



Appeal Decision

Site visit made on 8 June 2020 by Ben Phillips Bsc Msc

Decision by Zoe Raygen Dip URP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/P0119/W/20/3244646

Birch Court, Birch Road, Yate BS37 5EP

- 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 Nigel Wiltshire against the decision of South Gloucestershire Council.
 - The application Ref P19/11725/F, dated 23 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is described as 'It is proposed to provide one additional apartment to existing Block A Birch Court apartments. An existing rear access presently fenced off will be upgraded and an additional parking space will be provided.'
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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. I note that the appellant mentions a possible one-bedroom option for the development which also shows a new fence and has provided amended drawings (ref 04b). I understand that these drawings were not accepted by the Council and therefore not considered at that time. The amended drawings have not been the subject of consultation, and in my view, they materially amend the proposal. Therefore, were I to accept them then that may prejudice the interests of interested parties. Consequently, I have determined the appeal on the basis of the scheme considered by the Council. Should the appellant choose to amend the scheme for future applications it is of course open for him to do this.

Main Issues

4. The main issues in this case are the following:
 - Whether the proposal would result in satisfactory living conditions for future occupiers, with particular regards to outlook and provision of garden/outdoor space; and
 - The effect of the development upon the character and appearance of the existing building and wider area.

Reasons for Recommendation

Living Conditions

5. Whilst mostly located within empty unused space to the side of the building, the erection of the extension would slightly reduce the available existing garden/outdoor space. The proposed new unit would have access off the lounge to existing communal outdoor space at the rear of the building. This space would be of a sufficient size to allow for a private area to be provided that would meet the requirements of Policies PSP38 and PSP43 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (LP) through the provision of appropriate fencing, the details of which could be secured through a suitably worded condition.
6. However, the extension would project up close to the boundary wall with the neighbouring properties along Milton Road. This would result in the window serving bedroom 2 directly facing the boundary wall at an extremely short distance. The rooflight serving this room would also only provide an extremely limited outlook. This lack of outlook would make the room an unpleasant, oppressive space for occupiers to spend any time in.
7. In light of the foregoing it is concluded that, while acceptable in some respects, satisfactory living conditions for the intended future occupiers would not be provided with regard to outlook. As such there is conflict with LP Policy PSP8, Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS), and the Technical Advice Note: Assessing Residential Amenity (2016) which collectively seek to ensure that new development proposals do not create unacceptable living conditions and reach a high standard of design.

Character and Appearance

8. Birch Court is a development of two separate block of apartments, set in two storey buildings accessed off Birch Road in Yate and surrounded by traditional suburban two storey semi-detached and terraced dwellings. The two buildings are substantial in scale and mirror each other in design. There is a detached storage building located to the front on the northern side of the car park serving the buildings.
9. The proposed single storey extension to the south west corner of one of the buildings, whilst projecting to the front as well as the side, would be mostly obscured from view from the access and highway by the boundary wall of the properties along Milton Road. Whilst the extension extends up to close to the boundary with the Milton Road properties, its limited single storey scale is subservient to the existing building and there would be sufficient space maintained around the building as a whole to ensure that a sense of openness would be maintained. Furthermore, the materials proposed would be in keeping with the main building and would not detract from its appearance nor character. Given the restricted visibility of the extension from outside the site and its small scale and single store nature, the extension would also not have a detrimental impact on the character and appearance of the wider street scene and area.
10. In light of the foregoing it is concluded that the proposal would not be harmful to the character and appearance of the existing building nor wider area. There

is therefore no conflict with CS Policy CS1, LP Policy PSP38 and the National Planning Policy Framework (the Framework), which collectively require development to reach a high standard of design which is informed by and respects local character.

Other matters

11. The appellants point to the visual improvement that the development would bring about, with particular regards to fly tipping and to the currently blocked off south east access. I also acknowledge that the dwelling as proposed would contribute towards local housing provision on a relatively accessible site. However, these benefits do not individually, or cumulatively, outweigh the substandard living conditions provided, and the overall conflict with the development plan.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR