



Appeal Decision

Site visit made on 8 December 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/Z0116/D/20/3260648

2 Gotley Road, Bristol, BS4 5AS

- 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 Richard Akers against the decision of Bristol City Council.
 - The application Ref 20/02198/H, dated 11 May 2020, was refused by notice dated 17 July 2020.
 - The proposed development is demolition of existing garage and boundary wall and construction of new garage with loft annexe and new boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and boundary wall and construction of new garage with loft annexe and new boundary wall at 2 Gotley Road, Bristol, England BS4 5AS, in accordance with the terms of the application, Ref 20/02198/H, dated 11 May 2020, subject to the following 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 approved plans: D.1, D.2A, D.3A, D.4 and D.5A.
 3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Gotley Road.
 4. The south-facing rooflights of the building hereby permitted shall not be capable of being opened and shall be fitted with obscured glazing before the building is first used. These rooflights shall be retained as such thereafter.

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.

Procedural Matters

3. Policy DM30 of the Site Allocations and Development Management Plan 2014 (the SADMP) and "A Guide for Designing House Alterations and Extensions" Supplementary Planning Document 2 (2005) (the SPD) are referenced within both reasons for refusal within the decision notice. However, the policy and the SPD both relate to alterations to existing buildings and dwellinghouses. Hence,
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neither are directly applicable to this proposal as it involves the demolition of the existing detached garage, which is at the end of the rear garden, and the construction of a replacement garage similarly distant from the main house.

Main Issue

4. The main issues are:

- i) the effect of the proposed development on the character and appearance of the site and surrounding area, and
- ii) whether the proposed development would cause unacceptable harm to the living conditions of the occupants of No 4, with particular regard to privacy.

Reasons for the Recommendation

Character and Appearance

- 5. The appeal site accommodates a two-storey, semi-detached dwelling situated on the corner of Water Lane and Gotley Road, in a distinctly residential suburban area. The single-storey garage to be demolished is within the rear garden of the site and adjoins the boundary with Gotley Lodge, a Grade II listed building, to the north.
- 6. From Water Lane adjacent to the appeal site, there are clear views of a two-storey building which lies within the grounds of Gotley Lodge. This building is located within close proximity to the rear of No 6 Gotley Road and lies within ten metres to the west of the appeal site. It is also partially visible within views from Gotley Road. Seen within the context of this two-storey building, the proposal would appear as a relatively low-scale development and so would not appear as an overtly incongruous addition to the streetscene. It is acknowledged that the two-storey outbuilding at Gotley Lodge is commensurate to the size of its host dwelling and plot. Nonetheless, it is a prominent feature, which is closer to the appeal property than its own host dwelling, and it strongly influences the immediate context of the appeal site.
- 7. Furthermore, as the roof ridge of the proposal would be significantly lower than that of the host building, and its footprint significantly smaller too, it would appear appropriately subservient to it in terms of its height and scale. The proposal would therefore have an acceptable effect on the character and appearance of the site and surrounding area.
- 8. I note the Council's concerns about the use of the proposal as a self-contained dwelling. However, a condition could be imposed to ensure that it would only be used for purposes ancillary to the host building.
- 9. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area. The proposal would therefore comply with Policy BCS21 of the Core Strategy (2011) (the Core Strategy) and Policy DM26 of the SADMP which respectively state, amongst other things, that new development should deliver high quality urban design and that development proposals will be expected to contribute towards local character and distinctiveness.

Living Conditions

10. I acknowledge the Council's concerns about the potential for overlooking from the south-facing rooflights to the rear garden and rear-facing windows of No 4 Gotley Road. However, as suggested by the appellant, a condition could be imposed requiring that these rooflights would be non-opening and fitted with obscured glazing. As such a condition would overcome any unacceptable harm that may result in terms of overlooking, the proposal would be acceptable in this regard.
11. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupants of No 4, with particular regard to privacy. The proposal would therefore comply with Policy BCS21 of the Core Strategy, which state that development will be expected to safeguard the amenity of existing development.

Other Matters

12. The Council found no issue with the proposed boundary wall alterations. I find no reason to disagree.
13. The listed building at Gotley Lodge is a detached dwelling set towards the northern end of its spacious garden. It is surrounded by suburban housing and this strongly influences the significance of its setting. The proposed garage would appear as relatively common domestic outbuilding compatible with its residential context. It would also be significantly detached from the main part of the listed building, although close to the boundary wall. Overall it would not harm the significance of the listed building's setting. The Council's opinion supports my view.

Conditions

14. The conditions which are imposed are mostly those which have been suggested by the Council. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. To preserve the character of the site and surrounding area and ensure that the approved building is restricted solely to its intended use, I have also imposed a condition requiring that the approved building can only be used for purposes ancillary to the use of the appeal property.
15. In the interests of preserving the privacy of the neighbouring occupants at No 4, I have attached a condition requiring that the south-facing rooflights of the approved building must be obscured-glazed and non-openable.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR