



Appeal Decision

Site visit made on 19 April 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022.

Appeal Ref: APP/Z0116/W/22/3290236

26 Bayham Road, Totterdown, Bristol BS4 2DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Rachael Dyson against Bristol City Council.
 - The application Ref 21/04579/H, is dated 17 August 2021.
 - The development proposed is enlargement of existing detached garage to create a habitable granny annexe plus a bicycle storeroom.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issues

2. Although the appeal results from the failure of the Council to determine the application within the prescribed period, the Council's Statement sets out the reasons why it would have refused permission and, on this basis, I consider that the main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of 28 and 30 Bayham Road and 39 Rookery Road in respect of overbearing effects, and 38 Rookery Road in respect of privacy.

Reasons

Character and appearance of the area

3. The area is primarily residential and consists of detached, semi-detached and terraced dwellings. Houses are built using a variety of designs and materials. However, there is a consistent pattern of development whereby the return frontages of corner properties and their rear gardens form gaps between rows of dwellings.
4. These gaps give the area a degree of rhythm and provide relief from the relatively high-density, built-up nature of the area, contributing to its pleasant, suburban character. Where there are buildings within these rear gardens, they tend to be diminutive and small scale in form.
5. The appeal site consists of a two-storey dwelling on a corner plot. The proposal is within the rear garden of the site and would replace an existing single storey garage, which faces Rookery Road.

6. The proposed annexe building would use appropriate materials, reflecting those of the existing garage. I recognise that the annexe would be positioned deep into the bank of this sloping site, with ground level already being higher than the pavement. As extended the annexe building would still have a ridge height lower than that of the host dwelling and would to that extent be subservient.
7. Even so, when viewed from Rookery Road and pavement level, the annexe building's overall height, sufficient to achieve an additional mezzanine floor, together with its greater depth, mass and scale, means that it would appear excessively large and bulky. The proposed additional scale and height would disrupt the rhythm and character of the street scene.
8. Also proposed is a rectangular bike store building to the front of the garage. This would in effect raise the height of the front wall. However, the building's height, width and mass, together with its prominent position immediately adjacent to and visible from the pavement, means it would be a harmful, bulky addition to the street scene.
9. Although reference has been made to other development along Rookery Road, no specific examples have been referred to me. I saw that storage buildings, where they exist, are to the side of existing properties. Frontage boundary walls in the street are fairly substantial, but I have considered the appeal scheme on its own merits and the proposed cycle building's depth means it would appear out of place with the street scene.
10. For these reasons, I therefore conclude that the proposed development would harm the character and appearance of the area. Although reference has been made to the Supplementary Planning Guidance SPD2 'A Guide for Designing House Alterations and Extensions', adopted October 2005, I can see no specific conflict with this document's requirements in respect of garden buildings.
11. However, the development would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (CS), adopted 2011 and Policies DM26, DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (BLP), adopted 2014, which require proposals (amongst other things) to positively contribute to the area's context, architectural rhythms and character. It would similarly conflict with the advice in the National Planning Policy Framework (The Framework), paragraph 130, that development must be sympathetic to local character.

Living conditions

12. In respect of overbearing effects, 28 Bayham Road's rear garden would be adjacent to the proposed annexe building. However, there would remain a gap between the building and the boundary. This, together with the sloping nature of the site, means that the increase in scale would not be significantly greater than the existing garage when seen from No 28's garden. The garden to 30 Bayham Road, being separated from the proposal by No 28, would be further away, providing sufficient distance to ensure that it's garden would also not be harmfully enclosed by the proposal.
13. 39 Rookery Road also adjoins the site of the garage. This property has an attached shed building with windows facing the appeal site. However, there is an access pathway between this property and the appeal site. This provides

enough separation between the two sites to ensure that the proposed building would not harmfully enclose No 39.

14. The annexe would have a new rooflight facing towards No 39, and the internal floor level means there would be views from this window into No 39. However, given the availability of light into this room from other windows, a condition could be imposed requiring the rooflight to be obscure glazed and fixed shut.
15. Reference has also been made to the effect on 38 Rookery Road. This is a terraced dwelling nearby, but on the other side of the road, and not directly opposite the appeal site. Given its distance from the site, the proposal would not harmfully overlook No 38 or indeed other properties on this side of Rookery Road.
16. I therefore conclude that the proposal would not harm the living conditions of 28 and 30 Bayham Road or 39 Rookery Road in respect of overbearing, or 38 Rookery Road in respect of privacy. It would therefore comply with CS Policy BCS21 and BLP Policies DM27 and DM30, which require appropriate levels of privacy and living conditions for neighbouring occupiers, as does the Framework.

Other Matters

17. I recognise that the proposal would bring benefits in respect of climate change and energy efficiency, having a sustainable design and construction. I have taken into account the encouragement of CS Policies BCS13 and BCS15 for such measures.
18. By providing more secure storage for cycles, the proposal would promote the use of active and sustainable travel as encouraged by the Government, including in the Framework and BLP Policy DM23. The proposal would also maximise the use of land, as supported in certain circumstances by CS Policy BCS20. Reference has been made to BLP Policy DM32 which relates to recycling and refuse, and I have no reason to believe the proposal would be unacceptable in this respect.
19. However, because the proposals relate to a single household, these benefits are relatively small and primarily private benefits, meaning that I can give them little weight.
20. I have also noted comments made about the Council's handling of the case, but this has had no bearing on my consideration of the planning merits of the appeal.

Conclusion

21. I have considered whether the CS and BLP policies are out-of-date, and therefore whether paragraph 11 of the Framework is engaged. However, the Framework makes clear that due weight should be given to policies adopted prior to the publication of the Framework, according to their degree of consistency with it.
22. I have found that the policies I refer to above are consistent with paragraph 130 of the Framework. This means that they are not out-of-date and therefore paragraph 11 of the Framework is not engaged. I have reached the same conclusion in respect of similar BLP Policy DM1.

23. I have found that the proposal would not harm the living conditions of nearby properties and would result in some small benefits. However, I have also found that the development would harm the character and appearance of the area and I conclude that this harm is determinative in this case.
24. For the reasons given above, having regard to the Development Plan as a whole and all other material considerations, including the Framework, I conclude that the appeal should be dismissed, and planning permission refused.

O Marigold

INSPECTOR