



Appeal Decision

Site visit made on 3 October 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2022

Appeal Ref: APP/D0121/W/22/3300179

12 Rudleigh Avenue, Pill BS20 0DU

- 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. Bob Lindsay against the decision of North Somerset Council.
 - The application Ref 21/P/3225/FUL, dated 1 November 2021, was refused by notice dated 25 April 2022.
 - The development proposed is a new two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the living conditions of the occupants of No 13 Rudleigh Avenue, having particular regard to privacy.

Reasons

Character and Appearance

3. The application site forms part of the current rear garden area of No 12 Rudleigh Avenue (No 12). Rudleigh Avenue is a short cul de sac which is, despite a short terrace of bungalows, characterised by similar pairs of semi-detached two storey dwellings with hipped roofs, forming a consistent pattern around a turning head. The road has a spacious, suburban character due to the set-back of the buildings and the separation gaps between them.
4. Whilst there would be a pedestrian access off Rudleigh Avenue, the proposed dwelling would be accessed off a short lane at the rear which provides access to blocks of garages. Whilst this lane also provides access to the rear of dwellings along Rudleigh Road and Newsome Avenue, the proposed dwelling, in fronting this lane, would sit in contrast with the linear pattern of street facing dwellings in the surroundings.
5. The dwelling would be clearly visible between Nos 12 and 13 Rudleigh Avenue (No 13), and would introduce substantial built form in between the two, significantly reducing the regular separation gap between them. Whilst the gaps between properties on Rudleigh Avenue have been compromised by existing side extensions or single storey structures, it remains apparent and

clear part of the street character. Despite the plot size not appearing out of keeping with those of the dwellings along the cul de sac as a whole, an independent, detached two storey dwelling in this location therefore would harmfully close this established separation gap and would not reflect the form or grain of existing development.

6. Furthermore, whilst materials might match, the design of the dwelling, incorporating a pitched roof with a rear gable facing Rudleigh Avenue, would sit apart from the mostly uniform and harmonious appearance of the surrounding dwellings. The large window in the gable would further emphasise the contrasting appearance of the property and would result in an incongruous form of development within the locality.
7. I note the dispute between the parties regarding whether the site represents backland development or not. Even if I were to accept the appellants argument, this would not alter the harm to character and appearance that I have identified above.
8. I conclude therefore that the proposed development would detract from the character and appearance of the surrounding area. The proposal therefore conflicts with Policy CS12 of the North Somerset Core Strategy (2017) (CS) and Policies DM32 and DM37 of the North Somerset Development Management Policies, Sites and Policies Plan Part 1 (2016) (DM), which collectively seek to ensure that developments are sensitive to local character.

Living Conditions

9. The proposed dwelling would have side elevation windows facing No 13, including two at first floor. These two windows serve a bedroom. This room is also served by a large window on the rear elevation facing Rudleigh Avenue.
10. The Supplementary Planning Document Residential Design Guide – section 1 (2013) (SPD1) sets out that *'it would not be appropriate, to use obscured glazing for a window which is the main or only window serving a bedroom or other habitable room'*. Given the large rear facing window, I consider that obscure glazing both side facing windows would protect the amenity of No 13 whilst providing the bedroom with sufficient light and outlook. This would not represent poor design.
11. Given my findings above, I conclude that the proposed dwelling would not harm the living conditions of the occupants of No 13 in respect to privacy. Accordingly, the proposal does not conflict with the protection of living conditions aims of DM Policies DM32 and DM37 and the guidance contained within SPD1.

Other Matters

12. The Council have identified the site as being affected by the North Somerset and Mendip Bats Special Area of Conservation (SAC) (Zone C). However, given that I am dismissing the appeal on the basis of a main issue that I have set out above, it has not been necessary for me to consider this matter in greater detail.

Planning Balance and Conclusion

13. The Council set out in their appeal statement that they cannot at present demonstrate 5 years supply of housing. As a result, paragraph 11 d) of the Framework is engaged. Therefore, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
14. The proposal would result in 1 additional unit of accommodation which would make a minimal contribution to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. As such I afford this benefit modest weight. Whilst not representing previously developed land, the proposal would represent an efficient use of land and, as a 2 bed unit, would contribute to the housing mix and supply in a location with good access to services and facilities. I also acknowledge that the sustainable design features proposed.
15. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
16. The appellants' son is disabled and shares a protected characteristic for the purposes of the PSED. The proposed dwelling would provide accommodation (within No 12) for the son, which would in turn free up Council property, and I attach moderate weight to this benefit.
17. Whilst the appellant points to the lack of other impact to the amenity of neighbouring occupiers, in addition to the dwelling meeting national space standards, this to be expected in any development and does not weigh in favour of the proposal. In addition, whilst I acknowledge that the application did not receive any objections from the occupiers of neighbouring properties, this is also a neutral factor which does not whilst my conclusions on the main issues.
18. I note that the appellant sets out various issues experienced through the determination of the application. These issues are matters between the appellant and the Council and are not relevant to my determination of this appeal.
19. No details have been provided of the approved application¹ referenced by the appellant, or the backland developments quoted, which makes comparison difficult, and as such, I cannot give these schemes any weight. I further note that the appellant describes the approval at No 12 as for a '2 storey attached dwelling' but also sets out its description as '*Erection of a single storey side and two storey rear extension*'. It is therefore unclear to me how this approval would relate to the proposed scheme.
20. I have taken full account of all the matters advanced in support of the proposal and collectively I have given them moderate weight. Nevertheless, the harm to the character and appearance of the surrounding area is a matter to which I attribute great importance. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh

¹ Ref 20/P/1857/FUH

the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.

21. Whilst I have found the proposal to be acceptable in terms its impact upon No 13, this does not overcome the conflict with the development plan in relation to matters of character and appearance. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

B Phillips

INSPECTOR