
Appeal Decision

Site Visit made on 19 July 2021 by B Phillips BSc MSc MRTPI

Decision by R C Kirby BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2021

Appeal Ref: APP/F0114/W/20/3264987

10 Chelmer Grove, Keynsham, Bristol BS31 1QA

- 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 Graham Holmes against the decision of Bath and North East Somerset Council.
 - The application Ref 20/00203/FUL, dated 19 January 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the erection of a 2 bed, dormer bungalow to the side plot of 10 Chelmer Grove, Keynsham.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.

Main Issues

4. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of the occupiers of adjacent occupiers having particular regard to outlook and privacy, and
 - highway safety, with particular regard to access, car parking provision and cycle storage facilities.

Reasons for the Recommendation

Character and Appearance

5. The appeal site comprises a semi-detached property, prominently located at the end of a cul de sac next to a footpath. Chelmer Grove is made up of two

storey semi-detached and detached dwellings of a similar scale and appearance, fronting the road and set back from it behind front gardens and parking areas. Whilst there are numerous single storey side extensions and some examples of limited two storey side extensions there is a consistent visual gap and rhythm evident between properties, including between the pair of semis of which the host property forms part and their respective neighbours, which positively contributes to the character and appearance of the area.

6. The design of the new dwelling with dormer windows at first floor would not reflect the character or appearance of the area. Whilst it would not sit in front of the general building line along this side of the cul de sac, the development of the front/side garden of the host property as proposed would significantly erode the open appearance of the appeal site. Moreover, the relationship of the new dwelling with No 10 would be awkward and contrary to the established pattern of development in the street scene, given the proximity and orientation of the two dwellings. As a consequence, the proposed dwelling would appear cramped and result in a prominent, incongruous addition to the street scene. The use of materials as proposed would not mitigate the identified harm.
7. It is concluded therefore that the proposal would significantly detract from and be harmful to the existing character and appearance of the surrounding area, in conflict with Bath and North East Somerset Placemaking Plan (2017) (PP) Policies D2, D4, D5 and D7 which collectively seek to ensure that, amongst other criteria, proposed housing positively responds to and enriches site context and local character.

Living conditions

8. The front elevation of the proposed property would directly face the front garden area of the host property. However, this front garden area is visible from the street and not private and the presence of the new dwelling, whilst introducing windows in close proximity to the front of No 10 would not result in a loss of privacy over and above the existing situation.
9. The proposed property would have a significant amount of glazing on its side elevation, and this would be angled towards the host property. However, due to its ground floor nature, this would be unlikely to lead to a loss of privacy to the occupiers of No 10, particularly given that boundary treatment could be installed which would screen parts of this area; a matter that could be controlled by planning condition. Furthermore, given the orientation of the new dwelling and the separation distance to the properties along Orwell Drive, I am satisfied that there would not be a loss of privacy to these dwellings or their rear gardens.
10. The host property has some fenestration at ground floor level on its side elevation facing the proposed dwelling. However, given the design and relationship of the proposed dwelling to these windows I am satisfied that there would be no loss of privacy to the occupiers of No 10 as a result of the proposal.
11. The proposed property would be sited directly to the rear of Nos 7 and 9 Orwell Drive and would result in built form closer to these properties than the existing dwellings along Chelmer Grove. Although the outlook from the rear of these properties would change with the development of the appeal proposal, I am satisfied that the limited height of the new dwelling and remaining separation

distance would ensure that it would not be overbearing on the outlook from the rear of these dwellings or from their rear gardens.

12. Similarly, given the location of the host property's garage and porch area next to the appeal site, the proposed dwelling would neither be enclosing nor overbearing to an extent that would have an adverse effect upon the current open outlook from the front of the host dwelling.
13. Given the above, it is concluded that the proposed development would not be harmful to the living conditions of the occupiers of neighbouring properties. Accordingly, the proposal complies with PP Policy D6 which seeks to prevent significant harm to the living conditions of adjoining occupiers.

Highway Safety

14. Given the proximity and orientation of the proposed dwelling with regards to the host property, both properties would appear to share access from the highway.
15. Whilst the application sets out that a total of 7 parking spaces would be retained/provided no detail is provided on such an arrangement, nor on the parking spaces provided for each dwelling. In the absence of off road car parking there would be a high probability that vehicles associated with the proposed dwelling would park within the highway at a point in the road where vehicles, including large delivery vans and refuse vehicles need to turn. The presence of parked cars associated with the new dwelling in this location would be likely to result in conflict between vehicles and cause harm to highway safety.
16. Similarly, the plans do not detail secure and accessible cycle storage facilities. Whilst the appellant has intimated that the integral garage could accommodate this, it is unclear as to whether there is sufficient internal space to provide access to a bicycle storage area should a car be parked within the garage. However, there should be sufficient room in the garden for a structure to accommodate the required bicycles and as such, a condition to secure suitable details would be appropriate.
17. It is therefore concluded that it has not been demonstrated that the proposal would not result in harm to highway safety in accordance with the aims of PP Policy ST7, which states that highway safety should not be prejudiced and there should be no increase in on-street parking in the vicinity of the site which would affect highway safety, amongst other matters.

Conclusion and Recommendation

18. The proposal would be harmful to the character and appearance of the area and to highway safety in conflict with the development plan. There are no other considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR