proposed to add a two storey addition to the side/rear of the property. This would have a contemporary 'box' form with a flat roof and a white rendered corner and side wall and timber cladding to the rear and return side elevations above a brick plinth. The fenestration would be in dark grey frames.

Policy context

4. The development plan includes the Council's Core Strategy adopted in 2011 (CS) and the Site Allocations and Development Management Policies (SADMP)(2014). The Supplementary Planning Document (SPD) A Guide for Designing House Alterations and Extensions (2005) is also a material consideration. The main relevant SADMP policy is DM30 which sets out criteria for acceptable forms of extensions and this brings together the provision of more general policies in the CS and SADMP on the design and form of new development.

Effect on character and appearance

5. Amongst other aspects, Policy DM30 requires extensions to be physically and visually subservient to the host building and not dominate it by virtue of size and scale. In this case, the proposed extension would be contained below the eaves of the existing dwelling and would not project much sideways or rearwards when compared to the size of these elevations of the existing property. I am satisfied that the overall bulk of the proposed extension would be both physically and visually subservient to the host property and would not dominate it because of its siting or scale.
6. The policy also sets out other criteria that an extension should meet to be acceptable and the relevant one for this issue is (i) requiring that the overall design respects the character of the host building, curtilage and street scene.
7. Clearly the form of extension proposed does not seek to follow the roof design or, in part, the elevational treatment of the host property but seeks to introduce an alternative design form. However, I noted at my site visit that the extension would be set back well into the curtilage and would only be visible in the street scene through the narrow gap to the adjoining property No. 265. The effect on the public realm would therefore be very limited and not materially harmful to the street scene. The set-back also accords with the guidance in the SPD on ways to achieve 'subservience'.
8. Overall, I find that whilst the proposed design would not respect the form of the host building, and to that extent there would be a minor conflict with some of the provisions of Policy DM 30, it would respect the wider setting of the property and its appearance in the street scene.

Effect on living conditions

9. In respect of this issue the Council is concerned about the proposed extension resulting in the overlooking of the neighbouring house (No. 261) in particular by introducing ground and first floor windows facing sideways rather than the traditional manner of facing towards the garden. There is also a concern about the bulk and length of the extension being overbearing on the neighbours.
10. Dealing with the latter aspect first, I note that while the depth of the proposed extension would exceed the general 2.75m limit set out in the SPD, in this specific case the proposal would meet the 45° vision splays from neighbouring windows as set out in Fig 3 of the appellant's statement. This demonstrates that the degree of projection would not be overbearing or harmful to neighbours.
11. In terms of overlooking and privacy, at my site visit I noted that there was a relatively open party boundary between the two properties. The proposed full height doors to the new kitchen would look towards this boundary and be some 3.8m away. However, I am satisfied that this relationship between the two properties would be acceptable and the basic residential amenity of each property would be protected if a 1.8m high close boarded fence was erected along the boundary extending out from the rear wall of the house by 3.5m, the same projection as the proposed extension.
12. In terms of the first floor windows to the new bedroom these would in the main face outwards to the garden. The part of the window that faces sideways is proposed to be glazed with obscure glass, the retention of which could be conditioned, and this would prevent direct overlooking. The Council is also concerned about the neighbour's perception of feeling overlooked by this window even if obscure glazed, but I do not consider that this concern is of such weight to justify the rejection of the scheme. Given the degree of fenestration that exists on the existing terraced properties, I do not consider that the arrangement of windows proposed would materially harm the living conditions of the occupiers of No. 261. Taking account of the requirements of conditions that I have mentioned above, I find that the scheme would accord with part (iii) of Policy DM30 in terms of safeguarding the amenity of neighbouring occupiers.

Planning balance

13. Bringing together my conclusions on the main issues, I have found that the proposal would conflict with one element of the relevant development plan policy in that the contemporary form of design proposed would not respect the original design of the host property, although it would be subservient to the character of the host property both physically and visually and would not materially harm the street scene. With appropriate conditions, the development proposed would not harm the living conditions of neighbours and meets part (iii) of the policy.
14. The minor policy objection to the development has to be balanced with other factors. The National Planning Policy Framework (NPPF) emphasises the need to secure good design in new development and paragraph 127 (c) indicates that development should be sympathetic to local character while not preventing or discouraging appropriate innovation or change.

15. On balance, I conclude that any harm caused by the contemporary nature of the design put forward to the host property would be limited and is outweighed by the other accord with development plan and SPD tests and national guidance and is acceptable when these are considered as a whole. I will therefore allow the appeal.
16. In terms of conditions, the Council recommends standard ones concerning the timing of the development, matching external materials and accord with the submitted plans. These are reasonable and necessary in the interests of amenity and clarity although external materials should be as set out on the drawings rather than to match the existing building. I will amend the suggested condition accordingly. Further, given my comments above I will also impose a condition requiring the erection of a 1.8m high fence along part of the side boundary, and ensuring a side facing window is glazed with obscure glass and non-opening in the interest of avoiding overlooking.

Conclusions

17. For the reasons given above, I conclude that the appeals should be allowed.

David Murray

INSPECTOR