



Appeal Decision

Site visit made on 8 February 2021 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: 19 February 2021

Appeal Ref: APP/Z0116/D/20/3262627

53 Ruby Street, Bedminster, Bristol BS3 3DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Sam James against the decision of the Bristol City Council.
 - The application Ref 20/03530/X dated 6 August 2020 was refused by notice dated 1 October 2020.
 - The application sought planning permission for 'Retrospective planning permission for a rear roof extension' without complying with a condition attached to planning permission Ref 20/00813/H dated 9 April 2020.
 - The condition in dispute are No 2, which states that: *'The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision : 001 Location ,existing floor and elevation plan, received 21 February 2020 002 REV C Proposed floor , section and elevation plan, received 2 April 2020'.*
 - The reason given for condition 2 is: *'For the avoidance of doubt.'*
-

Decision

1. The appeal is allowed and planning permission is granted for retrospective planning permission for a rear roof extension at 53 Ruby Street, Bedminster, Bristol BS3 3DX in accordance with the application Ref 20/03530/X dated 6 August 2020 without complying with condition No 2 previously imposed on the planning permission Ref 20/00813/H dated 9 April 2020 but otherwise subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19.016 – 002d.

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 Issue

3. The main issue in this case is the effect of the proposed materials on the character and appearance of the existing property and surrounding area.

Reasons for the Recommendation

4. The dormer sits at the rear of a terraced dwelling, within the Bedminster area of Bristol, a tightly packed and urban area characterised by traditional terraced dwellings. The dormer is not visible from any highway but is visible from several neighbouring properties.
5. The rear elevations of the visible surrounding properties are finished in a variety of materials, with differing brick, different coloured render and pebble dash visible. A number of dwellings in the vicinity have rear dormers or roof extensions, again finished in a variety of materials, with tile hung and render in a range of colours evident.
6. The appeal property is finished in brick. The proposed retention of the existing grey timber cladding does not match this finish but, given its muted colour and attractive high-quality form, does not detract from its appearance. The dark grey dormer windows also tie in with the existing windows on the rear elevation. Whilst I acknowledge that there is some conflict with the advice set out in the Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' (2005) (SPD) which recommends that materials should generally reflect that of the host building, in the context of the wider variation of materials visible both in terms of rear elevations and dormers, the cladding, in this instance and on this property, does not appear out of keeping nor incongruous.
7. Each application is considered on its own merits, and any future similar proposals would be considered in the context of the existing and surrounding properties.
8. It is concluded that the grey cladding does not harm the character and appearance of the existing property and surrounding area. The development therefore complies with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM26 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (DM), which collectively advocate that new development should be of a high quality and respect the overall design and character of the host building and the broader street scene.

Conditions

9. The guidance in the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. There are no such conditions in this instance. Given the retrospective nature of the development a condition setting out a start date is unnecessary.
10. However, to ensure that the development is carried out as approved, a condition making reference to the approved drawing is necessary.

Recommendation

11. For the above reasons and having regard to all other matters raised, I recommend that the appeal should be allowed and a new planning permission should be granted without the disputed condition.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and I shall grant a new planning permission without the disputed condition.

R C Kirby

INSPECTOR