
Appeal Decision

Site visit made on 9 June 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/Z0116/D/20/3252122

16 Kathdene Gardens, Bishopston, Bristol BS7 9BN

- 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 Graham Lawrence against the decision of Bristol City Council.
 - The application Ref 19/05588/H, dated 18 November 2019, was refused by notice dated 14 February 2020.
 - The development proposed is described as "This application seeks approval to build a balcony on the flat roof of the approved two storey rear extension, to be accessed from the new loft bedroom".
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Decision

1. The appeal is allowed and planning permission is granted for a balcony on the flat roof of the approved two storey rear extension, to be accessed from the new loft bedroom at 16 Kathdene Gardens, Bishopston, Bristol BS7 9BN in accordance with the terms of the application, Ref 19/05588/H, dated 18 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers
 - LF2-P2-PD21 Rev A,
 - LF2-ED01,
 - LF2-P2-PD72 Rev A,
 - LF2-P3-ED22,
 - LF2-P3-ED60,
 - LF2-P3-ED70,
 - LF2-P3-ED71,
 - LF2-P3-PD22 Rev B,
 - LF2-P3-PD60,
 - LF2-P3-PD70 Rev B,
 - LF2-P3-PD71 Rev A.
 - 3) The development hereby permitted shall not be occupied until the privacy screen to the external terrace has been completed. The privacy screen shall be retained as such thereafter.

Procedural Matter

2. In the interests of clarity, I have removed the superfluous initial words from the description of development in the decision above, as these do not specifically relate to acts of development.

Main Issues

3. The main issues are the effect of the proposal on
 - (i) the character and appearance of the host property and the area, bearing in mind the sites location adjacent to the Ashley Down Conservation Area, and
 - (ii) the living conditions of the occupiers of Nos 17, 18 and 19 Kathdene Gardens, with particular regard to overlooking and any overbearing effect.

Reasons

Character and appearance

4. The appeal property comprises a two-storey, end of terrace dwelling which is located at the end of a cul-de-sac comprising similar residential properties. The ground floor of the dwelling lies below the level of the adjacent estate road, with a generous garden to the front. In addition to this, there is also a rear garden however this is smaller in its extent. The land falls away to the rear, heading to the bottom of the valley. Directly to the north lies Stoney Lane, which is a Public Right of Way (PRoW), which also leads down the hillside. Residential, and other, development lies at this lower level from where I observed there to be views of the rear of the appeal property. The site abuts, but lies outside of, the Ashley Down Conservation Area, to the north.
5. The appeal seeks permission for the erection of a balcony atop a two-storey rear extension which has already gained planning permission¹. The balcony would utilise the flat roof of the approved extension and the external area would comprise the useable balcony as well as a small area of planted roof. The balcony would be enclosed by a glass balustrade.
6. Whilst the balcony would project beyond the original rear elevation of the property, it would not project beyond the rear extension that would result from the approved two-storey addition. This, coupled with the use of glass balustrading and that the balcony would be contained only to the flat roof area of the approved extension, would ensure that the balcony is compatible with the massing and form of the host property. There would be little increased bulk atop the rear extension, with the glass balustrade having an inconspicuous appearance.
7. I note that an area of planted roof would also be included, however as this is confined to a small area of the balcony and does not significantly extend above ground level, this also would have little appreciable visual effect. I acknowledge that the proposal would extend above eaves level and forward of the roof slope. However, what would be visible, would be viewed within the context of a dormer extension to the roof, which has the benefit of a Certificate of

¹ Council reference 19/01460/H

Lawfulness². Furthermore, I observed that there were other dormer extensions to the roofs of nearby dwellings, some of which included 'Juliet' style balconies. Within this context, the proposal would not appear as an incongruous feature within the roofscape of the dwelling, of the terrace of which the property is part or the wider area.

8. There would be views of the proposal from vantage points in the area, particularly from the adjacent PRoW, Stoney Lane. In addition, further views would also be available from lower ground, for example within the vicinity of the City Farm, but these would be distance views where the appeal property is visible within sweeping views of the hillside. Given that I have found above that the proposal would not be an incongruous feature and that it would be compatible with the massing and form of the property, it follows that it would not be obtrusive or overly conspicuous, whether within close or distance views of the site. Furthermore, as I find the appearance of the proposal acceptable, it also leads me to find that there would not be a deleterious effect on, thereby it would preserve, the setting of the conservation area.
9. Accordingly, the proposal would not harm the character and appearance of the host property or the area, bearing in mind the sites location adjacent to the Ashley Down Conservation Area. Thus, it accords with policies BSC21 and BCS22 of the Bristol Development Framework Core Strategy (adopted 2011) (the Core Strategy), as well as policies DM26, DM27, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted 2014) (the Local Plan). Together, and amongst other things, these policies seek to ensure that development reinforces local distinctiveness, that development safeguards the setting of conservation areas, that development proposals respond appropriately to the proportions of existing buildings, that the scale and massing of development is appropriate to context, that alterations to buildings respect the overall design and character of the host building and the setting of a conservation area should be preserved.
10. I have been referred to the Council's Supplementary Planning Document Number 2: A Guide for Designing House Alterations and Extensions (adopted 2005) (the SPD), which advocates that extensions to dwellings should be subservient to the original house, as well as that roof alterations should be respectful of the host property. I consider that the scheme would accord with this guidance.

Living conditions

11. To the rear of the appeal property, as well as to the remaining three properties in the terrace, there was a small garden area. Boundary treatments between these gardens were generally low and as a result a degree of mutual overlooking between the areas was typical. In addition to this, I observed that the rear garden areas were clearly visible when travelling along the adjacent Stoney Lane. As a consequence of these factors, the gardens offered little in the way of private space and very little privacy is afforded to residents when using these spaces.
12. Whilst I appreciate that the proposal would introduce the ability for users of the balcony to have views of these neighbouring garden areas, this would be limited by the presence of a privacy screen to the side of the balcony, as well

² Council reference 19/02737/CP

as the inclusion of the planted area to one side and that the balcony would be accessed via a bedroom. As such, any views of the immediately neighbouring garden would be restricted, whilst views of the further neighbouring gardens would be from an increased distance. These factors, when combined with the existing availability of views from windows on the rear elevations of the dwellings together with the little privacy afforded to the garden areas, means that any overlooking that may occur would not be of such a degree so as to result in unacceptable living conditions for occupiers.

13. In terms of any overbearing impact, despite the two-storey height of the extension atop of which the balcony would be located, it has a limited depth. Given that the planter and glass balustrade would have little visual bulk above the extension, the proposal would not result in an overbearing effect.
14. Thus, the proposal would not have an unacceptable effect on the living conditions of the occupiers of Nos 17, 18 and 19 Kathdene Gardens, with particular regard to overlooking and any overbearing effect. The development would therefore accord with policies BCS21 of the Core Strategy, as well as policies DM27 and DM30 of the Local Plan. Together, and amongst other things, these policies seek to ensure development safeguards the amenity of existing development, that existing development achieves appropriate levels of privacy and that the amenity of neighbouring occupiers is safeguarded. The scheme would also accord with the amenity protection aims of the National Planning Policy Framework.
15. The SPD advises that balconies and terraces above ground floor level can be problematic and, in most circumstances, would not be acceptable, due to the effect of overlooking, amongst other things. However, in this case I have found that there would be no unacceptable effect resulting from the proposal. Therefore, I do not consider that the SPD provides a reason for resisting the scheme.
16. The Council's reason for refusal in regard to this matter refers to policy DM26 of the Core Strategy. This is not referenced within the relevant section of the Delegated Report and no specific conflict with this policy has been outlined linked to this main issue. Nonetheless, I have found that the proposal would accord with the policies referred to above.

Conditions

17. In addition to the standard implementation condition, it is necessary in the interests of clarity, to define the plans with which the scheme should accord. In the interests of the living conditions of neighbouring occupiers, I have also imposed a condition in respect of a privacy screen to the terrace. As the proposal relates only to the balcony and glazed balustrade, a condition concerning external materials is not required.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Martin Allen

INSPECTOR