



Appeal Decision

Site visit made on 13 July 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/Z0116/W/20/3252013

48 Sampsons Road, Hartcliffe, Bristol BS13 0EL

- 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 M Templar against the decision of Bristol City Council.
 - The application Ref 20/00635/F, dated 12 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is described as the removal of existing garage / annex, erection of 2 No 2 bed dwellings.
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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.

Main Issues

3. The main issues in this case are:
 - The effect of the proposed dwellings on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties, with particular reference to outlook, light and privacy.

Reasons for Recommendation

Character and Appearance

4. The appeal site is located on the corner of Sampsons Road and Hareclive Road and the proposed dwellings would be located next to the terrace of dwellings along Hareclive Road. This lengthy, busy road is characterised at this point by two storey terraced and semi-detached dwellings set back from the highway. Opposite the host dwelling, No 48 Sampsons Road is the car park for a supermarket.
5. The appeal properties would replace a garage structure, which I saw from my site visit had been demolished. The properties would be set back from the highway in line with the building line of Hareclive Road. The two storey dwellings would be in keeping with the neighbouring properties in terms of

scale and detailing, and the semi-detached nature of the properties would be in keeping with those on the opposite side of the road. Moreover, their close relationship to the adjoining property on Hareclive Road would result in them being viewed in the context of this terrace, such that they would not appear alien or prominent in the streetscene.

6. Whilst the proposal would reduce the visual gap between the Hareclive Road terrace and the host dwelling No 48 Sampsons Road, it seems that the Council has accepted development upon the site which would close this to a degree with the granting of a detached dwelling on the site. Although the proposed dwellings would have a greater mass than the approved dwelling, I consider that the scheme would not be harmful to the established pattern of development in this location.
7. In light of the foregoing I conclude that the proposed dwellings would have no detrimental impact on the character and appearance of the surrounding area. The development therefore complies with Policy BCS21 of the Bristol City Council Core Strategy (2011) (CS) and Policies DM26, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan 2014 (DM), which set out that development should be appropriate to the immediate context and not harm the local character, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are consistent with paragraph 127 of the National Planning Policy Framework (Framework).

Effect on living conditions of occupiers of nearby properties

8. The side elevation of the dwelling on plot No 1 would face the rear of the host property. The limited distance between the two elevations and the scale and massing of the proposed dwelling would lead to the outlook from the rear of No 48 being dominated by a two-storey wall in close proximity. The new dwelling on plot 1 would, as a result, be intrusive and overbearing on the outlook from the rear facing rooms of No 48, particularly those on the northern side of the rear elevation, in addition to a large portion of the rear garden area of this property.
9. This impact would be likely to be substantially greater than that previously experienced when the single storey garage building was in situ. Moreover this harmful effect upon outlook would also be likely to be greater than that which would be experienced with the approved detached bungalow with rooms in the roof, which appears to be similar in scale and footprint to the former garage building.
10. As the new dwellings would have a greater height and bulk than the former garage and the approved dwelling, there would be a high probability that they would have a greater effect upon light reaching the rear of the host property, given their orientation relative to it. Whilst the appellant sets out that only one of the first-floor windows in No 48 serves a habitable room, a number of rear facing windows exist on the ground floor of the host property which would be darker and gloomier as a result of the proposal. The reduction in light reaching these windows would make the rooms that these windows serve less pleasant to use as a result. It follows that harm to the living conditions of the occupiers of this property would result.

11. The proposed dwellings would each have a rear facing first floor window serving a bedroom. I acknowledge that there is likely to be a degree of mutual overlooking in built up areas such as this, and that the approved dwelling had a rear facing bedroom window. However, be that as it may the proposal would increase the number of windows with an outlook over the rear gardens of Nos 46 and 44 in close proximity. They would increase the level of overlooking of these gardens and result in a loss of privacy to a degree that would make these outdoor spaces less pleasant to use.
12. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of nearby occupiers at Nos 48, 46 and 44 Sampsons Road in conflict with CS Policy BCS21 and DM Policies DM27 and DM29 which collectively seek to protect living conditions and the amenity of existing development. Moreover, the proposal conflicts with paragraph 127 of the Framework which requires that places are created with a high standard of amenity for existing and future users.
13. The Council also make reference to DM policies DM30 and DM26 however as these relates to extensions and alterations to existing buildings and local character and distinctiveness respectively; they are not relevant in this context.

Other Matters

14. It is acknowledged that the proposal represents an efficient use of land in a location served by numerous facilities. I attach moderate weight to these matters. Against these benefits is the substantial harm that the proposal would cause to the living conditions of the neighbouring properties. I find therefore that the benefits of the scheme do not individually, or cumulatively, outweigh the harmful impact identified or the conflict with the development plan.

Conclusion

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR