



Appeal Decision

Site Visit made on 12 August 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/Z0116/W/21/3274233

128 Downend Road, Fishponds, Bristol BS16 5BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for prior approval required under Article 3(1) and Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Shanthakumar Narayanan against the decision of Bristol City Council.
 - The application Ref 21/00282/ND was dated 18 January 2021.
 - The development proposed is the construction of a first floor extension to form 1 no. self contained flat above the existing commercial unit.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development.

Reasons

3. Development is not permitted under Schedule 2, Part 20, Class AB of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO') if, amongst other things, the building was constructed before 1 July 1948, the additional storeys would be constructed other than on the principal part of the building, and the floor to ceiling height of any additional storey would exceed that of the principal part of the existing building.
4. Historic mapping demonstrates that there has been a building at the appeal site since at least 1936. The appellant is said to understand that the building was rebuilt and enlarged at some point after 1954. However, without corroborating evidence, this is unsubstantiated assertion. The only robust evidence points to the building being constructed before 1948.
5. The principal part of the building is defined in the GPDO as meaning "the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition". The additional storey would be built on a rear section that appears to be of different construction to the front part and has the appearance of an extension.
6. While, having a pitched roof, the rear section may not be lower than the main flat roof of the front section, it is lower than a parapet on that front part. There

is no clear reason in the evidence before me why the overall height of the front section, in this case including the parapet, should not be the relevant consideration. Therefore, I conclude that the additional storey would be built other than on the principal part of the building.

7. The submitted plans do not show the relative floor to ceiling heights of the existing building and additional storey. While the external elevations appear to show likely comparable heights, the parapet makes clear comparison difficult. There is insufficient evidence to demonstrate that this requirement has been met.
8. On the basis of the evidence, I, therefore, conclude that the proposal does not comply with the restrictions and limitations set out in GPDO Schedule 2, Part 20, Class AB and the proposal is not permitted development.

Other Matters

9. There is also dispute as to whether prior approval as to the impact on the amenity of neighbouring premises should be given. However, as the proposal is not permitted development, that does not fall to be considered.

Conclusion

10. For the reasons given, the appeal is dismissed.

M Bale

INSPECTOR