
Appeal Decision

Site visit made on 22 September 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/D0121/D/20/3245017

Ozmandene, 15 Banwell Road, Hutton, BS24 9TZ

- 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 Kevin Stock against the decision of North Somerset Council.
 - The application Ref 19/P/2494/FUH, dated 7 October 2019, was refused by notice dated 2 January 2020.
 - The development proposed is first floor rear dormer with balcony and obscure glazed screen to side.
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Decision

1. The appeal is allowed, and planning permission is granted for first floor rear dormer with balcony and obscure glazed screen to side at Ozmandene, 15 Banwell Road, Hutton, BS24 9TZ in accordance with the terms of the application, Ref 19/P/2494/FUH, dated 7 October 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 No 01 Existing Survey; Drawing No 02 Rev C; Site Plan: insofar as they relate to the first floor rear dormer with balcony and obscure glazed screen to side.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the beneficial use of the development hereby approved, the obscure glazed screen shown on Drawing No 02 Rev C, shall be erected in accordance with details, including the privacy glazing level, that have beforehand been submitted to and approved in writing by the local planning authority. Thereafter, the screen shall be retained with the glazing maintained in accordance with the agreed details.

Procedural Matters

2. The consultation of the application and appeal used the description of development given on the application form and the Council considered the proposal as such. The inclusion of additional development from that may prejudice third parties.

3. The scheme was amended prior to determination showing a Juliette balcony rather than an outdoor platform. Drawing No 02 Rev C, showing this change, is included on the decision notice. While reference is made by the main and interested parties to other development at the site, whether these require planning permission is not a matter for this appeal.
4. I have therefore considered the appeal as a proposed scheme comprising only the development given in the description.

Main Issues

5. The main issues of the appeal are the effects of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of nearby residential properties, with particular regard to privacy, noise and disturbance.

Reasons

Character and Appearance

6. The uniformity of the original elongated gable roof of the appeal property is already interrupted by a dormer window to the other end of the roof of similar size and proportions. While larger than the approved one, the proposed dormer would be of similar materials and design. Moreover, it would be set down from the ridge line of the main roof and set back from the eaves. Therefore, rather than dominating the roofscape, the appeal proposal would aid in providing balance to it.
7. The SPD² states that large box like dormers are inappropriate for the majority of domestic properties where they would be visible from public view. Nevertheless, the position of the proposed dormer would result in it being screened in views from the front by the existing property. Public views would generally be at long range, minimising any visual effects on the River Yeo Rolling Valley Farmland character area. Furthermore, often where it would be visible, it would be seen with the existing dormer and flat roofs at another nearby property. As such, it would not appear discordant.
8. Consequently, the proposal would not harm the character and appearance of the area. The scheme would accord with Policies CS12 of the North Somerset Core Strategy (CS), Policies DM32 and DM38 of the North Somerset Sites and Policies Plan Part 1 (PSP) and the SPD2. These, in part, seek to ensure extensions relate well to and respect the massing, scale, proportions, materials and overall design and character of the existing property, local character and their setting.

Living Conditions

9. The land levels of the properties and position of openings and outdoor spaces means that some overlooking and a perception of overlooking between the appeal site and 17 Banwell Road (No 17) is inevitable. Parts of the rear garden of No 17 is already overlooked from windows in the appeal property, including high level ones, and the balcony across the whole rear elevation.

¹ Supplementary Planning Document Residential Design Guide - section 2 Appearance and character of house extensions and alterations

10. There would be large windows in the dormer, and it would be located close to No 17. Nevertheless, as no outdoor platform is proposed any views would be set back from within the building. Furthermore, an obscure glaze screen would direct views away from No 17 and much of its garden. Views towards other properties would be over a greater distance and there is sufficient separation to prevent the scheme resulting in any unacceptable increase in overlooking or loss of privacy at nearby properties.
11. The balcony at the appeal property extends up to the boundary with No 17. There is also a rooflight located where the proposed dormer would be and an existing dormer at the rear of the appeal property. Therefore, some noise and disturbance would already be experienced and not be unexpected from upper areas. Although close to the boundary with No 17, the size of the dormer, lack of outdoor platform and screen would limit the noise and disturbance that would arise from its use. Given the scale of the development subject to this appeal, any noise and disturbance from construction works would not be significant and would be likely to be short term.
12. Therefore, the proposal would not give rise to unacceptable effects on the living conditions of the occupiers of nearby properties with regard to privacy, noise and disturbance. The scheme would comply with Policies DM32 and DM38 of the PSP and SPD². These, amongst other things, seek to prevent development that would prejudice the living conditions and levels of privacy of occupiers of adjoining properties.

Other Matters

13. I note comments from nearby residents on the quality of the work that has already taken place and adherence to health and safety procedures. Notwithstanding this, these factors do not alter my judgement on the main issues of the appeal scheme. Compliance with conditions and the handling of previous applications are outside the scope of this appeal.
14. The extent of the appellants land ownership has been queried. However, Certificate B was submitted with the application and appeal forms indicating notice was served on No 17. There has been no substantive evidence presented to indicate that this is incorrect.

Conditions

15. The standard time limit condition is imposed. In addition, I have imposed one requiring that the development is carried out in accordance with the approved plans and clarifies that the permission relates only to the works in the description of development. This is necessary for clarity and certainty of the scope of the permission.
16. A further condition is imposed requiring the external materials of the scheme to match those at the existing building to protect the character and appearance of the area. Finally, to protect the living conditions of the adjacent occupiers a condition is imposed requiring the erection of the obscure glaze screen prior to the beneficial use of the dormer and its subsequent retention.

² Supplementary Planning Document Residential Design Guide – section 1 Protecting living conditions of neighbours

Conclusion

17. I conclude that, for the reasons given above, and taking into account all other matters raised, subject to the conditions above, the appeal should be allowed.

Stuart Willis

INSPECTOR