The Planning Inspectorate

Appeal Decision

Site visit made on 16 November 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: 10 December 2020

Appeal Ref: APP/Z0116/D/20/3257863
1 Milsom Street, Easton, Bristol BS5 0SS

- 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 S Zafar against the decision of Bristol City Council.
- The application Ref 20/01228/H, dated 15 March 2020, was refused by notice dated 19 May 2020.
- The development proposed is a first floor extension to rear, with external staircase, and light well to front.

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.

Preliminary Matters

3. The development description given above is taken from part E of the Appeal Form and the Councils Decision Notice, for the interest of clarity.

4. It is unclear as to what represents the 'existing' position, as development had begun (but not near completion) on site at the time of my site visit. It is understood that a prior approval application[1] has been accepted by the Council for a 6m single storey rear extension, however the 'existing' plans show a substantial two storey and single storey rear projection, adding up to 8.38m (from the main back wall) at first floor and 14.6m at ground floor level.

5. The development proposed is an extension of the first floor to the full extent of the ground floor projection (with external staircase and front lightwell). Whilst stating that the plans are inaccurate the Council have determined the application on this basis and I therefore will do the same.

6. The Council references policy DM26 in the refusal reasons relating to living conditions, however this policy refers to local character and distinctiveness and as such is of little relevance in this regard.

[1] Application reference 19/01584/HX

Main Issues

7. The main issues in this case are the following:

• the effect of the extension on the character and appearance of the existing property and surrounding area;

• whether the proposal would result in satisfactory living conditions for the intended occupiers of the property, with particular regards to outdoor garden space; and

• the effect of the proposed extension on the living conditions of occupiers of neighbouring properties, with particular regard to outlook, light and privacy.

Reasons for Recommendation

Character and appearance

8. Milsom Street is a short, high density, terraced residential street, made up of traditional and consistent two storey dwellings with on street parking. It was evident from my site visit that the rear elevations are generally consistent in their rear projections in terms of form and depth.

9. The proposed front lightwell would not be visually prominent and its impact on the character and appearance of the dwelling and wider street scene would be limited. I find this aspect of the proposal acceptable and in keeping with the existing property and surrounding area.

10. However, the rear extension extends a significant distance from the rear 2 storey part of the dwelling. It would be sited on the party boundary with No 2 and would extend significantly beyond the rear elevation of this property and in close proximity to the rear boundary of the property with No 1 Webb Street. Although narrower than the host property, the scale of the extension would overwhelm and dominate it to an extent that its original character and form would be lost.

11. The extension would be substantially larger than the rear projections of the other dwellings visible along the terrace, which are of similar proportions. The extension would be glimpsed briefly from the road through the gap between the property and the dwellings along Stapleton Road, and would be extremely prominent from the rear windows of surrounding properties. It would appear excessive and out of keeping with the wider terrace and the locality. Moreover, the very limited amount of garden area to the rear of the building that would result would be incongruous with nearby development.

12. In light of the foregoing, it is concluded that the proposed first floor extension would be harmful to the character and appearance of the existing property and surrounding area, in conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM26, DM27 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (DM), which collectively advocate that new development should deliver high quality urban design that contributes positively to an area's character and identity, be of a high quality and respect the scale, form, proportions and the overall design and character of the host building and the broader street scene. In addition, this part of the proposal conflicts with the advice set out in the

Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' (2005) (SPD) which requires extensions to be subservient to the main property. These policies are consistent with the National Planning Policy Framework (the Framework) which requires at paragraph 127 that developments, amongst other matters, are sympathetic to local character and establish or maintain a strong sense of place.

Living conditions for occupiers of the property

13. The proposed plans show that the proposed development would result in a dwelling of a substantial size, big enough to accommodate a family. The proposed development would occupy most of the rear garden space and whilst the plans show that the extension would be sited on top of an 'existing' single storey rear projection, the remaining garden area would be further limited by the siting of the external staircase.

14. I acknowledge that the Council does not provide guidance on minimum garden sizes, however in this instance the garden area that would result would be unlikely to be large enough or shaped appropriately to accommodate much more than a patio area with a small area for seating upon it. Its restricted size and shape would be unlikely to be able to accommodate domestic items associated with a family sized dwelling such as play equipment and a clothes drying area. It would be cramped and would be unlikely to be a pleasant area to spend time in.

15. In light of the above I conclude that the rear extension would not provide satisfactory living conditions for the intended occupiers of the property because of the poor-quality outdoor garden space that would be provided. Consequently, this aspect of the proposal conflicts with CS Policy BCS21 and DM Policies DM27, DM29 and DM30 which seek to create a healthy, high-quality environment for future occupiers that achieves an appropriate level of private amenity space. There would also be conflict with the SPD which sets out that *'Extensions should maintain a usable garden area to allow practical use and reflect the established character of the area and size of house,'* and paragraph 127 of the Framework which requires that a high standard of amenity for existing and future users is provided.

Living conditions of occupiers of neighbouring properties

16. The new extension would be constructed on the party boundary with No 2 Milsom Street. This neighbour has a small single storey infill extension between its part single storey, part two storey rear projection and the boundary. The kitchen area in the single storey rear projection is served by side facing widows which face the party boundary with the appeal property.

17. The outlook at present from these rooms is dominated by the existing building work at the appeal property and forms a dominant, tall blank solid wall which is an oppressive, intrusive feature. By covering almost the length of the garden to No 2 the extension has lead to a significant sense of enclosure to the rear rooms and rear garden area of this neighbour, far exceeding any impact of the boundary vegetation. Such sense of enclosure is harmful to the outlook from these areas and would be likely to make them less pleasant to use as a result.

18. No 2 has a north facing rear garden and is likely to benefit from good levels of daylight, and sunlight in the morning and the late afternoon. Because of the

relationship of the new extension to the rear of No 2 it is likely that it would cast shadow in the morning over the rear of this property and its garden, resulting in a significant reduction in the amount of sunlight that this property receives throughout the day. The height and scale of the extension would also be likely to result in a loss of daylight to the rear rooms and garden of this property because of its height and close proximity, making less pleasant spaces within which to spend time in.

19. Given the position of the property, the proposed rear extension would sit adjacent to the rear garden areas of properties along Stapleton Road. It would be visible from the rear rooms and gardens of these properties, however its set back from the boundary would ensure that it would not be overbearing to the degree that would be harmful to the outlook from the rear of Nos 58, 60, 62 and 64 Stapleton Road.

20. However, the eastern side of the extension would incorporate a number of windows at first floor level and an external staircase. Apart from one serving a bathroom, the plans do not identify what rooms the windows would serve, and as such it is possible they could serve habitable rooms. Additionally, the plans show that the external staircase provides a balcony area at first floor level, and not a roof terrace as referred to by the Council.

21. These first floor windows and particularly the external staircase would provide opportunity for occupiers of the host dwelling to have direct views into the rear gardens and rear facing rooms of properties along Stapleton Road in close proximity, namely Nos 60, 62 and 64, which whilst in commercial use at ground floor appear to have residential use above. Whilst there is some inevitable oblique and mutual overlooking present within such a tightly grained urban environment such as this, the direct overlooking at close proximity which would result from the proposed extension would lead to a loss of a sense of privacy to these properties and would be likely to make the rear facing rooms and garden areas less pleasant to use as a result.

22. The rear rooms and gardens of Nos 58 and 66 would only be visible at an oblique angle from the new extension's first floor windows and external staircase, over the garden areas of other properties. As such the overlooking impact would not be as pronounced and would be unlikely to result in a loss of privacy to the degree that would be harmful to the occupiers' living conditions.

23. I note that there is an external fire escape to a property on Stapleton Road offering views into the appeal site. However, this does not justify similar additional harm to privacy as is proposed.

24. In light of the foregoing, it is concluded that the proposal would have a harmful effect on the living conditions of the occupiers of No 2 Milsom Street in terms of outlook and light, and Nos 60, 62 and 64 Stapleton Road in terms of privacy. The proposal therefore conflicts with CS Policy BCS21 and DM Policies DM27 and DM30 which, along with the SPD, collectively seek to ensure that the scale of development is appropriate to its context and to protect living conditions and the amenity of existing development. Moreover, there is conflict with paragraph 127 of the Framework which requires that a high standard of amenity for existing and future users is provided.

Other Matters

25. The personal and medical circumstances of the appellant's family members are noted. I have no doubt that the proposal is of benefit to the appellant in this respect in providing expanded accommodation and this does carry some weight, however, the development would be likely to remain long after the appellant's personal circumstances have ceased to exist and this matter does not outweigh the harm that I have identified above.

26. I note that the appellant raises concern regarding the determination process of the Council. This is not a matter for this appeal and should be taken up with the Council. In terms of misleading statements, it is unclear as to what the appellant is referring to, however I have determined the appeal on the basis of the submitted plans and what I have seen during my site visit.

27. The appellant points to a similar development at No 31 Milsom Street and nearby at Goodhind Street, in addition to development at No 28 Milsom Street. No details have been provided of these, and development similar to that proposed was not evident from my site visit. As such, it is not possible to compare them to the development proposed. In any case, each case is determined on its own merits.

28. Reference is made to nearby properties being extended without the benefit of planning permission. Again, this is not a matter for this appeal and should be taken up with the Council.

Conclusion

29. 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

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR