The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2020 by Ben Phillips Bsc Msc

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/Z0116/D/19/3242263
85 Thornleigh Road, Bristol BS7 8PQ

- 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 Isaac Fiakkas against the decision of Bristol City Council.
- The application Ref 19/03911/H, dated 7 August 2019, was refused by notice dated 10 October 2019.
- The development proposed is described as a rear single storey extension.

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.

Preliminary Matters

3. It is noted that whilst the development description given above is taken from the application form, the appeal form includes the description given by the Council, which includes reference to the retrospective nature of the development.

4. To confirm, the extension had been erected on site (if not completed at the time of the site visit).

Main Issues

5. The main issues in this case are the following:

• the effect of the extension on the character and appearance of the existing property and surrounding area; and

• the effect of the proposed extension on the living conditions of the occupants of No 83 Thornleigh Road, with particular regard to outlook.

Reasons for Recommendation

Character and appearance

6. Thornleigh Road is a quiet, high density, terraced residential street, made up of traditional and consistent two storey bay fronted dwellings with on street

parking. It was evident from my site visit that the rear elevations are variously altered, many with two storey projections, some with only singe storey projections of varying lengths and some with rear dormers.

7. The plans show that the rear extension replaces a previous projection of the same length, however, it now extends to the full width of the property rather than being set off the boundary. Whilst this is a substantial rear projection compared to the dimensions of the main house, as stated above the extension remains the depth as the previous projection in addition to being the same depth as that of the adjoining neighbour at No 87. Moreover, extensions of the same depth are visible at the nearby neighbours, for example at No 91.

8. The additional width of the extension over the previous projection, in addition to the boundary wall height and asymmetrical roof design does emphasise its scale. However the extension remains subservient and its minor visual impact on a rear elevation that has been previously altered is insufficient to result in the extension dominating or substantially compromising the existing architecturally robust character of the property.

9. The character of the street is made up of the consistency of the front elevations and built form. Given the various visible alterations to the rear elevations, the extension does not compromise the overall character of the street scene.

10. As such, it is concluded that the proposal is not harmful to the character and appearance of the host dwelling nor street scene / wider area. I see no conflict therefore with Policies BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and DM26, DM27 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (DM), which collectively advocate that new development should deliver high quality urban design that contributes positively to an area's character and identity, be of a high quality and respect the scale, form, proportions and the overall design and character of the host building and the broader street scene. This is in addition to the advice set out in the Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' (2005) (SPD) which requires extensions to be subservient to the main property. These policies are consistent with the National Planning Policy Framework (the Framework) which requires at paragraph 127 that developments, amongst other matters, are sympathetic to local character and establish or maintain a strong sense of place.

Effect on living conditions

11. As stated above, it is evident that a number of neighbouring properties have rear projections of a similar depth. However, the projections usually match the depth of an adjoining projection and are set away from the opposite side boundary. The effect of this design is to limit the impact of the projection on each neighbour.

12. The plans show that the full width rear extension results in an approximately 3m high boundary wall projecting for a length of 8.8m on the south eastern side boundary with No 83. This neighbour has a rear facing window on the original rear elevation, in addition to a side window in its rear projection facing the side boundary. The extension extends built form closer to this side facing window and results in a tunnelling impact for the rear facing window. The

substantial height of the extension is further exacerbated by the slight difference in height between the two properties.

13. Such a sense of enclosure would be more harmful than the impact that the previous projection, which the plans show was less substantial in height and set away from the boundary, would have had. Photographs are provided by the appellants of planting and a canopy structure on this boundary, however, it appears that the massing of these elements was significantly less than that of the extension on the boundary. Given the orientation of the property, it is evident that there is no material impact on light reaching these windows. However, given its siting and scale, the extension results in a dominant, imposing blank wall which would be overbearing on the outlook from the rear windows of No 83. This makes these rooms less pleasant to use as a result. It follows that harm to the living conditions of the occupiers of No 83 would result.

14. The lack of objection from any neighbour is noted, as is the Party Wall agreement and submitted letter signed by the owner of No 83 which supports the proposal. Whilst Policy DM27 refers to future development potential of neighbouring sites, this is in the context of ensuring that neighbouring sites are not prejudiced. This is not a joint application and there is no guarantee that this neighbour will carry out similar development (or indeed get planning permission) in the future as is stated is the intention such that would mitigate against the harm identified above. As such, I can give this little weight. The lack of harmful overlooking impact is a neutral factor in the planning balance that does not weigh in favour of the appeal proposal.

15. In light of the foregoing, it is concluded that the proposal has a harmful effect on the living conditions of the occupiers of No 83 Thornleigh Road in terms of outlook. The proposal therefore conflicts with CS Policy BCS21 and DM Policies DM27 and DM30 which, along with the SPD, collectively seek to ensure that the scale of development is appropriate to its context and to protect living conditions and the amenity of existing development. Moreover, there is conflict with paragraph 127 of the Framework which requires that a high standard of amenity for existing and future users is provided.

16. The Council also references policy DM26 in the refusal reason, however this policy refers to local character and distinctiveness and as such is of little relevance in this regard.

Other Matters

17. The appellant points to a similar recent (2008)[1] approval. The location of this property is not clear, however it seems from the drawings provided by the appellant that the depth of this approved extension is less than the extension before me. As such this example is not comparable. Whilst not defined by the Council, terms like overbearing are commonly used in a planning context and the policies quoted set out the requirements of development with regards to impact upon living conditions. As set out above, I have found conflict with these policies.

[1] 18/00009/H 11 Nottingham Road.

Conclusion

19. 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

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR