



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: 14th April 2020

Appeal Ref: APP/Z0116/W/19/3241870
18 Glen Park, St George, Bristol BS5 7ND

- 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 Charlie Singh against the decision of Bristol City Council.
 - The application Ref 19/03505/F, dated 17 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is described as Demolition of an existing garage at the rear of the garden and construction of a new self-contained dwelling unit with access from Brockhurst Gardens.
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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.

Procedural Matters

3. It is understood that the plans for the proposed scheme were amended during the Council's consideration of the application from those initially submitted. As the Council based their decision on the amended drawings, for clarity, I have considered the appeal on this basis also.

Main Issue

4. The main issue in this case is the effect of the proposed dwelling on the living conditions of the occupiers of the adjacent properties at Nos. 16, 18 and 20 Glen Park, with particular reference to outlook.

Reasons for Recommendation

5. The proposed dwelling would sit within the existing rear garden of No 18 Glen Park and face onto Brockhurst Gardens, a cul de sac to the rear. No 18 is a semi-detached property, and the proposed dwelling would sit in close proximity of the rear gardens of both Nos 20 and 16. These dwellings all have substantial rear gardens compared to the other dwellings on Glen Park, extending up to the turning head of Brockhurst Gardens or the side boundaries of Brockhurst Gardens properties.

6. The dwelling would sit at the far end of the garden and would present a gable end (with a small hip) towards No 18, with the roof pitching away from the side boundaries with Nos 20 and 16. The appellants have provided a sun shadow analysis which illustrates that the proposed dwelling would have a limited impact on the light received by the garden of Nos 18 and 20 and almost no impact on the garden of 16. This is not disputed by the Council and in the absence of substantive evidence to indicate otherwise, I conclude that the proposal would be unlikely to affect light reaching these neighbours to a degree that would be harmful to the occupiers' living conditions.
7. The adjoining southern neighbour, No 16, has various trees and hedgerow on the boundaries, however enjoys a pleasant, open outlook. The proposed dwelling steps in on its southern side so that only approximately half of its depth sits close to the boundary with No 16. In addition, the roof slopes away from the boundary. However, due to the height of the substantial roof structure, which accommodates a first floor, and the footprint of the proposed dwelling, the development would present a significant structure to the side boundary between the two properties. This would appear visually dominant and imposing. The separation distance to the rear windows of this neighbour is sufficient to not have a detrimental impact on the outlook from the rooms that they serve. However, the proposed dwelling would have an adverse effect upon the current pleasant outlook from the rear garden and would be likely to make the garden less pleasant to use as a result.
8. The neighbour to the north, No 20, has two outbuildings in the rear garden, one a lengthy garage structure and one a separate smaller outbuilding, both sited on the boundary with No 18. The proposed dwelling would be sited next to these outbuildings and a grassed area at the end of the garden, some distance from the main property.
9. Whilst as stated above, this garden is substantial in its depth, the existing end gable side of No 40 Brockhurst Gardens does negatively impact the outlook towards the rear. The proposed dwelling, whilst partly set behind these existing outbuildings, would, by virtue of its proximity and height, present a dominant imposing roof structure and further enclose the end of the garden visually, resulting in a further adverse effect upon the current outlook from the rear garden. Again, whilst set behind the existing outbuildings and a sufficient distance from the rear windows to not have a detrimental impact on the outlook from the rooms that they serve, the result would be likely to make the garden less pleasant to use.
10. The proposed dwelling would present a mostly blank end gable to the shortened rear garden of No 18. This expanse of brick would appear as a substantial mass of wall rising above the boundary treatment and in close proximity to it. As a result, the proposal would have a significant enclosing effect upon the rear garden environment and rear rooms closest to it within No 18, and result in an overbearing, dominant, intrusive addition when viewed from these areas. The proposal would have an adverse effect upon the current outlook from the rear of this property and also make the garden area and rear rooms less pleasant to use as a result.
11. It is noted that, as set out by the appellant, the outbuilding constructed at No 22 is likely permitted development and has limited impact on outlook or in terms of enclosing the garden of No 20. Neither this nor the appellant's

response to the objections received alter my conclusions with regard to the harm that I have found above. The appellant further points to issues such as the lack of overlooking and solar access impact, which are not in dispute with the Council. These are neutral factors which are not in favour of the development.

12. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of the occupiers of Nos 16, 18 and 20 Glen Park in terms of outlook. The proposal therefore conflicts with Core Strategy (2011) Policy BCS21 and Site Allocations and Development Management (2014) Policies DM27 and DM29, which collectively seek 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.

Conclusion

13. 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

14. 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