The Planning Inspectorate

# Appeal Decision

Site visit made on 21 February 2022

**by Lewis Condé BSc (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Thursday 10 March 2022**

**Appeal Ref: APP/Z0116/D/22/3290893**
**27 Baileys Mead Road, Stapleton, Bristol BS16 1AE**

- 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 Razwan Akbar against the decision of Bristol City Council.
- The application Ref 21/03778/H, dated 9 July 2021, was refused by notice dated 17 December 2021.
- The development proposed is described as 'Removal of step in roof construction and internal alterations from 2017 extent'.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development above is taken from the original planning application form. However, the Council's description of development on its decision notice states '*The erection of a two storey rear extension'*. This more accurately describes the proposal. I have therefore determined the appeal on this basis.

## Main Issues

3. The main issues in this appeal are:

   - the effect of the proposal on the character and appearance of the host property and surrounding area, with due regard to the location of the site in the Stapleton and Frome Valley Conservation Area (CA);

   - the effect of the proposal upon the living conditions of the neighbouring residential property 'no. 28 Baileys Mead Road', in terms of outlook.

## Reasons

*Character and Appearance*

4. 27 Baileys Mead Road is a two-storey detached dwelling set on a corner plot on a small modern housing estate. There is a general uniformity to the street scene due to the surrounding dwellings on the estate being of a similar age and design, whilst also being constructed from the same palette of materials.

5. The appeal dwelling is located at a curve in the road and adjacent to a private gated access drive that serves a small number of dwellings to the rear of the appeal property. Due to its corner location, the appeal dwelling is prominent within the street scene, particularly its north-eastern facing side elevation.

6. The appeal site is located within the Stapleton and Frome Valley Conservation Area (CA). The Local Planning Authority's (LPA) plan of the CA demonstrates that it covers a considerable expanse. The associated CA statement identifies the architectural character of the CA as predominantly being of rural origin, including in the building materials, detailing, and layout of buildings and streets.

7. From my site visit I did not find that the estate that the site is located on to be reflective of the rural architectural character of the wider CA, nor did it reflect its historic form. Nevertheless, due to the general cohesiveness of the estate I found that it did not detract from the wider character of the CA.

8. Instead, I found that the significance of the area of the CA that the appeal site lies within is primarily related to the presence of the nearby Grade II listed 'Beech House' and its surrounding open parkland. Additionally, the spire of Holy Trinity Church, identified in the CA statement as one of the most important views in the CA, is visible from and alongside the appeal site.

9. The appeal dwelling already benefits from a planning permission for a two-storey rear extension. However, the previous permission incorporated a single storey element in the rear extension, so that the first-floor level included a set back from the side elevation of the property. In addition, the permission also incorporated a hipped roof form. I observed on my site visit that excavation works relating to the previously approved rear extension have already been undertaken. It is therefore considered that the planning permission remains extant and there is a realistic prospect of that fallback option being implemented.

10. The appeal scheme seeks permission for a two-storey extension across the full width of the rear elevation of the property, incorporating a single pitch gable roof. The depth of the extension, at approximately 2.7m is not overly large. However, I find that the full width nature of the two-storey extension and its substantial gable end, would result in the development appearing considerable in scale, such that it would not respect the scale or proportions of the host building.

11. The introduction of the gable roof form would also result in an increase in the overall mass of the extension, compared with the previously approved scheme. The ridge height of the proposed extension would be marginally higher than the ridge height of an existing gable projection to the front of the property. Additionally, the rear extension would also have a greater depth than the existing gable projection at the front. Together, I find that these factors would further contribute to the extension appearing excessively bulky in comparison to the host dwelling.

12. Notably, Policy DM30 of the Site Allocations and Development Management Policies Local Plan 2014 (SADMP) requires, amongst other things, that extensions to buildings should be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting or scale. Likewise, the Council's 'A Guide for Designing House Alterations and Extensions' Supplementary Planning Document Number 2 (2005) ('SPD') also generally seeks for extensions to be designed to be subservient in nature to the host property. For the reasons outline above, I find that the proposals fail to adhere to these requirements.

13. I note that the appellant considers that the inclusion of the 'step-back' on the previously approved scheme is not reflective of surrounding built form and appears contrived. Accordingly, the appellant considers that the appeal scheme is of a more appropriate design. I concur that the 'step-back' within the approved scheme would appear somewhat contrived. Nevertheless, I consider that it would fulfil its intended purposed of making the approved development deliberately appear as an extension and subservient to the original dwellinghouse, which is in line with the LPA's policy and guidance.

