



Appeal Decision

Site visit made on 15 September 2020

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

Appeal Ref: APP/Z0116/D/20/3256294

28 Old Sneed Park, Sneyd Park, Bristol, BS9 1RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P White against the decision of Bristol City Council.
 - The application Ref 20/02083/X, dated 14 May 2020, was refused by notice dated 2 July 2020.
 - The application sought planning permission for *extension to double garage* without complying with a condition attached to planning permission Ref 17/05670/H, dated 22 February 2018.
 - The condition in dispute is No 4 (Approved Plans) which states that: *The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.*
 - 2249/P/104 Proposed rear & side elevation, received 3 January 2018
 - 2249/1 Existing elevations, received 3 January 2018
 - 2249/P100 Proposed ground floor plan, received 3 January 2018
 - 2249/P/102 Proposed site plan, received 3 January 2018
 - 2249/P/103 A Proposed elevations, received 3 January 2018
 - 2249/S/100 Existing ground floor plan, received 3 January 2018
 - 2249/S/101 Existing site plan, received 3 January 2018
 - Location plan, received 3 January 2018
 - The reason given for the condition is: *For the avoidance of doubt.*
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Decision

1. The appeal is allowed and planning permission is granted for an extension to double garage at 28 Old Sneed Park, Sneyd Park, Bristol, BS9 1RF in accordance with the application 20/02083/X, dated 14 May 2020, without compliance with condition number 4 previously imposed on planning permission 17/05670/H, dated 22 February 2018, which is instead subject to the following condition and also those undisputed conditions that are still subsisting and capable of taking effect contained in the attached schedule.
 - *The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.*
 - 2249/P/104 A Proposed rear & side elevation, received 3 June 2020
 - 2249/1 Existing elevations, received 3 January 2018
 - 2249/P100 B Proposed ground floor plan, received 15 May 2020

- 2249/P/102 A Proposed site plan, received 15 May 2020
- 2249/P/103 B Proposed elevations, received 15 May 2020
- 2249/S/100 Existing ground floor plan, received 3 January 2018
- 2249/S/101 Existing site plan, received 3 January 2018
- 2249/S/LP Location plan, received 3 January 2018

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and Conservation Area.

Reasons

3. The appeal site is attached to the front of a large, detached house in the residential Sneyd Park Conservation Area. At the time of the site visit, I observed that the foundations had been started and some internal walling towards the rear of the structure had been built in accordance with the extant permission. The original permission allows the extension of the existing double garage by approximately 2.5 metres to 9.6 metres in width, with an associated slight increase in depth. The appeal relates to an application for a further 1.7 metres extension to a total of 11.3 metres width, to provide storage for mobility scooters.
4. The house appears to have been originally designed to have a double garage attached to the front elevation and on this basis, I do not consider the principle of such a structure at this location to be intrinsically harmful. The proposed building would undoubtedly be large, and I note that the width of the development would appear similar to the width of the house when viewed from the front. However, in footprint and height it remains significantly smaller and overall, I consider that the building would be subservient and not harmfully disproportionate to the host house. The proposal is therefore consistent with the Supplementary Planning Document Number 2 'A guide for designing house alterations and extensions, October 2005' (Bristol City Council), which states that garages should respect the scale, character and materials of the property. For these reasons, I do not find that there would be harm to the character and appearance of the host house.
5. The Conservation Area plan before me is undated, but as it is referenced by both parties, I have accepted its validity. This states that there is a need to retain the residential character of the area, in the context of pressure on land use. I do not consider a moderate extension to an, albeit large, garage to be harmful to the residential character to the area. The building clearly reads as ancillary to the house, and therefore maintains the overall residential character.
6. The Conservation Area plan also recommends that the layout, form and design of new development should respect the traditional forms and characteristics of the area. The locality is notable for the wide variety of architectural styles of varying age on display and there is scope for atypical design. Several properties were observed to have large garages, most along the side of their houses. The proposal would be unusual in being such a large ancillary structure to the front of the house, but for the reasons above I do not find this to be intrinsically harmful.

7. The appeal site is not easily visible from the public domain because the plot boundaries comprise dense shrubbery and high hedging. Given that a significant proportion of the extension has extant permission and that the site is well screened, I do not consider that the additional width would cause any harm to the character and appearance of the Conservation Area.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to preserving and enhancing the character and appearance of the Conservation Area and this is a matter of considerable weight. For the reasons above, I am satisfied that the proposed development would preserve the character and appearance of the Conservation Area and would not adversely affect the significance of the designated heritage asset. On this basis it accords with Policies BCS22 of the Bristol Development Framework Core Strategy (adopted June 2011)('CS') and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted July 2014)('SADMP'), which together aim to conserve and enhance heritage assets.
9. In not finding harm to the host house and surrounding area, I also do not find conflict with Policies BCS21 of the CS, or DM26 and DM30 of the SADMP, which together require development to respond appropriately to the local area and to the design of existing buildings.

Other matters

10. I have noted discussion in Section 4.5 of the appellant's statement regarding a minor discrepancy between the original plans and the indicative dotted line to show the approved application in drawing 2249/P/100 B. I am satisfied that the plans referenced in the revised condition are sufficient to secure certainty.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission with a substituted condition and restating those undisputed conditions that are still subsisting and capable of taking effect. Work on permission 17/05670/H had commenced by the time of the site visit and it is therefore not necessary to impose a time limit condition.

B Davies

INSPECTOR

Schedule of Conditions

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed roof light window shall be glazed with obscure glass and shall be permanently maintained thereafter as obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose. The proposed garage is not to be used as a residential annex accommodation and shall not be used or sub-let as a self-contained dwelling, independent to the host property. without permission from the Local Planning Authority.

Reason: Any other use requires further assessment as it could conflict with the adopted Bristol Development Framework Core Strategy 2011 and the Bristol Site Allocations and Development Management Policies 2014. The development proposed is only acceptable because of the special circumstances of the case and its use as residential living accommodation would require careful assessment.

3. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.
 - 2249/P/104 A Proposed rear & side elevation, received 3 June 2020
 - 2249/1 Existing elevations, received 3 January 2018
 - 2249/P100 B Proposed ground floor plan, received 15 May 2020
 - 2249/P/102 A Proposed site plan, received 15 May 2020
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Reason: For the avoidance of doubt.