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## Appeal Decision

Site visit made on 26 April 2022

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 30 June 2022**

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**Appeal Ref: APP/P0119/W/21/3288802**

**161 Roundways, Coalpit Heath, BS36 2LU**

- 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 Miss Kate Kelliher against the decision of South Gloucestershire Council.
  - The application Ref P21/04736/F, dated 1 July 2021, was refused by notice dated 29 October 2021.
  - The development proposed is the erection of a single storey extension and conversion of annexe to a 2 bedroom bungalow, including parking, landscaping, and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension and conversion of annexe to a 2 bedroom bungalow, including parking, landscaping, and associated works at 161 Roundways, Coalpit Heath, BS36 2LU in accordance with the terms of the application, Ref P21/04736/F, dated 1 July 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 161RW.NOV21.LP.BP.1.D Revision D, 161RW.SEPT21.PSP.1.B Revision B, 161RW.SEPT21.P.2.a Revision A, 161RW.JUN21.P.1 and 161RW.JUN21.P.3.
  - 3) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C and E) other than such development or operations indicated on the plans hereby permitted, shall be carried out without the prior written consent of the Local Planning Authority.
  - 4) The 2 metre fence along the northwest boundary (shared with No.15 Southview Crescent) as detailed on plan 161RW.SEPT21.PSP.1.B Revision B shall be installed prior to first occupation of the development hereby permitted and retained thereafter.

### Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for future residents, with particular reference to outlook and privacy.

## Reasons

3. The appeal site is at a higher level than South View Crescent and slopes gently up towards it, meaning that the proposal would be at an elevated position in relation to No 15. The proposed development would comply with the requirements of the Householder Design Guide Supplementary Planning Document 2021 (SPD) of a minimum 20 metres distance between dwellings. However, they remain concerned that the elevated nature of the appeal building would lead to overlooking from an upstairs window in No 15.
4. The appellant proposes the erection of a two metre fence atop a retaining feature on the boundary between the proposed development and No 15. The cross section plan that has been provided adequately demonstrates to me that the main views toward the appeal site from the upper floor windows of No 15 will be mostly of said fence. Additionally, the separation distance between the appeal scheme and No 15 would ensure that the latter would not appear as a dominant structure when viewed from the proposed development. This, combined with the change in topography and provision of a 2 metre fence, would ensure that future occupiers of the proposed dwelling and its associated garden would only likely see the roofline of No 15.
5. As such there would be no unacceptable harm to the living conditions of the future occupiers of the proposed development. It would therefore comply with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Place Plan (2017) and the guidance contained within the SPD which seek, amongst other things, to protect the privacy of occupiers of neighbouring properties. The proposal would also comply with the advice set out in paragraph 130 of the National Planning Policy Framework (the Framework) that seeks high standard of amenity for existing and future users.

## Other Matters

6. I note some concerns expressed concerning compliance with an occupancy condition on the original planning permission for the annexe subject of this appeal. To clarify, the appeal seeks planning permission for a change of use of the annexe to a dwelling which, as a point of principle, was not a contentious matter for the main parties. I have no reason to reach a different view. In terms of the proposed solar panels on the rear roof slope, I have no compelling evidence to suggest they would give rise to unacceptable glare, and they would be contained within the roof scape. Domestic arrays such as these are a common feature on residential and commercial buildings, often retrofitted without the need for express planning permission.

## Conditions

7. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I have altered the wording of some conditions in order to ensure they comply with the PPG
- As well as conditions pertaining to the time limit for the commencement of works and identifying the approved plans for certainty, I have restricted certain future permitted development rights given the specific circumstances of the appeal site in relation to its neighbours and that extensions and outbuildings could have an adverse effect on their living conditions due to their scale and siting. This restriction is selective, as I do not feel it justified to remove

permitted development rights for porches, hard surfaces, chimneys/flues or microwave antenna. Nor other means of enclosure. Also, a condition relating to the provision of the fence which I have referred to above is necessary to ensure the living conditions of future occupiers will be protected.

### **Conclusion**

9. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.

*Tamsin Law*

INSPECTOR