
Appeal Decision

Site visit made on 21 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/Z0116/W/19/3240056

125 Two Mile Hill Road, St George, Bristol BS15 1BH

- 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 & Mrs R Singh against the decision of Bristol City Council.
 - The application Ref 19/02250/F, dated 09 May 2019, was refused by notice dated 21 August 2019.
 - The development proposed is to erect a two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook and privacy;
 - Whether the proposal provides suitable access for future occupiers

Reasons

Living conditions

3. The appeal site forms a narrow parcel of land to the rear of Nos.125-131 Two Mile Hill Road, Bristol. The appeal site is surrounded by development on all sides, which includes the residential development known as Elysian Villas to the north and west of the site. The appeal proposal is for the construction of a new dwelling, which would include a small paved yard with a bike and bin store, and a small garden area which would be enclosed by a wall which would be approximately 2 metres high.
4. The appeal site is a relatively constrained small backland site and as such is in close proximity to a number of existing residential dwellings. It is located approximately 1 metre from the rear of Nos.125-131, and from my observations on site it was apparent that there are a number of windows at the rear of these properties which would look directly at the appeal proposal. The design of the appeal means that the built form would occupy the majority of the plot adjacent to Nos. 125-127, and the outlook from the rear of these neighbouring properties would be of a stark high wall, which is only broken up by the provision of the front door.

5. The small separation distance between the site and neighbouring properties, combined with the scale of the proposed dwelling would mean that the proposal would appear overbearing to these properties. The height of the dwelling and adjacent walled garden would lead to a sense of enclosure at the rear of these existing dwellings, and this would harm the outlook from the neighbouring properties by virtue of an imposing overbearing development in a small cramped plot. The appellant has indicated that the windows of the neighbouring property of No.127 which would look directly at the proposal currently only serve a toilet and lobby. From my observations on site it was evident that these had obscured glazing. Whilst this would go some way to lessen the impact of the proposal, I consider that the scale and location of the proposal is such that it would harm the living conditions of these occupiers.
6. To the north and west of the appeal site is the residential development known as Elysian Villas. The appeal proposal includes a first floor window on the western elevation which would serve bedroom two and directly face the development to the west. This window would look directly into the outdoor amenity space of Elysian Villas and this overlooking would reduce the privacy afforded to the residents of this existing development. I appreciate the assertion made by the appellants that in urban built up areas a degree of overlooking could be considered normal. However, in this instance the proposal is introducing new built form in close proximity to neighbouring properties, and includes a window which would look directly into their private amenity space. I consider this would cause unacceptable harm to living conditions of neighbouring occupiers.
7. Accordingly, I find that the proposal would harm the living conditions of neighbouring occupiers in respect of outlook and privacy. As such there is conflict with policies BCS20 and BCS21 of the Bristol Core Strategy dated June 2011 (CS), and policies DM27 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (DMP). Together these seek, amongst other things, that development is of a high quality design that enables existing and proposed development appropriate levels of privacy and outlook. The Council's reason for refusal also makes reference to the National Planning Policy Framework (the Framework). Whilst I have not been directed to specific areas of conflict, I find that it would fail to accord with paragraph 127 and its objectives towards providing high standards of amenity for existing and future users.

Access

8. The proposal would be accessed via the existing footpath which runs adjacent to No.125, and provides rear access for Nos.125-135. The Council have raised concerns that the proposed access to the development is not suitable, given its width and the presence of existing refuse storage for the retail unit of No.125. The presence of these bins could restrict the width of this access which would hinder access to the proposed dwelling, particularly the transfer of refuse and recycling bins and cycles.
9. During my site visit I observed that there were a number of industrial sized bins stored on this access pathway. However, the access is of a good width across its length, and currently provides access to the flat above No.125 and No.135. I am satisfied based on my observations and the submitted plans that the current pathway is appropriate to serve the development and would not

hinder the transfer of refuse and recycling bins or cycles to the proposed dwelling.

10. Consequently, I find no conflict with CS policies BCS20 and BCS21 and DMP policies DM23 and DM27. Together these seek, amongst other things, that development is appropriately designed and provides adequate access. I also find no conflict with DMP policy DM32 which seeks, amongst other things, that appropriate provision is made for accessing recycling and refuse in new developments. The Council have also made reference to the Framework. Whilst I have not been directed to the specific area of conflict with this, the proposal would accord with paragraph 108 and the need to ensure safe and suitable access can be achieved.

Other matters

11. I recognise that there have been no objections from neighbours in respect of the proposal. The appellants have indicated that the proposal would represent an opportunity to live in modern accommodation for their growing family, and the provision of the outdoor space would provide a safe garden area for their children. However, such personal circumstances do not outweigh the harm I have identified from the proposal.
12. I note that concerns have been raised by a third party that the appeal site may not be under the ownership of the appellant, with the land at the rear being under joint ownership with Nos.125-131. Land ownership issues are a private matter between the relevant parties and not within my jurisdiction. Accordingly, issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this appeal.

Conclusions

13. Whilst I have found that the proposal would provide suitable access, I have identified significant harm to the living conditions of neighbouring occupiers. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR