The Planning Inspectorate

Appeal Decision

Site visit made on 12 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/Z0116/W/20/3253837
21 Moorlands Road, Fishponds, Bristol, BS16 3LF

- 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 Ms Issy Pritchard against the decision of Bristol City Council.
- The application Ref 19/05779/F, dated 14 November 2019, was refused by notice dated 5 May 2020.
- The development proposed is a detached dwelling.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on:

   - the character and appearance of the area; and,
   - the living conditions of the neighbours at Nos 19 and 23 Moorlands Road, with particular regard to overshadowing and loss of outlook from the garden.

Reasons

Character and appearance of the area

3. The appeal site is behind the rear of the garden of an extended, end of terrace house at 21 Moorlands Road. The site is currently occupied by at least 3 modestly sized, derelict sheds, which would be removed as part of the development.

4. The prevailing pattern of development is regularly spaced terraced and semi-detached housing. I did not observe any backland development in the area nor substantial rear outbuildings and the proposed structure would therefore disrupt the existing pattern of development. This would be in conflict with Policy DM26 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted 2014)(the 'SADMP'), which requires that development contributes to local character and distinctiveness by respecting the local pattern of development.

5. I observed the occasional shed and outbuilding in nearby gardens at the site visit, all of modest size and no more than a single storey high. The proposed development would therefore be significantly larger in height and mass than

other buildings in local rear gardens. This would be in conflict with Policy DM27 of the SADMP, which requires that height, scale and massing of development is appropriate to the surrounding character.

6. Rear gardens attached to the row of houses are long and narrow with a backdrop of mature trees and fences between properties are generally low, creating an open and leafy character. The proposed dwelling would have notably limited outdoor amenity space when compared to the prevailing garden size, resulting in relatively cramped, enclosed development. This would not contribute positively to the area's character and identity, as required by Policies BCS21 of the Bristol Development Framework Core Strategy (adopted 2011)(the 'CS').

7. I note that Policy DM21 of the SADMP does not preclude development in private gardens and I concur that, in principle, this is an area where higher densities could be appropriate. However, this policy is clear that the development of garden land should not result in harm to the character and appearance of an area. For the reasons above, I therefore do not consider that the proposal meets the requirements of Policy DM21.

8. Policy DM26 of the SADMP requires that backland development is subservient in height, scale, mass and form to the surrounding frontage buildings. The proposed building would be smaller in scale and mass than the associated terraced house, and cutting it into the ground means that it would appear markedly lower. The finishing materials of composite boarding and render, and lack of visible windows to the front and sides would give a first impression of it being an outbuilding. I consider than in size and finish it would appear subservient to the host house and would meet the requirements of this aspect of the policy. However, this does not outweigh the other harm to character and appearance of the area.

9. The proposal would therefore cause harm to the character and appearance of the area. This is in conflict with Policies DM21, DM26, DM27 of the SADMP and Policy BCS21 of the CS, which together require protection of an area's character and appearance.

Living conditions of the neighbours

10. The 7.5 metre length of the proposed house would run adjacent to a significant proportion of the southern garden boundary at No 19. The height of the eaves would be about 2 metres above the boundary fence and the ridgeline over 3 metres above, albeit stepped further back. The proposal would result in a loss of outlook from the garden at No 19, and the sense of enclosure would be exacerbated by an almost blank wall and roof. The garden of No 19 is orientated approximately east-west and the proposed building is to the immediate south and higher than the existing structures, which means that some additional overshadowing would result.

11. Policy BCS21 of the CS requires that the amenity of existing development is safeguarded and Policy DM27 of the SADMP that existing development should achieve an appropriate level of outlook and daylight. The garden at No 19 is long and the influence of the proposal would only be felt on one side of the garden, towards the rear. The quality of the main amenity space immediately behind the house would not be unacceptably harmed. However, when taking all these factors into consideration, I consider the loss of outlook and daylight

along a significant proportion of the garden to be harmful. The remaining level of outlook and daylight would be inappropriate when compared to the prevailing open character of other gardens in the area.

12. The garden at No 23 stops short of the proposed building, and given the distance between the gardens, I do not find that harm would be caused to the existing occupants from loss of outlook or overshadowing.

13. The proposal would cause a harmful loss of outlook and overshadowing of the garden at No 19. This would be in conflict with Policies BCS21 of the CS, and DM27 and DM29 of the SADMP, which require that the amenity of existing occupants is protected.

Other matters

14. There would be benefit from development of an additional dwelling in an area with good transport links and from contribution to local services, including during the construction phase. However, these benefits are limited by the small scale of the development and would not outweigh the harm identified above.

15. I concur that the development would not be easily visible from the public domain. However, it would to some extent be visible from the street, and the openness to the rear means that the development would be highly visible to many of the neighbours.

16. I have noted the other planning approvals brought to my attention by the appellant. I do not have details of these before me on which to base a meaningful comparison and have therefore not considered them further. Regardless, each case must be decided on its own merits.

Conclusions

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

B Davies

INSPECTOR