



Appeal Decision

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/Z0116/W/21/3279445

17 Haytor Park, Stoke Bishop, BRISTOL, BS9 2LR

- 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 Fraser Besant against the decision of Bristol City Council.
 - The application Ref 21/02523/F, dated 6 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is demolition of existing dwelling and replacement with one and half storey, 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

3. The main issues are the effect of the proposal upon:
 - a) the living conditions of the occupiers of No. 15 Haytor Park, with regard to daylight and outlook, and
 - b) the character and appearance of the area.

Reasons

Living conditions

4. The existing building has a simple linear form that runs parallel to the plot, with a roof extension to one side, that faces towards No. 15 Haytor Park. A low level car port structure occupies the space between the existing dwelling and the boundary shared with this neighbour.
5. The proposed replacement dwelling would extend towards the shared boundary with a gable that would stop 900mm short of the boundary at its closest point. At this point the corner of the proposed building would be very close to an existing side window of the neighbouring dwelling and would have an adverse impact on the outlook from the side window of this dwelling owing to its scale and proximity. Its impact would be far greater than that of the existing low car

port structure. It would be exacerbated by the proposed footprint, with long gable extensions to the front and rear that would be readily seen from the neighbouring dwelling and its rear garden and would be overbearing.

6. The appeal site is to the south of this neighbour. The proposed building would have a much more significant mass than the existing building and would extend close to the boundary with a large gable. It would thus have a significantly greater effect than the existing dwelling on the level of daylight that reaches the neighbouring dwelling and areas of its garden.
7. The submitted shadow study shows that the proposal would result in considerable shading of the side of No. 15 for spring, autumn and winter months. No comparison is made between the shading effect of the proposed dwelling and the existing dwelling; however, it is clear from the plans before me and my observations on site that the existing dwelling does not cause significant shading to this neighbour. The overall mass of the existing dwelling including its ridge height and eaves level is significantly less than the proposed dwelling. Furthermore, the existing side facing roof extension is much smaller and set further away from the neighbour than the proposed north facing gable.
8. I accept that the proposal would not result in any overlooking towards the neighbouring properties, and that this would be an improvement over the existing situation whereby first floor windows of the existing dwelling face out towards the neighbour to the north. However, this positive factor is not significant enough to outweigh the overbearing impact that the proposed dwelling would have on No. 15, and the effect it would have on levels of daylight and direct sunlight that occupiers of this neighbouring dwelling currently enjoy.
9. In summary, the proposal would harm the living conditions of the occupiers of No. 15 Haytor Park. It would thus not accord with Policies BCS21 of the Bristol Core Strategy 2011 (CS), Policies DM27 and DM29 of the Bristol Site Allocations and Development Management Policies 2014 (SADMP) and paragraph 130 of the Framework, insofar as they seek to safeguard existing amenity including outlook and daylight.

Character and appearance

10. The appeal site is located at the end of a 20th century cul-de-sac, and is one of four detached dwellings at the end of the road that are sited to face towards the turning circle. The two dwellings to the south are similar to each other. They are single storey with accommodation within the roof and address the road with a gable and small bonnet hip. The appeal property has a more modest scale with a full gable fronting the road. To the north is a single storey dwelling that is substantially different with a broad hipped roof to the front.
11. The two sides of the road are lined with semi-detached pairs of dwellings. Many of these have substantial roof extensions and they are more substantial in scale than the four detached dwellings at the end of the road. The road cranks slightly along its length so that the appeal property only becomes prominent to view at its eastern end. The existing dwelling broadly accords with the character and appearance of the area, however it is not so significant that its demolition would be harmful as a matter of principle.

12. The proposal would retain the existing gable fronted arrangement, which would accord with the form of the two dwellings to the south. Further gable projections would extend to the north and the south. This perpendicular ridge line would be set back significantly behind the front facing gable so that the front gable would be the principal aspect of the building facing the street. The plot shape and the position of the neighbouring dwellings to the north and south would mean that the depth of the proposed building would not be readily apparent from the street.
13. The proposed dwelling would be constructed with a slate tile roof and anthracite grey windows. Roof coverings in the area are a mix of concrete tile finishes and most are weathered brown or dull red in colour. I am satisfied that the introduction of a slate tile would be acceptable, and in the event that the appeal is allowed details of the roof material could be secured through a condition.
14. The use of grey windows would be different to the predominant use of white window frames in the area. However, the overall form of the proposed dwelling, the use of an appropriately coloured roof tile and a through coloured render would ensure that it would assimilate with its surroundings, sufficient that it would not be harmful to the character or appearance of the area.
15. In summary, I am satisfied that the proposal would not harm the character or appearance of the area. It would accord with Policy BCS21 of the CS and Policies DM26, DM27 and DM29 of the SADMP, insofar as they seek to ensure that development proposals are well designed to contribute towards local character and distinctiveness.

Other Matters

16. The appellant suggests that the proposal would provide a better standard of accommodation with a more usable first floor. I accept that the first floor of the existing dwelling is limited, however I can see from the plans that the ground floor is well laid out and it would appear to be possible to extend at this level to provide additional bedroom space. I therefore give this matter limited weight and am not satisfied that it is sufficient to overcome my findings on the first main issue.

Conclusion

17. Although I have not found harm in relation to the second main issue, this is a neutral matter that does not outweigh the harm I have found in relation to the first main issue. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR