



Appeal Decision

Site visit made on 5 November 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/Z0116/W/19/3233365

435 Fishponds Road, Fishponds, Bristol BS16 3AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs L Rae against Bristol City Council.
 - The application Ref 19/02411/H, is dated 20 May 2019.
 - The development proposed is roof extension to existing garage to create gym and games room for household use.
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Decision

1. The appeal is allowed, and planning permission is granted for a roof extension to existing garage to create gym and games room for household use at 435 Fishponds Road, Fishponds, Bristol BS16 3AP. This is in accordance with the terms of the application Ref 19/02411/H, dated 20 May 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr & Mrs L Rae against Bristol City Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. Since the submission of this appeal a subsequent planning application (Ref 19/03533/H) was submitted to the Local Planning Authority for a similar scheme excluding the external staircase with an internal staircase being incorporated. This application is of a similar scale and massing and was granted planning permission on 2nd September 2019. It was observed on my site visit this is currently under construction up to roof level. Consequently, the scale and massing of the proposal subject of this appeal is of a similar scale and massing and would be of no material difference to that currently being constructed as part of the recent permission. Accordingly, the key issue relates to the incorporation of an external staircase.
4. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impacts of the external staircase on residential amenity both for occupants and adjacent neighbouring properties and means of access to serve the first floor extension.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of future occupiers with particular regard to access and neighbouring occupiers of Nos 433 and 437 Fishponds Road with regard to privacy.

Reasons

6. The proposed roof extension to the garage would be served by an external staircase to the front elevation of the garage fronting the rear garden area. The staircase and landing area would allow direct overlooking at an elevated level over the rear elevations and private garden areas of the adjacent properties. However, the existing planning permission 19/03533/H has a window inserted directly above the landing area for the staircase and would therefore allow for overlooking of the gardens of the neighbouring properties.
7. The boundary walls that separate No 435 from the adjacent properties are relatively low level. Therefore, overlooking of respective garden areas between the properties currently exists. I acknowledge that views from the staircase and landing area will be elevated. However there exists fairly dense vegetation which would limit views into the garden area of No 437. Similarly, to a lesser degree there is vegetation which would screen parts of the views into No 433. Whilst views would be elevated, views will currently exist from the window. Taking the nature of the purpose of the staircase which is to provide access to the first-floor accommodation, the landing area is unlikely to result in excessive use whereby unacceptable overlooking may occur. I do not consider that its use is going to result in unacceptable overlooking of neighbouring properties and the use of the stairs and landing area is unlikely to be intensive as its purpose is to access the first floor only.
8. The external access would provide the sole means of access to the first floor extension. However, this is ancillary accommodation to the main dwelling for the provision of a gym and games room. The level of use is likely to be lower than that of the dwelling. Having considered the provisions of Policy BSC18 of the Bristol City Council Core Strategy (2011) (Core Strategy) it is my reading of this is that it applies to new residential development securing a mix of housing types and tenures and to provide flexibility and adaptability to provide appropriate space standards. I am not convinced that the incorporation of an external staircase to serve this extension would be in conflict with this policy. I do not find conflict with this policy therefore. However, I recognise the need to provide an appropriate means of access and having examined the plans the staircase has no balustrade. A suitable provision will need to be secured by condition in the interests of safety for users.
9. For the reasons outlined above I conclude that the proposal would not result in harm to living conditions of future occupiers with regard to access and would not result in harm to living conditions of neighbouring occupiers with regard to loss of privacy. It would therefore not be in conflict with Policy BCS21 of the Core Strategy and Policy DM30 of the Bristol City Council Site Allocation and Development Management Policies Document (2014). Together these seek amongst other matters to ensure development safeguards amenity of host premises and neighbouring occupiers.

Conditions

10. I have considered conditions in light of paragraph 55 of the National Planning Policy Framework and the advice in the Planning Practise Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition is necessary relating to the need for details of a balustrade for the external stairs to be submitted for approval to the local planning authority. This is in the interests of safety for users of the staircase. The Council have referred to a need for a condition to ensure the proposal is not sublet or converted into a separate dwelling. I consider this unnecessary as the permission is clear that it does not allow for this and such a change of use would require a separate planning application.

Conclusions

11. For the reasons above, the appeal is allowed.

Stephen Thomas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS 1:1250 Scale Plot Plan, 1:200 Scale Site Plan, Existing Garage – Elevations and Floor Plan Drawing No. EX1, and Proposed Games Room and Store Elevations and Floor Plan Drawing No. PRO1b.
- 3) Prior to the first occupation of the development hereby permitted, details of the balustrade to be used on the external staircase shall be submitted to and approved by the local planning authority and the balustrade will be installed prior to the first occupation of the development and retained thereafter.