



Appeal Decision

Site visit made on 26 May 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/F0114/W/19/3244000

15 The Mead, Clutton, Bristol, BS39 5RQ

- 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 Mrs R Young against the decision of Bath & North East Somerset Council.
 - The application Ref 19/01380/FUL, dated 2 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a detached dwelling and reconfiguration of parking area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the living conditions of the occupants of No. 16 The Mead, with particular regard to loss of daylight and outlook from the garden.

Reasons

3. The rear gardens of the small estate of which the site is part are delineated by low, wire fencing and mature vegetation giving the area a leafy, open character. Being at the end of the row, No.16 also benefits from an especially open outlook on the southern side, in the direction of the site, which is a major contribution to the amenity of the property.
4. The new building would be between 2.7 and 3.7 m distance from the southern boundary of the garden of No.16 and therefore in extremely close proximity. The roof containing two skylights and the upper section of the second floor would be visible above the fence from the garden of No. 16. Given the proximity and height, the proposal would create a sense of oppressive enclosure in the garden of No. 16, exacerbated by a largely blank wall and roof.
5. Figure 1 of the appellant's statement shows that much sky would remain open to the neighbours, but the sense of outlook from the garden is heavily influenced by the openness of the sides, and this would be substantially lost to the particularly open southern elevation over much of the length of the garden.

6. An assessment provided by the appellant indicates there would be no overshadowing and, on this basis, I am satisfied there would be no direct loss of sunlight to the garden of No. 16.
7. There would, however, be some loss of daylight from the proposal because part of the open sky would be blocked. Policy D6 of the Bath and North East Somerset Placemaking Plan (2017) requires that development must not cause significant harm to the amenities of neighbours from loss of light and, as the silhouette of the new building would be a small proportion of the open sky, I consider that this loss of daylight would not be significant.
8. I have noted that this submission forms an amended scheme, in which the roofline has been lowered by 0.5 m and the house situated 1.7 m further away from the boundary with No. 16, following dismissal of a previous appeal¹. However, these changes are insufficient to overcome harm to the amenity of the neighbours from loss of outlook.
9. I conclude the proposal would cause unacceptable harm to the living conditions of the occupiers of No. 16 because of the significantly reduced outlook from their garden. This would conflict with Policy D6, which seeks to ensure that new development does not cause harm to the amenity of existing occupants.

Other Matters

10. A nearby site, 'The Sidings', has been brought to my attention by the appellant. I do not have enough information to assess the loss of outlook that may have been experienced in this case, but the photo provided suggests that the newer houses are considerably further away from neighbouring gardens than the case before me and therefore likely to be less oppressive.
11. The development would contribute to local housing supply, but as this is one house, the benefit from this is limited. I have also taken into consideration that the development may improve highway safety to a small degree. However, these factors are not sufficient to overcome the harm identified.

Conclusion

12. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

B Davies

INSPECTOR

¹ APP/F0114/W/18/3215129 (February 2019)