



Appeal Decision

Site visit made on 22 February 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/Z0116/D/22/3291347

31A Marion Walk, St George, BRISTOL, BS5 8LL

- 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 S Rees against the decision of Bristol City Council.
 - The application Ref 21/00813/H, dated 15 February 2021, was refused by notice dated 21 January 2022.
 - The development proposed is first floor extension.
-

Decision

1. The appeal is allowed, and planning permission is granted for first floor extension at 31A Marion Walk, St George, Bristol, BS5 8LL, in accordance with the terms of the application, Ref 21/00813/H, dated 15 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and PLN-1.

Main Issues

2. The main issues are the effect of the proposal upon:
 - a) The character and appearance of the existing dwelling and the area, and
 - b) The living conditions of the occupiers of nearby dwellings, with particular regard to daylight, privacy and outlook.

Reasons

Character and appearance

3. The appeal dwelling is located in a predominantly residential area. Buildings in the area are varied in character, but mainly two storey. The existing dwelling is a large bungalow that sits behind terraced dwellings. Although it is on land that is much higher than the dwellings to the north, it is difficult to view from the road owing to their terraced form. The land continues to rise to the rear of the site and existing dwellings to the rear are at a much higher level than the appeal dwelling. It is equally difficult to view the appeal dwelling from roads to

the south owing to its low level and the presence of intervening buildings. Thus, the appeal dwelling does not meaningfully contribute to the character or appearance of the area.

4. The proposal would see the addition of a full first floor, so that the appeal dwelling would become a substantial two storey house. This would have a significant impact on its appearance, and would not represent a subordinate addition to the appeal dwelling. However, the appeal dwelling has limited architectural merit and does not contribute meaningfully to the character and appearance of the area. Even when extended it would only be possible to glimpse its upper part from the surrounding area, where it would be seen behind other dwellings. It would thus not appear visually overbearing.
5. In summary, the proposal would not harm the character or appearance of the existing dwelling or the area. It would therefore accord with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (CS), Policies DM26 and DM27 of the Bristol Local Plan Site Allocations and Development Management Policies 2013 (SADMP), which together seek to ensure that development proposals are well designed to respect local patterns and grain of development and are appropriately scaled for the context. It would also accord with the principles set out in Supplementary Planning Document Number 2, A Guide for Designing House Alterations and Extensions 2005 (SPD), which seeks to secure good standards of design.
6. The Council also referred to Policy DM30 of the SADMP in its decision. The proposal would not be physically or visually subservient to the host building and would therefore conflict with aspects of this Policy. However, for the reasons already given, I am not satisfied that this would result in harm. This is a material consideration that is sufficient to overcome this policy conflict.

Living conditions

7. The dwellings to the south are separated from the appeal dwelling by its own garden and the long rear gardens of the dwellings fronting Jockey Lane. Owing to the sloping land, only the roof of the existing dwelling is currently visible from the rear of these dwellings and their gardens. This would be altered by the proposal, as the rear first floor windows would also be visible from these perspectives. It would be possible to look out from these windows, most noticeably the two rear facing bedroom windows, towards the rear of the dwellings on Jockey Lane, and over their rear gardens. However, the distance between the dwellings would be significant to the extent that overlooking from the existing dwelling into the rear openings of the dwellings on Jockey Lane would not be harmful.
8. The proposed bedroom windows would give an outlook over the rear gardens of the Jockey Lane dwellings. However, meaningful outlook would be limited to two bedroom windows, which would be set back by the depth of the existing garden at the appeal site, and would be similar to the level of mutual overlooking that already takes place where the occupiers of the existing Jockey Lane dwellings can look out over adjoining gardens. These dwellings would retain a pleasant open outlook over the lower land to the north and the rising land beyond that would only be modestly impacted by the proposal.
9. Rose Cottage stands to the southeast of the appeal site. It is closer to the appeal site than the dwellings fronting Jockey Lane. However, whilst the

proposal would have an impact on the occupiers of this dwelling, I am satisfied that it is sufficiently distant that its impact would not be adverse, particularly as it stands on higher ground than the appeal dwelling. Open views would be retained to either side of the proposal, sufficient to ensure that the occupiers of Rose Cottage would retain a pleasant outlook.

10. The appeal dwelling is to the north of the dwellings fronting Jockey Lane and Rose Cottage. The proposal would thus have no impact on the level of daylight reaching these dwellings and their gardens.
11. Although close, No. 5 Cottage Gardens does not align with the appeal dwelling. Overlooking from the proposal towards the windows of 5 Cottage Gardens would be restricted by this offset arrangement. The proposal would see a view introduced from the appeal dwelling over this neighbouring garden, however this would also be at an angle and would only relate to a small area to the west of this neighbouring dwelling. It would not be so significant that it would have an adverse effect on the living conditions of the occupiers of this dwelling. Furthermore, any impacts would be significantly lessened by the low level of the appeal property relative to this neighbouring dwelling and the presence of mature intervening vegetation.
12. The appeal dwelling is to the west of No. 5 Cottage Gardens. It would have a modest impact on the level of daylight reaching the garden of this dwelling at the end of the day, however given the lower level of the appeal dwelling relative to No. 5 this impact would not be significant.
13. In summary, the proposal would not harm the living conditions of the occupiers of nearby dwellings. It would thus accord with Policy BCS21 of the CS and Policy DM30 of the SADMP, which together seek to ensure that development proposals safeguard the amenity of neighbouring occupiers. It would also accord with the principles set out in the SPD, which seeks to avoid any significant loss of sunlight, daylight or result in overshadowing of a neighbouring dwelling.

Conditions

14. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty, and a condition to secure matching materials to ensure that the additional storey matches the appearance of the existing ground floor.

Conclusion

15. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR