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# Appeal Decision

Site visit made on 27 September 2022

**by A J Sutton BA (Hons) DipTP MRTPI**

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

**Decision date: 14<sup>th</sup> October 2022**

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**Appeal Ref: APP/Z0116/D/22/3300973**

**79 Bell Barn Road, Stoke Bishop, Bristol BS9 2DF**

- 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 Ms Arzandeh against the decision of Bristol City Council.
  - The application Ref 21/06503/H, dated 3 December 2021, was refused by notice dated 30 May 2022.
  - The development proposed is described as 'Two-storey rear extension, basement work and detached garage.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The proposed garage was removed from the scheme during the application stage. The Council's decision is based on the amended plans, and I have determined the appeal on this basis.

## Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - the living conditions of the occupants of 77 and 81 Bell Barn Road with regards to outlook, light and privacy.

## Reasons

### *Character and Appearance*

4. The appeal property is a large detached 1930s dwelling. It is in a street of well-spaced, detached dwellings each of which have been individually designed. Despite some modern infill, this pattern of development and varied architectural style strongly characterises the area. The appeal property has been altered, but it has retained much of its original architectural aesthetic. This retained quality positively contributes to the attractive street scene.
5. The proposed two-storey extension would considerably stretch the existing profile of the dwelling. This would result in a flat crown at roof level and this feature would detrimentally alter the original architectural form of the property. The incongruous shape would also be at odds with the style of surrounding dwellings in this part of the street, where the roofscape is characterised by gable and hipped forms.

6. The appeal dwelling is set back from the road and partially screened by vegetation at its front. But I noted on site that its side elevations can be seen in the street. As such the discordant form of the proposed extension would be visible, in glimpsed views. In these views, it would appear an inharmonious feature in the street and would detrimentally erode the distinct character of the area.
7. The fenestration at the rear of the dwelling appears altered but generally of a traditional form, in keeping with the original architectural style of the property. Although proposed changes to windows at the front of the dwelling would be consistent with this style, the two-storey rear extension would be dominated by an expanse of large glazing panels. This stridently modern fenestration would be combined with a two-storey glazed box encasing the staircase. These incongruous features would completely engulf the rear elevation of the dwelling. In doing so the proposal would overwhelm the appearance of the dwelling and its original style would be substantially lost. As a result, the proposal would fail to respect the appearance of the host dwelling.
8. These harmful changes to the rear of the property would not be visible in the public realm. However, this dominating extension would be visible from neighbouring properties and its harmful and unsympathetic form would considerably erode the existing pleasing character of the area from these vantage points.
9. I therefore find that the proposal would have a harmful effect on the character and appearance of the area. In this respect it would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (Core Strategy), Policies DM26, DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (Local Plan). These collectively require that new development in Bristol should deliver high quality urban design, and amongst other matters, that the design of development proposals will be expected to contribute towards local character and distinctiveness. It would also be in consistent with advice set out in the Supplementary Planning Document 2 A Guide for Designing House Alterations and Extensions, which has similar aims.

#### *Living Conditions*

10. The appeal property and its immediate neighbours have large rear gardens. These are bound by high fences but only part screened by vegetation at their shared boundaries. This allows a degree of mutual overlooking from the first-floor rear windows of the properties over neighbouring rear gardens. However, even from the bay windows at No 81 views are restricted by the traditionally proportioned existing windows at the first floors of these properties. This limits the sense of being overlooked, so that this overlooking does not feel overly intrusive or beyond that which would be expected in a suburban setting.
11. The majority of the rear two-storey addition would be covered in large glazing panels, and these wall to ceiling windows would be brought close to the side elevations of the dwelling. The extended mass of the dwelling would also result in the built form encroaching into the relatively undeveloped garden space of this property. Consequently, the proposed windows at the first floor would allow elevated views from the appeal dwelling, over parts of the neighbouring rear gardens that are not currently directly overlooked from this height. Furthermore, being substantially larger than the existing fenestration, these

windows would afford a considerably more open view from the appeal property of the neighbouring gardens. This would significantly increase the sense that occupants of Nos 77 and 81 were being overlooked when in these spaces and their rear gardens would feel significantly less private as a result.

12. The appellant has advised a proportion of the additional glazing would be below waist height to occupants in the appeal dwelling. Be this as it may, they would still appear as two full height and extremely wide windows covering the rear elevation of the dwelling when seen from outside. This would lead to an unacceptable loss of privacy in the rear gardens of Nos 77 and 81, which would harm the quality of life for these neighbouring residents, and this is a determinative matter in this case.
13. I have also been advised that the staircase could be constructed in obscured glazing and the flat roof areas could be prevented from being used as balconies. However, conditions dealing with these matters would not address the unacceptable loss of privacy resulting from the proposed large bedroom windows.
14. The rear of No 81 has a south eastly aspect so the proposal would not cause unacceptable overshadowing at this property. However, the substantial two-storey addition would restrict light reaching the rear garden space close to the rear elevation of No 77 in the latter part of the day, given the respective orientation of that property and the appeal dwelling. Whilst the rest of the rear garden at No 77 would be unaffected, this space is close to patio doors of that dwelling, and is therefore likely to be an area used more frequently and where its occupants may wish to sit.
15. This overshadowing at No 77 would arise for limited periods, and this dwelling has a large rear elevation, and part of the space near this elevation would be less harmfully impacted in this regard. Nevertheless, when considered alongside the loss of privacy, it would make this space materially less pleasant for occupants of this dwelling to use.
16. I have considered the comments of adjoining occupiers and the Council regarding whether the proposal would be overbearing or lead to an unacceptable sense of enclosure. However, having regard to the alignment and the available space between the appeal property and neighbouring dwellings, as well as the proposed extension and the substantial section of the shared boundary which would remain undeveloped, this matter does not add to my concerns.
17. I therefore conclude, that although I find no harm in respect to outlook, the proposal would have a harmful effect on the living conditions of the occupants of 77 and 81 Bell Barn Road with regards privacy. It would also have a harmful effect on the living conditions of the occupants of 77 Bell Barn Road with regards light. In these respects, it would conflict with Policy BCS21 of the Core Strategy and Policies DM27 and DM29 of the Local Plan which collectively state that amongst other matters, extensions will be expected to safeguard the amenity of the host premises and neighbouring occupiers. It would also be inconsistent with the National Planning Policy Framework which requires a high standard of amenity for existing and future users.

## **Other Matters**

18. Permitted development rights is an option open to the appellant but these would be subject to limitations, restrictions and conditions. In any event no scheme has been submitted to allow consideration of this matter. The appellant has also commented on how Green Belt applications are assessed. The appeal site is not in the Green Belt so the assessment of proportionality in the context of development affecting the Green Belt and its openness is not relevant to this proposal. In any case it is a distinct exercise to that of considering the character and appearance of an area and does not negate it. These matters do not therefore alter my considerations above.
19. Many properties in the area have been extended but I noted on site that, in general, traditional architectural style has been maintained near the appeal property. Although there is no image of the rear elevation of the approved extension at No 77, that example is stepped in and appears to be single storey. It is distinctly different to this proposal in these respects. The extension at No 71 is large and contemporary. However, whilst it has large windows, the coverage of glazing at the first floor of that development is significantly less than that proposed in this case. The extension at 15 Stoke Paddock Road is also large and contemporary but this is some distance from the appeal property. In any event these exceptions in the wider street scene do not justify harmful development at the appeal property. These examples have not altered my findings for these reasons.
20. The proposal may well satisfy the 45 degree rule of thumb and no harm in respect to outlook and light has been identified at the rear habitable rooms at Nos 77 and 81. Trees would be protected or replaced on the site and no issue has been raised in respect to ecology. However, development should not result in such harm, so these factors are neutral, and do not weigh in favour of the proposal.
21. The 1990 planning permission, allowing an extension at the appeal property, was permitted in a different planning context. It is also no longer extant and therefore has not been determinative in this appeal.

## **Conclusion**

22. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

*A J Sutton*

INSPECTOR