14. I also recognise that the impact of the appeal scheme is to some extent mitigated through the proposed use of sympathetic materials and through the extension being located to the rear of the property. However, the site's corner position would mean that the bulky nature of the proposals would remain prominent within the streetscene. Whilst reasonably localised in its extent, the effect of the scheme would be to unacceptably detract from the character, appearance and integrity of the host building, with consequent harm to the character and appearance of the surrounding area. As such, I also find that the proposal would fail to preserve or enhance the character of the CA.

15. As has been indicated above, the site is also located in relatively close proximity to the Grade II listed Beech House. Additionally, there are several other listed buildings nearby, including the Grade II* Holy Trinity Church. Despite this, there is no indication from either party that the appeal proposals would harm the setting of any listed buildings. From my own observations on site I would agree with this finding.

16. Given the size, scale, and nature of the appeal development I consider it would cause less than substantial harm to the character and appearance of the CA. Nevertheless, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I must weigh this harm against the public benefits of the proposal.

17. The appeal scheme would provide the dwelling with additional living space benefiting the owner/occupants of the appeal site. However, such benefits are private and there are no public benefits that weigh in favour of the development that would outweigh the harm that I have identified.

18. Overall, I find that the appeal proposal would have a harmful effect on the character and appearance of the host property and surrounding area. Accordingly, it would also fail to preserve or enhance the character and appearance of Stapleton and Frome Valley Conservation Area. As such, the proposed development would conflict with the design and historic environment aims of Policies DM26, DM27 and DM30 of the adopted SADMP (2014) and Policy BCS21 of the adopted Bristol Development Framework Core Strategy (2011) ('Core Strategy').

19. Furthermore, the proposal would also fail to meet the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 or the Framework insofar as it relates to heritage assets.

*Living Conditions*

20. The appeal scheme would result in a two-storey element being located approximately 1m off the boundary with no. 28 Baileys Mead Road. The appeal

property is not set on the same building line as no. 28, instead it is set back from the adjacent neighbouring dwelling. Consequently, whilst the proposed rear extension measures approximately 2.7m in depth, it would overall extend approximately 6m beyond the rear elevation of no. 28.

21. The appellant has submitted a shadow study plan to demonstrate respective conditions at the site and illustrate impacts of the host dwelling on neighbouring residential properties. However, the roof form of the appeal property as displayed on the shadow plan does not appear to match that of the existing property or the appeal scheme. Additionally, no further analysis is provided alongside the plan. As such, it is not entirely clear whether the plan is meant to illustrate existing conditions or as proposed. Despite these limitations, I have still considered the shadow study plan to provide me with a general understanding of conditions at the site.

22. The impact of the proposed development on the living conditions of no.28 would be increased compared to the extant permission. This is due to the two-storey element being located approximately 1m nearer to the boundary with the neighbouring property and also due to the change in the extension's roof form.

23. Nevertheless, from my own observations on site, I do not consider that the appeal proposals would result in a significant harmful effect on the living conditions of no. 28 in respect of loss of outlook. This is because the proposal remains set off the boundary. In addition, no. 28 is also a detached dwelling and set away from the boundary line. As such, there appears to be an appropriate separation distance between the development proposal and windows serving habitable rooms in no. 28.

24. I am also mindful that whilst the proposed two storey extension would be set marginally closer to no. 28 and have a roof form that is of greater bulk, it would nevertheless project the same distance as the extant permission. Furthermore, the relationship that no. 28 would share with the appeal property in respect of layout, sense of enclosure and outlook is not dissimilar to that experienced by neighbouring properties in the surrounding environment.

25. As such, I am satisfied overall that the proposal would not result in any significant harmful effects upon the living conditions of no. 28 Baileys Mead Road, in terms of outlook. Consequently, I find that the proposal accords with Policy BCS21 of the Core Strategy and Policy DM30 of the SADMP in that it safeguards the amenity of existing neighbouring development. I am also satisfied that the proposal would adhere to the thrust of guidance contained within the LPA's SPD where it relates to the living conditions of neighbouring residents.

**Other Matters**

26. The appellant has highlighted that there is a significant cost implication in pursuing the extant permission over the appeal scheme. Whilst I sympathise with the appellant, I have determined the appeal based upon the merits of the case.

27. I have noted that a wind study has also been provided with the appeal submission. However, given that wind and microclimate impacts do not form a

reason for refusal, while I am dismissing the appeal on other grounds, I have not considered it further.

**Conclusion**

28. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Lewis Condé*

INSPECTOR