



Appeal Decision

Site visit made on 21 July 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/P0119/W/20/3248344

31 Ashgrove, Thornbury, Bristol, South Gloucestershire BS35 2LH

- 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 And Mrs Osguthorpe against the decision of South Gloucestershire Council.
 - The application Ref P19/7466/F, dated 7 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is demolition of existing garage and erection of 1 no. detached dwelling with access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - (a) character and appearance of the area;
 - (b) living conditions of existing neighbouring occupiers in relation to outlook, privacy, and light; together with the living conditions of existing occupiers of the host dwelling with regard to private outdoor space.
 - (c) living conditions of future occupiers in relation to private outdoor space.

Reasons

Character and Appearance

3. The site is located in a residential area where dwellings are mostly semi-detached and positioned on modest plots of land. There are instances of detached dwellings, but these are infrequent in number. Dwellings are generally two storeys in height with driveways and on plot garages at their frontages but otherwise show variation in their design and appearance. For example, some dwellings have gable roofs to the front whilst others have gable roofs to the side. Some have dormer windows or porches to the front whilst others have a clean appearance to the front, without such features.
4. Dwellings are formed in rows fronting the spine road. Rows are arranged in pairs comprising back to back relationships and forming urban blocks. The rear garden areas within these urban blocks oppose each other to create appreciable separation distance between the rear of dwellings. There are a number of smaller outbuildings on plots in the area, but these are clearly subservient and appear ancillary to the main dwellings.

5. Dwellings at the end of each row generally have side-on relationships with the adjoining spur road and with neighbouring dwellings opposite, on the end of their own respective rows.
6. The site comprises an existing garage which is a relatively small single storey ancillary building that is located in the rear garden area of the host dwelling at 31 Ashgrove, and directly adjoins Ashgrove's spur road. It is approximately equidistant between the host dwelling and its rear neighbour to the north west, which is located on Oakleaze Road, abutting the boundary of that dwelling's rear garden area. Opposite the frontage of the site and beyond the spur road are the rear garden areas of dwellings on the opposite row and urban block, associated with Ashgrove and Oakleaze Road. The separation between the sides of dwellings at spur roads is generally reduced compared to the frontages of dwellings at spine roads due to the lack of front garden areas and driveways.
7. The proposed development is much larger than the existing garage and would erode a substantial proportion of the rear garden area of the host dwelling and would also provide limited garden space in its own right. In doing so, the existing pattern of development clearly apparent within the urban blocks, specifically rear garden areas and appreciable separation distances between the rear of dwellings, would be disrupted. This would result in a cramped form of development and not preserve the relatively spacious plots and rear gardens of the area.
8. The majority of infrequent examples of detached dwellings are mainly found fronting the area's larger spine roads and are generally not found along the area's smaller spur roads. Consequently, unlike the proposed development, which is located on a smaller spur road and perpendicular to the rear gardens of its neighbours, they do not disrupt the prevailing pattern of development or established building lines of the area.
9. It is acknowledged that the design of the dwelling may be similar to those in the vicinity, including that directly opposite the host dwelling's frontage. This is also something acknowledged by the Council. However, this does not overcome the harm resulting from disruption to the prevailing pattern of development.
10. Overall, the proposed development would harm the character and appearance of the area and conflict with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy 2013 (CS), Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (PSPP). Among other things, these seek to ensure the siting and form of new development respects the character and distinctiveness of the site and its context.

Living Conditions of Existing Neighbouring Occupiers

11. The site's position abutting the boundary of the host dwelling's neighbour to the rear means that there is limited separation distance between the proposed dwelling and that neighbour's private rear garden area. The proposed dwelling's first floor second bedroom window would be elevated above the garden area and the roof top of the adjacent garage, projecting towards the open area of the adjacent rear garden. This would give rise to substantial levels of overlooking and although a certain degree of overlooking is to be expected in a residential context, the current pattern of development and substantial rear garden areas associated with back to back arrangement of dwellings keeps overlooking to a minimum in this area.

12. Consequently, the proposed development's conflict with the prevailing pattern of development, in eroding rear garden space, would generate harmful levels of overlooking.
13. The first floor bathroom to the rear would be obscure glazed and not give rise to direct overlooking towards the rear garden areas to the south west. The first floor bedroom to the front is separated from those dwellings opposite by a spur road. This spur road provides sufficient distance to mitigate harmful levels of direct overlooking and would remain within acceptable levels typical of the wider area. Nonetheless, harmful overlooking at the rear garden area of the neighbouring dwelling to the north west would remain.
14. The proposed development would introduce a new dwelling that is substantially larger than the existing garage, and there would be a particular increase in height which amounts to an additional storey. The appellants contend that the garage has permission for enlargement, but no evidence is presented to this effect and carries limited weight in mitigating any increase in scale posed by the new dwelling.
15. In a similar context to overlooking, the new dwelling's placement would be in close proximity to a number of neighbouring dwellings rear garden areas comprised in the block, including the host dwelling. The proximity of siting in conjunction with the significant increase in scale and height over the existing garage means the outlook and amount of light enjoyed at the neighbouring garden areas to the north, west and south, would be impinged upon and reduced by the proposed development. Consequently, neighbouring occupiers when using their rear garden areas would experience harmful overbearing and overshadowing effects.
16. The proposed development would erode a proportion of the host dwelling's rear garden, to the extent where it would become smaller than the prevailing pattern of development and therefore existing occupiers would have comparatively less garden space to enjoy. However, it is not considered that this would be substantial enough to diminish the amount of garden space to unacceptable levels, especially considering that a proportion of the site of the new dwelling is already occupied by garages. Nonetheless, this does not overcome the harmful effects already established.
17. Overall, the proposed development would generate harmful overlooking, overbearing and overshadowing effects on neighbouring occupiers impacting upon their outlook, privacy and light. This would conflict with Policy PSP8 of the PSPP, which amongst other things, ensures development does not create unacceptable living conditions.

Living Conditions of Future Occupiers

18. The reason for refusal on the Decision Notice refers to Policy PSP8 of the PSP. The reasoning set out in the Officer Report also referred to Policy PSP43 which sets out some minimum standards. The supporting text of Policy PSP8 clearly cross refers to Policy PSP43 and the appellants have addressed this latter policy within their statement of case. Consequently, I am satisfied that despite its omission from the Decision Notice that Policy PSP43 is relevant to the determination of this appeal and that neither party is prejudiced by my consideration of it.

19. The proposed development would be delivered on a site that is substantially smaller than what is typical of the prevailing pattern of development in the area, which comprises appreciably sized rear garden areas and other land around dwellings. Irrespective of the appellants' contentions that the design was intentional, such a restrictive approach would diminish the amount of garden space for the proposed dwelling well below what should be considered acceptable, especially in comparison to other nearby dwellings. Ultimately, it has not been demonstrated that the amount of garden space is in accordance with the minimum standards identified within Policy PSP43 of the PSP.
20. There is no evidence that the new dwelling has been specifically designed for the needs of elderly occupants or that it complies with lifetime homes standards, among other things. Elements of the internal design, such as first floor bedrooms without accessibility options shown on plan, contradict the appellants' contention that the limited garden space was pursuant to ease of maintenance and because of equality and access considerations for elderly occupiers.
21. I have given due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The appellants have contended that the proposed development would be suitable for persons of a particular age, but no evidence has been submitted regarding the inadequacies of the host dwelling and why it is not already suitable or, in considering the preceding paragraph, how dismissing the appeal would have a clear negative impact on protected characteristics of the persons in the case.
22. Even so, I have still given this issue careful attention, and the advice contained in Planning Practice Guidance (PPG) states that in general, planning is concerned with land use in the public interest, and not purely private interests such as maintenance preferences. It is also probable that the development would remain long after the current personal circumstances cease to be relevant. Consequently, future occupiers are unlikely to be well served by the cramped design and living conditions.
23. The site's location in amongst the existing residential block would mean that as well as disrupting the pattern of development, the new dwelling would be in relatively close proximity to existing dwellings from a number of aspects. In a similar context to the reasons given earlier, but in the converse case, the new dwelling and the diminished levels of garden space that are imposed would likely be subject to harmful overlooking from the rear of neighbouring properties, whilst the prevailing built form would also create harmful overbearing and overshadowing effects on future occupiers. These latter two harms would undoubtedly be exacerbated by the reduction in garden space and this would create an oppressive environment.
24. Overall, the proposed development would give rise to unacceptable living conditions for future occupiers of the new dwelling through the under provision of private outdoor space. This would conflict with Policy PSP8 and Policy PSP43 of the PSP, which among other things seek to ensure new development provides sufficient levels of private outdoor space for occupiers.

Other Matters

25. It is noted that the appellants would intend to relocate from the host dwelling to the new dwelling. This would make a limited contribution to housing land supply by freeing up the host dwelling but would not be of sufficient scale to outweigh the harm found when assessing the main issues. It is also contended that relocating would benefit the appellants through equity release, however private financial interests are not matters for this appeal.
26. The Council's administration of the application has been raised by the appellants, but this is not a matter to be judged under this appeal, which has been determined based on the evidence presented and in accordance with the development plan and any other material considerations.

Conclusion

27. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR