



## Appeal Decision

Site visit made on 13 October 2020 by Ben Phillips BSc MSc MRTPI

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 25 November 2020**

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**Appeal Ref: APP/D0121/D/20/3257195**

**9 Valley Road, Portishead BS20 8JU**

- 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 & Mrs Hill against the decision of North Somerset Council.
  - The application Ref 20/P/0967/FUH, dated 29 April 2020, was refused by notice dated 2 July 2020.
  - The development proposed is described as re-model existing bungalow and create a large family home with stand alone garage.
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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 extension and garage on the character and appearance of the existing property and surrounding area;
  - the effect of the proposed extension on the living conditions of the occupants of No 7 and 9a Valley Road, with particular regard to outlook, light and privacy; and
  - the effect of the proposed development on highway safety.

### Reasons for Recommendation

#### *Character and Appearance*

4. Valley Road is a pleasant and quiet residential street in the settlement of Portishead, directly facing open agricultural land. The road comprises of a variety of architectural forms and styles, including single storey dwellings, dormer properties and 2 storey dwellings, with a number of detached garages to the front giving the area a mixed appearance, albeit the set back of development from the road gives the locality an open, spacious character.

5. Although the proposal would increase the scale of the existing dwelling, I find that given the mix of dwellings within the street scene, that the proposed development and materials proposed would not appear incongruous or out of keeping. The extended dwelling would be set back from the road and it would be comparable in scale to the property next door at No 9a. It would not appear as unduly prominent in the streetscene, nor disrupt the rhythm of development nearby.
6. However, the new garage would be sited close to the front boundary of the property. This would be a sizeable structure within the front garden environment, which would be prominent in the streetscene, despite its flat, green roof design. Whilst there are other garages to the front of dwellings nearby, these are largely set back from the highway and therefore contribute positively to the open, spacious character of the locality, which the proposal would not achieve. The existing front hedging or proposed hedging along the side boundary and the proposed entrance gates would not be sufficient to obscure or fully mitigate the harmful effect the new garage would have on the character and appearance of the area.
7. In light of the foregoing, I conclude that the proposed development conflicts with Policy CS12 of the Core Strategy (2017) and Policies DM32 and DM38 of the adopted Development Management Sites and Policies Plan (Part 1) (2016) (DM) which collectively require development to be of a high standard of design, demonstrate sensitivity to local character and setting and not harm the street scene. In addition, there is conflict with the Supplementary Planning Document 'Residential Design Guide – section 2 Appearance and character of house extensions and alterations' which states that outbuildings which break established building lines '*will not normally be allowed where the proposal would harm the appearance of the street scene or the open nature of the area.*'

#### *Effect on living conditions*

8. Given the slightly sloping land at this point, the appeal property sits slightly higher than its north west neighbour, No 7. This bungalow has numerous windows on its side elevation facing the appeal property, separated from the side boundary by the driveway to the detached garage building located at its rear.
9. The outlook from these side facing windows is of the side elevation of the existing appeal property. Whilst the proposed development would increase the height of the side elevation of the host property, I am satisfied that the separation distance between the windows and the extended dwelling would ensure that the proposal would not be overbearing on the outlook from these windows.
10. Moreover, given the orientation of the resultant dwelling to No 7, it is unlikely that the proposal would result in a loss of light or sunlight to the side facing windows or the garden to this property to a degree that would make the rooms these window serve and outdoor space less pleasant to use.
11. The first-floor side elevation windows proposed facing No 7 would serve a bathroom and en-suite and a condition to require that they are obscure glazed would prevent unacceptable direct overlooking or a loss of privacy to this neighbour. The ground floor windows are mostly existing and only 1 additional window, serving a laundry/utility room, is proposed. However, again, due to

- the difference in land levels, to prevent any overlooking over the boundary fence, a condition could be imposed to require that it would be obscure glazed to prevent any loss of privacy to the occupiers of No 7.
12. The proposed development would also include a rear facing balcony, extending almost the full width of the property. The side boundary wall would prevent direct overlooking of No 7 and the garage of this property would further limit overlooking from the balcony into the rear garden of this neighbour.
  13. In light of the above, I conclude that subject to the obscure glazing of the windows as set out above the proposal would not be harmful to the living conditions of the occupiers of No 7, and in this regard there would be no conflict with DM Policies DM32 or DM38 or the Supplementary Planning Document Residential Design Guide – section 1 Protecting living conditions of neighbours (SPD1), which collectively seek to ensure proposals do not prejudice the living conditions of adjoining occupiers.
  14. With regards to the eastern side neighbour, a first floor would be added above the existing garage of the appeal property, sited on the party boundary with No 9a, beyond which would be a 2 storey extension and first floor balcony which would project significantly beyond the rear elevation of this property's garage, in close proximity to the party boundary.
  15. Although users of the balcony may be able to look back towards the rear elevation of No 9a, I consider that the likelihood of this resulting in a loss of privacy to the rear rooms of this dwelling to be limited, given the separation distance involved and the oblique views that would be obtained.
  16. It is clear from the floor plans and street scene drawings that there would be roof lights above the proposed entrance hall and WC on the elevation facing the side of No 9a, and two proposed first-floor windows which would serve bedrooms. The roof lights would be at a high level and the glazing and opening mechanism of the WC roof light could be conditioned so that the outlook from it would not result in a loss of privacy to the occupiers of No 9a. Moreover, the new bedroom windows would face towards the blank side elevation of this neighbour and any oblique overlooking would not be sufficient to result in a marked loss of privacy to its occupiers.
  17. Given the orientation of the new extension to No 9a, I have no reason to doubt the findings of the appellants' solar study which indicates that the proposal would be unlikely to have any discernible effect on sunlight to the rear of No 9a.
  18. However, despite the orientation of the rear rooms of No 9a, and the lack of direct sunlight reaching them, it is likely that they are bright and pleasant to use, with good amounts of daylight as a result of their largely open outlook. There is a high probability that the new extension would, as a result of its scale and proximity to the rear of No 9a and its rear garden reduce the amount of daylight to these areas by substantially enclosing these areas.
  19. Moreover, the new extension would be a prominent, dominant, intrusive feature in the outlook from the rear windows of No 9a, and its modestly sized rear garden. The extended dwelling at No 9 would be overbearing on the outlook from these areas. Furthermore, users of the new balcony would be able to see into the rear garden of No 9a as a result of its elevated nature and

proximity which would result in a loss of privacy to this otherwise private space.

20. Given my findings above, I conclude that the proposed extension would make the rear rooms and rear garden of No 9a less pleasant to use which would be harmful to the living conditions currently experienced by the occupiers of this property. Accordingly, the proposal conflicts with the protection of living conditions aims of DM Policies DM32 and DM38 and the guidance contained within SPD1.

### *Highway Safety*

21. The proposal includes a new electric gate, finished in timber, set along the front boundary. Whilst the position of the gate would not allow vehicles to pull off the highway before the gate was opened, I am mindful that Valley Road is a residential road and there is little evidence before me to indicate that the road is heavily trafficked with either vehicles or pedestrians. As such in the event that the users of the access stop in the highway to open the gate, I am satisfied that harm to highway safety would be unlikely to result. Moreover, such a hazard would not be wholly unanticipated by users of the road, given its residential character and number of similar front gates along it, including next door at No 9a.
22. I noted on site that visibility when exiting the driveway onto the highway was obscured by the front boundary hedge. However, the level of visibility is similar to the access of many other properties along Valley Road. There is no substantive evidence to indicate that this leads to any highway safety issues.
23. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This would not be the case with the appeal proposal, and in light of the foregoing, I find that the access arrangements of the proposal would not present an unacceptable risk to the free flow of traffic within the highway or to pedestrian or highway safety. I therefore conclude that the proposal accords with the design and highway safety objectives of DM Policy DM24.

### **Other Matter**

24. I understand that the appellants have issues with the way the Council determined the application. This is a matter between them and the Council and not for this appeal.

### **Conclusion**

25. Whilst I have found no harm to highway safety, this does not outweigh or mitigate the harm that would arise to the character and appearance of the surrounding area and the living conditions of the occupiers of No 9a Valley Road. 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**

26. 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