
Appeal Decision

Site visit made on 7 January 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020.

Appeal Ref: APP/Z0116/D/19/3236481

26 Holmesdale Road, Bedminster, Bristol BS3 4QN

- 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 Peter and Jacqui Brasted against the decision of Bristol City Council.
 - The application Ref 19/01722/H, dated 6 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is for the extension at ground floor to provide bathroom and storage with deck and flat roof over.
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Decision

1. The appeal is allowed, and planning permission is granted for the extension at ground floor to provide bathroom and storage with deck and flat roof over at 26 Holmesdale Road, Bedminster, Bristol BS3 4QN, in accordance with the terms of the application, Ref 19/01722/H, dated 6 April 2019, subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 1812/BP.005 (existing block plan); 1812/LP.001 (site location plan); 1812/BP.105 (proposed block plan); 19/A395/1 A (existing site plan); 1812/PP.500 A (proposed site plan); 19/A395/2/1 A (existing ground floor plan); 19/A395/2/2 A (existing first floor plan); 1812/PP.510 A (proposed ground floor plan); 1812/PP.511 A (proposed first floor plan); 19/A395/3/1 (existing elevations); 1812/PP.520 (proposed elevations); 19/A395/3/2 (existing section); 1812/PP.515 (proposed section).
 - 3) The roof area labelled "stone chippings covered flat roof" on plan ref 1812/PP.511 A of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area at any time.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered that corresponds to that used by the Council in its decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application, and this accurately reflects the development applied for.

3. While the Council's decision notice did not include a refusal reason relating to the effect on the privacy of occupiers at No 24 Holmesdale Road (No 24), there are comments in relation to this property in the Council's officer's report. The Appellant has had the opportunity to respond to these. I will therefore refer to the Council's further comments in my assessment.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy and noise and disturbance.

Reasons

5. The appeal property comprises a mid-terrace Victorian dwelling located in a residential area of the city. The rear of the property comprises a narrow side / rear yard that is enclosed by the common boundary wall separating it from Nos 24 and 28, in addition to a high retaining wall that holds back an elevated rear garden. The rear garden is accessed by steps from the yard. The rising nature of the land in the immediate area, results in neighbouring properties having a similar arrangement whereby part of the rear amenity space is elevated.
6. The rear garden of the appeal property is afforded limited privacy at present, due to the low boundary walls it shares with Nos 24 and 28. A trellis is partly positioned above the brick wall along the boundary with No 24, yet this does not fully obscure the overlooking between the properties from their respective elevated garden areas. Moreover, the positioning of rear windows, on the appeal property and its immediate neighbours results in further mutual overlooking between rooms and private amenity space, particularly the first-floor window in the rear elevation of No 28.
7. The Council's Supplementary Planning Document 2: A Guide for Designing House Alterations and Extensions, adopted October 2005 (SPD), states that extensions should not result in any significant loss of privacy to neighbouring houses and gardens. It also encourages ways to mitigate the loss of privacy, such as privacy screens, but urges caution regarding the effect these can have on appearance and neighbouring outlook.
8. Access to the exterior of the property would be gained from the proposed first floor garden room. The proposed decking is raised marginally above the existing garden to create a level area, while access to this area would require occupiers to walk on the flat roof of the proposed extension, allowing for more direct views into the rear amenity area and side windows of No 24. The resultant overlooking would be no more intrusive than is currently the case. However, I recognise that in the unlikely event that residents sit at this area, neighbouring residents could feel uncomfortable in contrast to the decking area which will be afforded partial screening by the replacement trellis. Therefore, to be certain this does not occur a planning condition restricting the use of this area can be imposed to ensure the privacy of neighbouring dwellings is not further harmed.
9. Despite the proposed decking raising the level of the rear garden, I consider that this is marginal and that the extent of overlooking into the garden and first floor rear bedroom window of No 28 would be no greater than is currently the case.
10. Whilst the proposed decking would create a level area for seating, I do not consider that it would result in any greater level of noise and activity than would currently be the case. The Appellants can already access their rear garden and while I saw no evidence of outdoor seating, it could nevertheless be accommodated under existing conditions.

11. For the above reasons, I conclude that the proposed development would not result in unacceptable harm to the living conditions of the neighbouring occupiers arising from privacy and noise and disturbance. The proposal would therefore comply with Policy BCS21 of the Bristol Development Framework Core Strategy, adopted June 2011 and Policy DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies, adopted July 2014. These, amongst other matters, require new development to safeguard the amenity of neighbouring occupiers. The proposal would comply with the SPD. The proposal also accords with the National Planning Policy Framework where it seeks to protect the amenity of existing occupiers.

Other Matters

12. The proposed extension and decking would be at the rear, and least conspicuous elevation of the property. I noted from my site visit that neighbouring properties had been extended sympathetically and were consistent in terms of their design and scale. I consider that the proposed development would be in keeping with these alterations and also the host dwelling. The features that define the property and area's Victorian character are most prominent on front elevations where they face the street. The proposal's siting to the rear of the property would therefore ensure that the prevailing architectural qualities of the property and wider area remain unharmed.

Conditions

13. I have had regard to the Council's suggested conditions, amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
14. It is necessary that planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty. A condition that restricts the use of the flat roof area of the appeal development for amenity purposes is considered necessary in order to protect the privacy of neighbouring occupiers.

Conclusion

15. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed, subject to conditions for completeness.

R. E. Jones

INSPECTOR