



Appeal Decision

Site Visit made on 9 November 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/Z0116/D/21/3277715

10 New Walls, Totterdown, Bristol, Gloucestershire BS4 3TA

- 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 Uthman against the decision of Bristol City Council.
 - The application Ref 21/00883/H, dated 8 February 2021, was refused by notice dated 6 May 2021.
 - The development proposed is erect a storm porch to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal, the appellant has submitted amended drawings indicating alterations to the roof of the proposed porch. I have no evidence that these have been seen by the Council. It is not the role of the appeal process to evolve a scheme. If the appellant considers that amending their application proposals would overcome the Council's reason for refusal, then they should make a fresh planning application. This is therefore not a matter which I can consider as part of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether other material considerations, including the personal circumstances put forward by the appellant, justify the proposal.

Reasons

Character and appearance

4. New Walls forms part of a residential estate comprising a mix of two-storey terraces of houses and blocks of flats. These have similar features including unenclosed front canopies over their front entrance doors which contributes to the cohesive appearance of the estate. Number 10 is positioned at the end of a terrace of similar properties which step up in groups of two and three to accommodate the sloping topography of the area. The simple pitched roof design and subordinate mono-pitched front canopies at the front of the terrace form a rhythmic pattern and an attractive feature within the streetscene.

5. The proposal is to construct a front porch which would extend across almost half the width of the front elevation and approximately 1 metre beyond the existing canopy and the line of canopies of the rest of the terrace. The proposed porch would have a dual pitched roof with a front facing gable feature.
6. The significant front projection and proposed shape of the roof would be at odds with the simple and uniform design of the existing canopies. It would appear as a discordant element which would disrupt the established building line and the uniformity of the terrace. It would also have an awkward relationship with the retained canopy to the adjacent property at Number 9. This would be harmful to the appearance of the host property, the terrace and out of keeping with the uniformity of the wider estate. Whilst I observed that the front canopies to Numbers 7 and 8 had both been enclosed, these were not extended beyond the existing canopy and as such they do not appear unduly prominent nor disruptive of the uniformity of the area.
7. Whilst the porch, as a single-storey structure, would be subservient to the existing dwelling, it would nevertheless appear disproportionately large extending 2 metres from the front elevation and across approximately half the width. This would be harmful.
8. The proposed porch would be constructed in materials to match the existing. The appellant has also stated that they would maintain a tiled roof to be consistent with the current appearance. However, this would not overcome the harm that would arise from the large size and incongruous appearance of the shape of the proposed porch.
9. I conclude that the proposed development would significantly harm the character and appearance of the host property and surrounding area. It would therefore be contrary to Policy BCS21 of the Bristol Core Strategy 2011 and Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies 2014. These policies together require development to delivery high quality design, to contribute positively to the character of the area, reflecting local characteristic architectural styles and features, taking account of their scale, form, proportions and materials. It would also not accord with Supplementary Planning Document Number 2: A Guide for Designing House Alterations and Extensions 2005 which sets out that front porches should echo the style of the house and neighbouring properties, respecting the existing roof pitch and materials.

Personal circumstances

10. The appellant has stated that he requires the proposed development in order to provide space to accommodate bathroom facilities for his disabled father and the needs of his growing family. The appellant has explained that his father does not live at the property permanently but visits on a monthly basis, staying for a week at a time.
11. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who

do not share it. Amongst other things, for the purposes of the Equality Act protected characteristics includes disability.

12. The submitted drawings indicate no changes to the internal layout of the ground floor nor any indication as to how the proposed development would provide the facilities being sought for the appellant's father. In addition, the appellant's father does not permanently reside at the property. I therefore only give this limited weight.
13. I have also had regard to the provisions of Article 9 of the Convention on the Rights of Persons with Disabilities. I have no evidence that a refusal of the scheme would not enable the appellant's father to live independently or participate fully in all aspects of life.
14. The enlarged accommodation would also provide additional space for the appellant's growing family. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. The development brings about a permanent alteration to the building, whereas it is likely that the appellant's family's needs will change over the longer term. I therefore give this limited weight.

Other Matters

15. The proposed development would not cause harm to neighbouring properties through any overbearing impact, loss of light or privacy. No concerns have been raised about impacts on surface water drainage. However, these are neutral factors.
16. The property does not benefit from permitted development rights for the construction of a front porch. This neither weighs for nor against the proposal.
17. Matters concerning party wall agreements between adjoining neighbours are matters that lie outside the scope of the planning merits of the case.

Conclusion

18. The proposal would conflict with the development plan overall, and there are no material considerations that would cause me to determine this appeal other than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR