The Planning Inspectorate

Appeal Decision

Site visit made on 26 May 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/Z0116/D/19/3243898
74 The Crescent, Henleaze, Bristol BS9 4RR

- 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 Ruszala against the decision of Bristol City Council.
- The application Ref 19/00815/H, dated 18 February 2019, was refused by notice dated 14 October 2019.
- The development proposed is demolition of existing single garage and utility room. Erection of larger garage with accommodation over along with extension to the side and rear.

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 Matter

3. The planning application was revised several times. This appeal has been considered on the basis of the plans that the Council determined the planning application on.

Application for Costs

4. The appellants made an application for costs. This application for costs has been dealt with in a separate decision.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the surrounding area, and on the living conditions of the occupants of Nos 72 and 76 The Crescent, with particular reference to privacy and outlook.

Reasons for the Recommendation

Character and appearance

6. The appeal property forms part of a two-storey semi-detached pair in an attractive residential area. Although a number of dwellings within the vicinity of the appeal site have been extended to the side, as drawn to my attention by

the appellants[1], and there is an extant planning permission for extensions at No 53 The Crescent[2], I observed that this part of The Crescent was spacious in character with dwellings set behind mature front gardens with gaps between the pairs of dwellings. Mature landscaping forms the backdrop to the dwellings on this side of the road, providing pleasing views between them, contributing to the attractive qualities of the area.

7. The proposed extension would respect the design of the host property and would be subservient in scale to it. It would also be located sufficiently far away from the party boundary, in accordance with the Council's A Guide for Designing House Alterations and Extensions (Supplementary Planning Document Number 2) (October 2005) ('SPD').

8. However, the relationship of the appeal property to its neighbour at No 76, the shape of the appeal site, and the scale of the new extension, would result in a significant erosion of the spacious qualities of the locality. The proposal would also be likely to obscure views of the attractive greenery to the rear of the appeal site. As a consequence I find that the proposal would significantly reduce the contribution the appeal site makes to the streetscene.

9. I therefore conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area, contrary to Policy BCS21 of the Bristol Development Framework: Core Strategy (adopted June 2011) ('Core Strategy'), Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies: Local Plan (adopted July 2014) ('Local Plan'), which collectively require new development to contribute positively to an area's character and identity. The proposal would also undermine the retention of glimpsed views described in Henleaze: Our Place Character Appraisal (May 2016) and would also conflict with paragraph 127 c) of the National Planning Policy Framework ('the Framework'), which aims to ensure that developments are sympathetic to local character.

10. In reaching this conclusion I acknowledge that the proposal complies with certain elements of Local Plan Policy DM26, however I am required to assess the proposal against the development plan taken as a whole, and for the reasons set out above I have found conflict. Moreover, whilst clearly a material consideration in this case, I find that the technical compliance with the SPD is outweighed by the harm that I have found, and the conflict with the development plan.

Living conditions

11. No 72 is attached to the appeal property, with No 76 set apart, at an angle. Fencing separates the garden areas of each property.

12. The single-storey side and rear extension would have a door and a window directly facing the rear garden of No 72, from which the occupiers of the host property would be able to see into the garden. However, a condition could be imposed, to require obscure glazing of these features which would prevent any undue loss of privacy to No 72's rear garden. Moreover the change in levels and boundary fencing would further mitigate the impact of these features on the living conditions of the occupiers of No 72..

[1] Nos 69, 71, 94, 96, and 108 The Crescent
[2] Local Planning Authority reference: 19/01645/H

13. I therefore conclude that the proposal would have an acceptable effect on the living conditions of the occupants of No 72 The Crescent, with particular reference to privacy. In this respect, the proposal complies with Policy BCS21 of the Core Strategy and Policies DM27 and DM30 of the Local Plan which collectively require development to safeguard the amenity of existing development. The proposal complies with the SPD in relation to matters of privacy, and with paragraph 127 f) of the Framework, which aims to secure a high standard of amenity.

14. With respect to No 76, whilst the proposed single-storey side and rear extension would meet the 25 degree and 45 degree tests, it would extend closer to the boundary and would be considerably bulkier than that which exists. The visual perception of its mass would be greatly increased due to the topography of the site, which slopes up steeply from north to south. As such, it would harm the outlook from the kitchen / dining room windows at No 76, and would have an overbearing impact, making that space much less pleasant to use. The presence of other windows serving this room does not reduce the harm that I have identified, nor does the presence of landscaping because this could be removed.

15. I therefore conclude that the proposal would have a materially harmful effect on the living conditions of the occupants of No 76 The Crescent, with particular reference to outlook. The proposal conflicts with Policy BCS21 of the Core Strategy, and with Policies DM27 and DM30 of the Local Plan. It also conflicts with the SPD, which states that extensions should not be overbearing, and with the amenity objectives of the Framework.

Other Matters

16. Concerns relating to how the planning application was dealt with are not matters that I can assess in the context of a planning appeal. The proposal would improve the living accommodation available at the existing property. However, as this would offer mainly private benefits, this has been given limited weight. The acceptable effect of the proposal in relation to No 72 does not overcome the other harms identified. Overall, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion and Recommendation

17. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

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

R C Kirby

INSPECTOR