The Planning Inspectorate

Appeal Decision

Site Visit made on 23 November 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/D0121/D/20/3259212
Lansdowne, Belton Road, Portishead BS20 8DR

- 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 Colum Campbell against the decision of North Somerset Council.
- The application Ref 20/P/0359/FUH, dated 27 January 2020, was refused by notice dated 22 June 2020.
- The development proposed is Erection of two storey extension to rear and single story porch extension to front of existing dwelling. Replacement of two Velux to rear to be replaced with dormers to match existing.

Decision

1. The appeal is allowed and planning permission is granted for Erection of two storey extension to rear and single story porch extension to front of existing dwelling, and replacement of two Velux to rear to be replaced with dormers to match existing at Lansdowne, Belton Road, Portishead BS20 8DR in accordance with the terms of the application, Ref 20/P/0359/FUH, dated 27 January 2020, and subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of Invershin, with particular regard to overlooking, outlook and overshadowing in relation to the proposed rear extension and first-floor rear balcony.

Reasons

3. The appeal site contains a relatively large detached dwelling situated on a hillside sloping down towards the Severn Estuary. Due to topography, the property to the north – known as Invershin – is situated below the site. Given the proximity of surrounding residential properties, the rear of Invershin is overlooked to some extent, including from the site's existing raised rear terrace and its large, north-facing patio doors with juliette balcony. These provide direct views over much of the rear garden and elevation of Invershin, and the submitted evidence does not indicate that this situation and the existing shared boundary treatment are unlawful.

4. Amongst other aspects, the proposed development would involve the erection of a two-storey rear extension. However, it would have a relatively limited projection, maintain the building's existing separation from the shared boundary and incorporate a sloping roof. The submitted plans indicate that it would comply with the 45 degree test and I observed on my site visit that the

rear garden of Invershin is also relatively wide. Accordingly, it would not result in significant overshadowing or loss of outlook for the occupiers of Invershin.

5. The proposed rear extension would include full-height ground-floor windows facing towards Invershin and a first-floor rear balcony. Providing direct views to the north and situated relatively close to the shared boundary, these features would therefore afford occupiers of the proposed development with views of the rear garden and elevation of Invershin.

6. However, the existing situation involves a similar relationship between the site and Invershin. It seems to me that the more elevated position of the proposed rear balcony would also afford some views of the wider area, such as the estuary, and beyond the immediate vicinity of the site, which is not the case with the existing rear terrace, whose views are more restricted to the immediate locality. Furthermore, this is a residential area with several dwellings – some incorporating elevated balconies – located in relatively close proximity. As such, a certain degree of mutual overlooking would not be unusual. Accordingly, I am satisfied that the proposed development would neither result in a significant change from the existing situation nor introduce an unreasonable level of additional overlooking to Invershin. I am also mindful that the appellant indicates that there are no restrictions to them constructing a rear extension with side windows under permitted development rights.

7. For the above reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of Invershin, with particular regard to overlooking, outlook and overshadowing in relation to the proposed rear extension and first-floor rear balcony. I therefore find that it accords with Policies DM32 and DM38 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1. Amongst other aspects, these require development to not prejudice adjoining occupiers' living conditions. The proposal would also be consistent with the Council's Residential Design Guide Supplementary Planning Document which, amongst other aspects, sets out that extensions should not cause significant harm to the living conditions of neighbouring residents and that balconies provide significantly increased opportunities for overlooking.

Other matters

8. The occupiers of the adjoining property to the south, known as Creedy, have raised concerns that their living conditions could be harmed by the proposed development. This includes through a loss of privacy due to the front and rear balconies and a loss of outlook due to the size of the rear extension and its roof. However, as shown on the submitted plans and as I observed on my site visit, there is a reasonable degree of separation between Creedy and both the two-storey rear extension and the proposed balconies. This, combined with Creedy's elevated position above the site, would be sufficient to avoid the proposed development from unacceptably harming the living conditions of the occupiers of Creedy, including with regards to privacy and outlook.

9. A number of other matters have been raised by interested parties and I have taken them all into account. Those related to planning include noise and disturbance, precedent, the removal of rear dormer windows on the previous planning application on the site, the resulting property being too big for the site, proximity of preserved trees, and disturbance and dust from previous construction works. However, whilst I take these representations seriously, I

have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion and Conditions.

10. For the above reasons, the appeal is allowed.

11. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. However, given the details on the approved plans relating to proposed external materials, a condition covering the materials to be used in the construction of the external surfaces of the development is not necessary. I have therefore declined to impose it.

12. There are four preserved trees on the site and the Council's Officer Report refers to the need for a condition covering tree protection measures. To ensure that the development and construction works do not harm the preserved trees, it is therefore necessary to impose such a condition.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (Drawing No 1051_001); Existing block plan (Drawing No 1051_002); Existing GA plans (Drawing No 1051_003); Existing elevations (Drawing No 1051_004); Existing Sections (Drawing No 1051_005); Proposed Ground & First Floor Plans (Drawing No 1051_100 Rev D); Proposed elevations (Drawing No 1051_101 Rev E); Proposed sections (Drawing No 1051_105); Proposed block plan (Drawing No 1051_110); Block Plan - Existing Balcony Adjacencies (Drawing No 1051_111); Proposed East Elevation / Cross Section (Drawing No 1051_112); Proposed North Elevation / Cross Section (Drawing No 1051_113); and Proposed Block Plan - 45 Degree Test (Drawing No 1051_114 Rev A).

3) No development shall commence until a plan showing the location and design of tree protection fencing has been submitted to and approved in writing by the Local Planning Authority and the agreed tree protection has been erected around existing trees to be retained. Unless otherwise specified, the fencing shall be as shown in Figure 2 of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', shall be erected to achieve root protection areas in accordance with BS5837:2012 root protection area calculations, and the location of the fencing shall be informed by the recommendations of BS5837:2012. This fencing shall remain in place during site works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. No equipment, machinery or structure shall be attached to or supported by a retained tree. No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area. The Local Planning Authority is to be advised prior to development commencing of the fact that the tree protection measures as required are in place and available for inspection.

END OF SCHEDULE