



Appeal Decision

Site visit made on 25 November 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/Z0116/D/19/3240020

13 Hallen Drive, Coombe Dingle, Bristol BS9 2NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Ms Hodgins against the decision of Bristol City Council.
 - The application Ref 19/03441/H, dated 14 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. There is some ambiguity as to how plans 5 and 6 were considered in the assessment of planning application Ref 19/03441/H. They relate to the internal layout proposed, as do subsequent plans 11 and 12. However the latter pair are drawn to a different scale, rather than illustrate an alternative proposal. As such there is no reason to discount them from my assessment.
3. Notwithstanding the planning history to No 13, each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan in this instance includes policies of the Council's Core Strategy ('CS') and Site Allocations and Development Management Policies Local Plan ('LP').¹ I have also had regard to various material considerations including relevant elements of the National Planning Policy Framework ('NPPF'), the Council's House Alterations Supplementary Planning Document (October 2005, the 'SPD'), and the Character Appraisal for the Sea Mills Conservation Area.
4. In summary, and amongst other things, CS policy BCS21, LP policies DM26, DM27 and DM30, along with NPPF paragraphs 127 and 193 seek to ensure that all development integrates appropriately with its surroundings, including any historic integrity meriting protection,² and that an appropriate standard of amenity for all is maintained. Practical guidance as to how development may achieve those aims is given in the SPD.

¹ Adopted in June 2011 and July 2014 respectively.

² With regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Main issues

5. Against the context above the main issues are (i) the effects of the development proposed on the character and appearance of No 13 and the surrounding area, (ii) whether or not the proposal would result in appropriate living conditions for the occupants of neighbouring No 95 High Grove.

Reasons

Character and appearance

6. No 13 falls within the Sea Mills Conservation Area ('SMCA'). It sits in a triangular plot near the right-angled junction of Hallen Drive and High Grove. The plot narrows to a point towards the rear of the property and abuts the garden of No 95 High Grove (amongst others). No 13 is a two-storey semi-detached house adjoining No 15. The line of their principal elevation is broadly level with the side elevation of No 95.³ As with others nearby, No 13 is of 'WDB5' design. That is one of a number of typologies to which dwellings were originally constructed. In form, proportions and detailing Nos 13 and 15 are broadly symmetrical. I am told that the appellant has replaced trees previously felled here and also reinstated window glazing bars to more accurately reflect the original nature of the plot and appearance of the property.
7. As it stands No 13 is consistent with, and contributes towards, the distinctive character of the SMCA as a model Garden Suburb (and that of sub-area 2a specifically). Given that heritage, the area is unsurprisingly characterised by a planned, low-density, geometric layout. Albeit with some variety in design, there is clear consistency in the architectural qualities of properties, building lines and plot layout. The Character Appraisal does not identify Nos 13 and 15 as buildings of 'particular merit'. However that designation is used sparingly. It appears to have been applied principally to mark out significant buildings and views exemplifying the origins of the area; it does not indicate that other buildings have little merit.
8. The proposal is for a two storey side extension some three metres wide, projecting towards the rear of No 95. The roof form proposed would match that of the original building and would be set down from the existing ridgeline. The extension would be set back around 0.9 metres from the principal elevation, at the threshold of the recommendation in the SPD. The design and materials proposed would tie in with No 13 as it is. There are examples of two storey extensions in the wider area. The surrounding context to No 13 is somewhat varied, notably with Sea Mills Primary School located opposite. There is also a substantial privet hedge around the front boundary of No 95 which extends along the common boundary with No 13. That would provide some screening of the appeal site, and partially impedes views between those properties.
9. I acknowledge that openness between Nos 13 and 95 is qualified, and of lesser significance here than elsewhere. However the proposal would infill a significant proportion of the plot. As extended, No 13 would extend far closer to the hedge by No 95, leaving only a narrow gap between the two. Whilst that would not in itself affect the line of vision across corner plots, as referenced in paragraph 4a.3 of the Character Appraisal, the proposal would nevertheless reduce the

³ As altered following planning permission Ref 03/02488/H.

characteristic sense of spaciousness in the area. The nearby school has little visual significance, in my view, given that it is set lower in the landform and largely screened from Hallen Drive by virtue of established planting. Whilst some properties in the SMCA have been altered and extended over time, two storey side extensions are relatively few. Such extensions do not collectively alter the regular rhythm of properties and plots, or the low density, spacious character of the area. Moreover the examples brought to my attention by the appellant are either in locations with a more transitional character unrelated to properties located close to a junction where visibility would be accentuated, are more substantially set back from the relevant building line, or do not significantly alter the form of the original dwelling.⁴

10. The proposal before me would occupy a greater proportion of the width of the plot of No 13 than resulted from the side addition to No 95 (the plot of the former being more constrained in shape and size). Moreover the existence of development which would have reduced a sense of openness does not justify allowing incongruous development now. Furthermore the proposal would clearly disrupt the symmetry that presently exists between Nos 13 and 15.⁵ Symmetry is intrinsically visually pleasing, and is replicated in pairs of properties throughout the SMCA. Symmetry therefore serves to represent the common origins of properties in the present.
11. Whilst there are various factors that would moderate the visual effect of the proposal, the scheme would nevertheless be to the detriment of the spacious character of the area, and to the appearance and contribution of Nos 13 and 15 to the harmony and historic integrity of the SMCA. I therefore conclude that the proposal conflicts with the relevant provisions of CS policy BCS21, LP policies DM26, DM27 and DM30, along with NPPF paragraphs 127 and 193. Nevertheless given my reasoning above, the harm arising may fairly be described as less than substantial (and relatively limited within that categorisation).

Living conditions

12. The extension would project towards No 95, which has a single storey rear extension and relatively modest garden. Therefore, at its closest, the minimum separation distance between the nearest elevation of No 95 to the proposed extension would appear to be significantly less than 10 metres. The SPD guides that 'where windows to habitable rooms face the end wall of a house the distance should be not less than 12 metres'.⁶ With an eaves height of around 4.5 metres, notwithstanding the intention to set the extension down relative to existing ground level by about 0.3 metres, the extension proposed would be partially visible above the hedge between Nos 95 and 13, which I am told reaches to 3.5 metres at some points.
13. However in this instance any additional sense of enclosure would not, in my view, be unacceptable. Whilst the proposal would come close to the rear

⁴ As is the case of Westbury Lane properties some 300 metres or more away in SMCA character area 1, in respect of No 44 Blaise Walk, and in relation to No 91 High Grove respectively.

⁵ Notwithstanding the set-back proposed and the existing width of No 13 of some seven metres.

⁶ The appellant contends that guideline applies only to considerations of privacy (the sentence falling within an SPD paragraph related to that matter). However that paragraph falls within a more general section which encompasses overbearing. Windows within end walls of houses are less common than in other elevations. Consequently, and given that the SPD represents guidance, the 12 metre metric is not determinative.

elevation of No 95, the distance between the two would vary considerably given the shape of their plots. Separation is significantly greater at first floor level. There is garden space to the side of No 95, and a relatively open aspect across the larger rear garden of neighbouring Nos 93 and 91, and also across High Grove given the declining topography in that broad direction.

14. The appeal site falls squarely to the north of No 95, and as such would have little or no appreciable effect on overshadowing (moderating a perception of a sense of being unduly hemmed in). At present the eaves height proposed would be only slightly above that of the hedge, with the roof slope pitching away from No 95. Although reliance cannot be placed on the hedge being maintained exactly as is, some boundary feature is likely to remain for privacy and aesthetics. The inter-relationship between Nos 13 and 95 that would result would not be incomparable with that which exists by virtue of the original layout of other properties in the area.⁷
15. Although the proposal would result in some change, that would not be to such an extent that it would result in an unacceptable sense of enclosure to the occupants of No 95. I therefore conclude that no conflict would arise with the relevant provisions of CS policy BSC1, LP policy DM30 or NPPF paragraph 127(f) in that respect. However that is effectively neutral in the planning balance rather than weighing positively in favour of allowing the appeal.

Other matters

16. The proposal would undoubtedly be beneficial to the appellant by enabling the creation of additional accommodation to a modern standard. As reasoned above, various factors would serve to limit effects in respect of character and appearance. On balance, an undue sense of enclosure to the occupants of No 95 would not result. However the proposal would fail to preserve the character or appearance of the SMCA. Any such harm requires clear and convincing justification. What the appellant describes as the 'existing ugly flat roofed block' that would be removed to facilitate the development proposed is barely apparent in the street scene (and there is no indication that its alteration is intrinsically reliant on the proposal before me). The presence of parked cars does not detract from the area such that provision of garage parking for a vehicle as intended can be accorded meaningful weight. Therefore neither those matters, nor any others, are sufficient to justify allowing the appeal or to outweigh the harm that would result.

Conclusion

17. On the evidence before me, for the above reasons, and having considered the development plan as a whole, the approach in the NPPF along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow
INSPECTOR

⁷ Notably properties around the junction of Hallen Drive, Aldercombe Road and Westbury Lane.