



Appeal Decision

Site visit made on 7 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2022

Appeal Ref: APP/Z0116/W/22/3297616

17 Haytor Park, Stoke Bishop, Bristol BS9 2LR

- 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 Fraser Besant against the decision of Bristol City Council.
 - The application Ref 21/06683/F, dated 14 December 2021, was refused by notice dated 28 February 2022.
 - The development proposed is demolition of existing dwelling and replacement with one and a half storey, 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of the appeal, the appellant has provided a revised shadow study document which was not submitted with the planning application. The Council and interested parties have had an opportunity to comment on this revised document during the appeal process and it does not alter the proposal. As such, no injustice would be caused by taking it into account.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupiers of 15 Haytor Park (No 15) in respect of outlook and access to light.

Reasons

4. No 15 is a bungalow that lies side by side with the appeal property, albeit aligned at an angle rather than parallel to each other. No 15 contains 2 windows in the flank elevation facing the appeal site. One of these is obscure glazed and provides no significant outlook. However, the other is cleared glazed and allows views from No 15 towards the appeal property.
5. A low level car port lies between the main part of 17 Haytor Park (No 17) and No 15 with a fence on the common boundary. However, due to their heights relative to the side window, the car port and fence do not significantly obstruct the outlook. As such, there are views from No 15's clear glazed window over the car port and fence towards the side roof slope and dormer in the main part of No 17. Also, such views provide reasonable sight of the sky above and to the rear of No 17.
6. The nearest side wall of the proposed dwelling would be closer to No 15 compared to the side dormer and main roof slope of the existing house. This element of the proposal would form a side projection that would be only partly

2 storeys high and include a hipped roof facing No 15. Nonetheless, by reason of its proximity and height, it would be markedly more dominant when seen from No 15's side window compared to the existing house. Furthermore, the greater depth of the proposed dwelling compared to the existing would reduce the views of the sky.

7. The revised shadow study document indicates the proposed dwelling would have a similar overshadowing effect than the existing house on No 15's side window. The Council do not dispute the findings of the study and there is no reason for me to arrive at a different view on the matter. As such, I find the scheme would not lead to an unacceptable loss of light to No 15. However, acceptability in these regards would not address the harm that would be caused by the proposal's overbearing effect and the loss of outlook.
8. The appeal scheme represents an amendment to a larger previous proposal that was refused planning permission and dismissed at appeal. While noting the revisions, it does not follow that the scheme before me would be acceptable in terms of its impact on the neighbouring property. As the previous Inspector also found harm by reason of overbearing effects, my views on the matter are not inconsistent with the previous decision.
9. Therefore, while acceptable in terms of access to light, I conclude the proposed development would cause harm to the living conditions of occupants of No 15 in terms of its effect on outlook. In these regards, it would not accord with policy BCS21 of the Bristol Core Strategy 2011 and policies DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan 2014. Amongst other things, these policies look to safeguard the amenity of existing development and to achieve appropriate levels of outlook.

Other Matters

10. The proposal would provide additional accommodation compared to the existing situation. However, no extra dwellings would be created and there is no evidence to suggest No 17 provides unsatisfactory living conditions. Furthermore, there is limited information to show the proposal would result in a better housing mix or address a need for a particular type of accommodation. Therefore, such factors attract little weight in my assessment.
11. It is stated that the proposal would be more thermally efficient than the existing house. Also, it would create construction employment and may result in more people living at the appeal property leading to additional expenditure at local businesses. Even if these claims are accepted, only a single replacement dwelling is proposed and so the benefits would be modest. The above factors are of insufficient weight to affect my overall conclusion.

Conclusion

12. The proposal would harm the living conditions of occupiers of No 15 and so it would not accord with development plan policies when read as a whole. There is insufficient justification to make a decision other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR