The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2020

Appeal Ref: APP/F0114/W/19/3242122
36 Tennis Court Avenue, Paulton, Bristol BS39 7LZ

- 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 Hammond against the decision of Bath & North East Somerset Council.
- The application Ref 19/04017/FUL, dated 11 July 2019, was refused by notice dated 25 November 2019.
- The development proposed is the construction of a two storey three bedroom detached house.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development upon the character and appearance of the area; (ii) the effect of the development upon the living conditions of the occupiers of Nos 35 and 36 Tennis Court Avenue, in respect of outlook and daylight and sunlight; and (iii) whether satisfactory living conditions would be provided for future occupiers of the proposed development and the occupiers of No 36 Tennis Court Avenue, in respect of the provision of outdoor space.

Reasons

Character and appearance

3. The appeal site is occupied by a two-storey semi-detached dwelling, which is positioned within a generous plot near to the corner of Tennis Court Avenue. It is proposed to erect a two-storey detached dwelling to the side of the existing dwelling, which would be served by a new driveway accessed from Tennis Court Avenue.

4. The surrounding area has a suburban residential character and the properties along Tennis Court Avenue are laid out in a linear pattern. The properties are predominately semi-detached dwellings of a traditional design that are set within generous plots with large gaps between the pairs of semi-detached dwellings. These factors create a spacious character which contributes positively to the local distinctiveness of the area. The existing semi-detached dwelling at the appeal site follows the prevailing pattern of development.

5. The proposed dwelling would be located to the side of the existing property at the appeal site and would be positioned between two pairs of semi-detached dwellings. Despite the traditional design and the broad alignment of the proposed dwelling with the existing building line, the introduction of a detached dwelling would be a significant departure from the prevailing pattern of development within the local area, whereby properties are predominately semi-detached with large gaps between neighbouring properties. As such, the proposed development would have a cramped appearance and would be an unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.

6. In addition to the above, the proposed sub-division of the residential garden of No 36 Tennis Court Avenue would result in the creation of small plots for the existing dwelling and the proposed dwelling which would be out of keeping with the area's existing spacious character.

7. The appellant has drawn my attention to the recent construction of a detached dwelling to the side of No 33 Tennis Court Road, which is a semi-detached property near to the appeal site. Whilst I am not aware of the particular circumstances in relation to that case, I observed on my site visit that there are a wide variety of property types present along Tennis Court Road including detached, semi-detached and terraced dwellings. Therefore, based on the evidence before me, the approved development and the current proposal are not comparable due to the differing street context. In addition, the development would not be seen in the context of the appeal site and would not therefore contribute directly to the distinctiveness of the local area. In any event, I must consider the appeal proposal on its individual planning merits.

8. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies D1, D2, D3, D5 and D7 of the Bath and North East Somerset Council Placemaking Plan (Adopted July 2017) (the 'PP'), which require development proposals to enrich the character and qualities of places and contribute positively to local distinctiveness; to contribute positively to the urban fabric; to be well detailed, including for building frontages to define the street; and to reflect the form, pattern and grain of existing development or otherwise enhances the character.

Living conditions of neighbouring occupiers

9. The proposal would introduce built form to the side of Nos 35 and 36 Tennis Court Avenue. The rear elevation of the proposed dwelling would broadly align with the rear elevation of No 36 and with the rear elevation of a single storey rear extension to No 35. Therefore, the impact of the additional built form when viewed from the rearward facing windows of the respective properties and from the neighbouring rear garden areas would be very limited. Consequently, I conclude that the occupiers of Nos 35 and 36 would retain an acceptable outlook and that the proposal would not lead to an oppressive sense of enclosure when viewed from the neighbouring properties.

10. For the above reasons, and owing to the position of the proposed dwelling, I conclude that the proposal would not cause a material loss of daylight and sunlight to the neighbouring occupiers.

11. Given the above, I conclude that the proposed development would have an acceptable effect upon the living conditions of the occupiers of Nos 35 and 36 Tennis Court Avenue, in respect of outlook and daylight and sunlight. As such, the proposal would accord with Policy D6, criterion (a) of the PP, which states that development must provide for appropriate levels of amenity and must: (a) allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light.

Provision of outdoor space

12. Despite the proposed reduction in garden space for the occupiers of No 36, I am satisfied that the amount of outdoor space provided for the occupiers of No 36 and the proposed dwelling would be suitable for the number of occupants expected to reside within the respective properties. Owing to their size and rearward position, the rear gardens would provide occupiers of the respective properties with a suitable area to support a range of activities including drying washing, sitting outside and allowing children to play unsupervised.

13. For the above reasons, I conclude that satisfactory living conditions would be provided for future occupiers of the proposed development and the occupiers of No 36 Tennis Court Avenue, in respect of the provision of outdoor space. As such, the proposal would accord with Policy D6, criterion (c) of the PP, which states that development must provide for appropriate levels of amenity and must: (c) allow for provision of adequate and usable private or communal amenity space and defensible space.

Other Matters

14. I note that the Council's Highway Development Control Engineer has no objection to the proposal. However, this does not outweigh or alter my conclusions on the first main issue.

15. The appellant states that the proposal would meet the Council's sustainability targets in relation to new development. In addition, the appellant explains that the site has sufficient space to allow for local food growing. Whilst this may be the case, such benefits would not overcome or outweigh the very significant harm that would be caused to the character and appearance of the area.

16. None of the other matters alter or outweigh my overall conclusion below.

Conclusion

17. The proposed development would have an acceptable effect upon the living conditions of the occupiers of Nos 35 and 36 Tennis Court Avenue, in respect of outlook and daylight and sunlight. In addition, the proposal would provide satisfactory living conditions for future occupiers of the proposed development and the occupiers of No 36 Tennis Court Avenue, in respect of the provision of outdoor space. However, this would not overcome or outweigh the significant harm that would be caused to the character and appearance of the area. Accordingly, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR