



Appeal Decision

Site visit made on 28 January 2020

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2020.

Appeal Ref: APP/Z0116/W/19/3238112

3 St Whytes Road, Knowle West, Bristol BS4 1RX

- 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 Umoh against the decision of Bristol City Council.
 - The application Ref 19/01875/F, dated 18 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is to construct a new two bedroom dwelling house attached to the side of 3 St Whytes Road with off street parking, bin store and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 3 St Whytes Road with particular regard to light and the occupiers of No 1 St Whytes Road with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal property, No 3 St Whytes Road, is a two-storey semi-detached dwelling situated close to the junction with Broadbury Road. The dwelling is set back from the road behind a front garden area and has a driveway and detached garage to the side.
4. The neighbouring semi-detached pair, which includes No 1 St Whytes Road, occupies the corner plot and is set at an angle, facing the junction with Broadbury Road.
5. Semi-detached pairs are the predominant built form in the area, though they are occasionally interspersed by small terraces, and contribute to creating a strong sense of uniformity with a clear pattern of development and rhythm to the street scene. The area is characterised by substantial plots which, combined with large gaps between the pairs of dwellings, gives the area a feeling of spaciousness.

6. The proposal is to construct a new dwelling, attached to the side elevation of No 3, which would be significantly set down from the ridge of No 3 and marginally set back from the front elevation.
7. The proposed dwelling would be sited extremely close to the boundary with No 1; significantly eroding the gap between the pairs of properties and the visual break which characterises the pattern of development in the area.
Furthermore, the altered building line would leave only a narrow gap between the proposed dwelling and the edge of the plot. As a consequence, the resultant building would appear cramped and overly large within its plot. This cramped form of development would be out of keeping with the spacious character and appearance which typifies the area.
8. The proposed new dwelling would incorporate a fairly large front dormer window which would serve the upstairs bedroom. The roof of the proposed dwelling would be substantial and, combined with the dormer, would appear disproportionately large and cause the building to appear "top heavy". The roof would also have an awkward relationship with the host dwelling; with the ridge line of the proposed dwelling sitting uncomfortably slightly above the eaves of No 3.
9. Furthermore, the addition of the dormer and other proposed alterations would unbalance the symmetry which currently exists between No 3 and the adjoining neighbouring property.
10. Consequently, the proposal would appear as an unsympathetic addition to the street scene which would fail to respect the prevailing pattern of development and the rhythm of the street scene. As such, the proposal would cause harm to the character and appearance of the area and would fail to accord with the aims of Policy BCS21 of the Bristol Development Framework Core Strategy, June 2011 (CS) and Policies DM21, DM26, DM27 of the Bristol City Council Site Allocations and Development Management Policies Local Plan, July 2014 (LP).
11. Amongst other things, these policies state that development of garden land should not result in harm to the character and appearance of the area and promote high quality urban design. These policies also seek to ensure that development proposals respect, build upon or restore the local pattern and grain of development and respond appropriately to local characteristics.
12. The Council also make reference to Policy DM30 of the LP. However, in my reading, this policy is mainly concerned with alterations and extensions to existing buildings and therefore carries limited weight in my assessment of the scheme before me.
13. The development would also fall short of the expectations of The National Planning Policy Framework (The Framework) which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

14. The proposed dwelling would extend significantly beyond the rear elevation of the existing dwelling. The proposed side elevation of the new dwelling would be in close proximity to the rear windows and doors at No 3. This proximity, combined with the depth of the projection and the scale of the proposed dwelling, would lead to a reduction in the levels of light reaching the rear

- elevation of the existing dwelling. The effect would be particularly notable in No 3's kitchen, which is fairly narrow, as the only window serving the room would be sited very close to the side elevation of the new dwelling.
15. I acknowledge that, due to the orientation of the properties, the effects on light would be limited in duration. In my view, light levels would, nevertheless, be affected to such a degree so as to unacceptably harm the living conditions of the occupiers of No 3 in that respect.
 16. I note the appellant's stated intention to construct a rear extension using permitted development rights at No 3 with the aim of overcoming the concerns outlined above. However, such works do not form part of the scheme before me. Furthermore, I have limited detail before me as to the particulars and, based on the evidence before me, cannot be certain that such an extension would sufficiently mitigate the harm I have identified. Moreover, I do not have sufficiently firm evidence as to how such mitigation would be secured.
 17. The proposed dwelling would be close to the boundary with No 1 St Whytes Road and would run along that boundary for a significant proportion of the depth of the garden at No 1. The garden at No 1 appears somewhat smaller than that at No 3 and, due to the orientation of the buildings, tapers off to a narrow point. The introduction of a solid wall along this boundary would have the effect of enclosing No 1's rear garden area on one side.
 18. Due to the size of the proposed dwelling, its proximity to the boundary with No 1 and the nature of the rear garden at No 1, the proposal would appear as a dominant feature in the outlook from the rear of No 1. Consequently, the proposed extension would lead to an excessive sense of enclosure at No 1 St Whytes Road and would appear oppressive.
 19. Furthermore, due to its depth and proximity to the boundary, the proposal would have a detrimental effect on the levels of light reaching No 1 St Whytes Road. I note that, due to the orientation of the properties and their current layout, including the existing single storey garage, any effect would be limited to the latter part of the day. However, the effect would still be such so as to cause an unacceptable degradation to the living conditions of the occupiers of No 1.
 20. Whilst I note that the dwelling has been designed with the aim of minimising any effect on No 1 by limiting the height of the proposed dwelling and carefully considering the effect of the roof slope, this is not sufficient to mitigate the harm I have outlined above.
 21. For the reasons outlined above, I therefore consider that the proposed dwelling would cause an unacceptable degree of harm to the living conditions of the occupiers of No 3 St Whytes Road in respect of light and No 1 St Whytes Road with regard to outlook and light. Therefore, the proposal would be at odds with Policy BCS21 of the CS and Policies DM27, DM29 of the LP. Amongst other things, these policies seek to safeguard the amenity of existing development and expect proposals for new buildings to achieve appropriate levels of outlook and daylight.
 22. There would also be a failure to conform with the Framework which states that developments should create a high standard of amenity for existing and future users.

23. Once again, the Council make reference to Policy DM30 of the LP. However, for the reasons set out in relation to character and appearance, this policy carries limited weight in my assessment of the scheme before me.

Other Matters

24. I note the existence of a previous planning permission for a two storey side extension at the appeal property. The approved scheme, however, would be more sympathetic in design terms. Moreover, the side extension would not project beyond the rear elevation of the existing dwelling and would also be significantly further from the side boundary with No 1 St Whytes Road. Consequently, the approved scheme differs significantly from the proposal before me and would not cause undue harm to the character and appearance of the area or to the living conditions of the occupiers of No 1 and No 3 St Whytes Road.
25. Whilst the appellants make reference to the existence of a number of other properties which could be considered similar, each case must be determined on its individual merits and the circumstances in each case are likely to be different. For example, the design of No 4 St Whytes Road is markedly different from the scheme before me, others, such as 129a Leinster Avenue and 12a Inns Court Avenue are situated within different visual contexts and have notably different relationships with neighbouring properties.
26. I note that the proposal would seem to meet other aspects of Council policy and would provide adequately sized gardens for the proposed dwellings. However, the development plan taken as a whole qualifies all of this against the need to ensure development would not result in harm to the character and appearance of the area and would safeguard amenity for future users, and for the reasons set out above, I do not consider that this proposal achieves those aims.
27. A number of concerns around the handling of the planning application by the Council have been raised by the appellants. However, issues such as this are outside of the remit of this appeal and must be pursued through the Council's own complaints process.
28. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and have a detrimental effect on the living conditions of the occupiers of No 1 and No 3 St Whytes Road.

Conclusion

29. For the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR