



Appeal Decision

Site visit made on 16 September 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/D0121/D/19/3230383

19 Downleaze, Portishead, BS20 8BJ

- 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 and Mrs P Wyatt against the decision of North Somerset Council.
 - The application Ref 19/P/0142/FUH, dated 22 January 2019, was refused by notice dated 19 March 2019.
 - The development proposed is described as 'Second storey side extension to provide additional living accommodation.'
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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 Issue

3. The main issue in this case is the effect of the proposed extension on the living conditions of the occupants of No 72 Brendon Road, with particular regard to light and outlook.

Reasons for Recommendation

4. The semi-detached appeal property sits at the end of a quiet and pleasant cul de sac, which has a combination of detached and semi-detached dwellings of varying design and scale but similar character, with a consistent gap between properties providing a sense of space. The location of the appeal dwelling at the end of the cul de sac results in its side elevation facing the rear of Nos 70 and 72 Brendon Road, two semi-detached bungalows located immediately to the east of the appeal property.
5. The new extension would be constructed in close proximity to the party boundary with No 72, and the rear elevation of this property. It would be located to the west of No 72 and would not project beyond the existing 2 storey part of the building. The appellants have provided 'right to light' drawings which illustrate that the proposed extension would be unlikely to affect the amount of light that the rear rooms of No 72 would receive. In the absence of substantive evidence to indicate otherwise, I conclude that the

proposal would be unlikely to affect light reaching No 72 to a degree that would be harmful to its occupiers' living conditions.

6. However, the extension would, as a result of its height, scale and relationship to No 72 result in a dominant, imposing blank wall in close proximity to the rear rooms, patio area and garden of No 72. It would have an adverse effect upon the current pleasant outlook from these areas and would be likely to make the rear rooms less pleasant to use as a result, as well as the rear garden.
7. I conclude therefore that the proposal would adversely affect the outlook from the rear of No 72 and its garden, which would be harmful to the living conditions of its occupiers. This would be in conflict with Policies DM32 and DM38 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (adopted July 2016), the Council's Supplementary Planning Document Residential Design Guide - Section 1 Protecting living conditions of neighbours (2013), and chapter 12 (paragraph 127) of the National Planning Policy Framework, which collectively seek to adequately protect the living conditions of adjoining occupiers.

Other Matters

8. The personal circumstances of the appellants are noted, including their desire to provide space for their growing family. I also note the lack of objection from any neighbour, and no objection being raised in respect of car parking standards or ecology issues, amongst others. There is no dispute that the appeal site is in a sustainable location and I do not doubt that energy efficient measures could be incorporated into the design of the extended dwelling. However, these matters, taken either individually or cumulatively do not outweigh the harm that I have identified and do not lead me to alter the conclusion that I have reached.
9. I also note the concerns raised about the lack of dialogue with the Council during this and a previous planning application. Such matters should be raised directly with the Council in the first instance.

Conclusion

10. 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

11. 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