



Appeal Decision

Site Visit made on 16 March 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2021

Appeal Ref: APP/Z0116/W/20/3261702

84 Westleigh Park, Hengrove, Bristol BS14 9TQ

- 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 Miss J Sheppard against the decision of Bristol City Council.
 - The application Ref 20/02469/F, dated 10 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is First floor extension to form new 1 bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension to form new 1 bed dwelling at 84 Westleigh Park, Hengrove, Bristol BS14 9TQ in accordance with the terms of the application, Ref 20/02469/F, dated 10 June 2020, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The 2020 Housing Delivery Test results were published on 19 January 2021. The results indicate that, when applying footnote 7 of the National Planning Policy Framework (Framework), the presumption in favour of sustainable development contained within paragraph 11d) of the Framework will apply. However, as I have found that the proposed development accords with the development plan, it is not necessary for me to assess the appeal proposal against the approach to decision-taking set out in paragraph 11d).

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of adjoining occupiers, with particular regard to outlook, daylight and overshadowing of 82 Westleigh Park.

Reasons

Character and appearance

4. The appeal site contains a semi-detached dwelling. Although sharing similar architectural features to the adjoining semi-detached property, the relatively large side extension on the site – which I observed on my site visit also has a reasonably high pitched roof – means that the pair do not read as particularly balanced. The surrounding area includes a mixture of semi-detached and terraced properties, some of which have also been extended, such as 101 Westleigh Park opposite the site. The buildings on the corners of the Cadogan

Road-Westleigh Park junction, which includes the appeal site and No 101, are angled to address their prominent and open corner positions and therefore deviate from the building line of adjoining properties.

5. The proposed development would be relatively wide and not set back as much as that recommended by the Council's Guide for Designing House Alterations and Extensions, Supplementary Planning Document No 2. However, its set back from the front of No 84 – particularly at first-floor level – and its lower ridge height would mean that it would appear as a sufficiently subservient addition that would not dominate the main building. With a similar footprint as the existing side extension, the proposed development would also not read as extending built form on the site any closer to No 82 than the current situation.
6. Accordingly, it would neither erode the open nature of the corner site nor unbalance significantly more than the existing situation the pair of semi-detached properties that it would adjoin. Given the angled position of No 84, the proposed development would also not disrupt the rhythm and building line created by the other properties that run along the same side of Westleigh Park. Furthermore, appearing as a similar addition to the two-storey side extension at No 101, it would not read as an incongruous or unacceptably and overly large feature in the streetscene.
7. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy BCS21 of the Bristol Development Framework Core Strategy (CS) and Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan (LP). Amongst other aspects, these require development to respect, not dominate and be subservient to the host building and contribute towards local character, identity and distinctiveness and the creation of quality urban design.

Living conditions

8. The proposed extension would be situated relatively close to No 82. However, the angled position of the properties, the position of the garage and parking area at No 82 and the extension's set back from the shared boundary means that there would be a reasonable degree of separation between the proposed development and No 82's garden, habitable accommodation and small side window – which the submitted evidence indicates serves a landing – that faces the site. The front and rear windows on No 82, which provide the main sources of outlook and light to habitable rooms, also do not face towards the site.
9. The effect of the proposed development on outlook and daylight at No 82 would therefore be limited and the extension would neither create a sense of enclosure nor appear as significantly overbearing or cramped. On the basis of No 82's different orientation and location to the north-east of the site, the position of its rear garden beyond and extending away from the proposed extension, and the degree of separation between the proposed development and the habitable accommodation and rear garden of No 82, neither would the appeal scheme result in significant overshadowing or loss of sunlight to No 82. The shadow plans submitted with the appeal confirm this. In coming to this view, I have taken into account the scale and mass of the proposed extension.
10. For the above reasons, I conclude that the proposed development would not harm the living conditions of adjoining occupiers, with particular regard to

outlook, daylight and overshadowing of 82 Westleigh Park. I therefore find that it accords with CS Policy BCS21 and LP Policies DM29 and DM30. Amongst other aspects, these require development to safeguard the amenity of existing development and neighbouring occupiers and ensure that appropriate levels of outlook and daylight are achieved.

Conditions

11. I have had regard to the various planning conditions suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents and for clarity and consistency.
12. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. The standard condition covering external materials is also necessary in the interests of the visual amenity of the surrounding area.
13. Conditions covering the provision of refuse/recycling storage and car and cycle parking are necessary to ensure that there are adequate facilities on the site for the storage of refuse/recycling and the parking of cars and cycles. However, I have amended the refuse/recycling condition to require the submission of details to the Council because the approved plans, as highlighted in the Council's Officer Report, do not contain sufficient information in this regard. A condition securing compliance with the submitted Sustainability Statement is also necessary in order to ensure that the development minimises its impact on and is resilient to climate change.
14. However, on the basis of the site's orientation and given that permitted development rights include various restrictions on the insertion of upper-floor windows, a condition restricting the future insertion of side windows is not necessary in order to preserve the living conditions of adjoining occupiers. I have therefore declined to impose such a condition.

Conclusion

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

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: Location plan (PLN-2); and Building Drawing (Drawing No PLN-01, showing existing and proposed site plans, floor plans and elevations).
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to occupation of the development hereby permitted, details of the refuse store and area/facilities allocated for the storing of recyclable materials shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to occupation of the development hereby permitted and shall be retained as approved. Thereafter, all refuse and recyclable materials associated with the development hereby permitted shall either be stored within the dedicated store/area or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway) except on the day of collection.
- 5) Prior to occupation of the development hereby permitted, the car and cycle parking provision shall be provided in accordance with the approved plans and thereafter be kept free of obstruction and available for the parking of cars and cycles only.
- 6) Prior to occupation of the development hereby permitted, the energy efficiency measures, sustainable design principles and renewable energy technology shall be incorporated into the design and construction of the development in full accordance with the approved Sustainability Statement (prepared by Mike Pringle – Development Services).

END OF SCHEDULE