



Appeal Decision

Site visit made on 13 September 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/Z0116/W/22/3296812

77 Harcourt Road, BRISTOL, BS6 7RD

- 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 A Pearce against Bristol City Council.
 - The application Ref 21/06357/H is dated 25 November 2021.
 - The development proposed is a single storey extension to the rear to create a sitting room.
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Decision

- The appeal is dismissed and planning permission for a single storey extension to the rear to create a sitting room at 77 Harcourt Road, Bristol, BS6 7RD is refused in accordance with the terms of the application Ref 21/06357/H, dated 25 November 2021.

Preliminary Matters

1. The appeal was submitted in the name of K Pearce. The appellant has confirmed that this was a mistake and the appeal should proceed in the name of A Pearce, which is the name on the application form.
2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, the Council has provided an appeal statement which sets out the reasons why, on the basis of character and appearance, they would have refused planning permission had the jurisdiction to determine the application remained with them. The Council does not consider the proposal would adversely impact on neighbouring residential amenity. However, neighbours have raised concerns that the proposal would be highly imposing and would adversely affect their privacy. The appellant is aware of these concerns. As the jurisdiction is mine, in setting out the main issues I have had regard to matters raised by the Council and neighbours as well as observations made during my site visit.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and the surrounding area; and
 - The living conditions of the occupants of neighbouring dwellings with regard to outlook and privacy.

Reasons

Character and appearance

4. 77 Harcourt Road is a small single storey dwelling to the side and rear of 75 Harcourt Road. It is located on a bend where Harcourt Road meets Metford Road. From the street, No 75 appears to be a detached dwelling with a single storey side extension but the single storey element is part of No 77. The surrounding area is residential and characterised by a mix of detached and semi-detached dwellings and short terraces with no strong unifying design. Part of the site adjoins the Cotham and Redland Conservation Area.
5. The site slopes steeply downwards from the front of the dwelling to the rear and then down towards dwellings on Dugar Walk. The rear building line along Harcourt Road and Metford Road is relatively consistent, other than at the appeal site which already projects beyond the original rear elevation of No 75.
6. The proposal would add an extension to the side and rear of the existing dwelling at No 77. It would extend the build form closer to the side boundary with 61 Metford Road as well as extending further down into the garden. Although the extension would provide only a single storey of living space, the design more or less follows the finished floor level of the existing dwelling, rather than following the topography. This means the extension would have a height and massing more typical of a two-storey extension. The existing dwelling at No 77 is modest so the proposal would result in a significant increase in both the footprint and massing, meaning the extension would not be subservient to the existing dwelling. The inclusion of a raised terrace would add further bulk.
7. Although the dwelling already disrupts the rear building line, the proposal would exacerbate this, resulting in a dwelling that projected much further into its plot than any other in the area. As such it would fail to respect or restore the established pattern and grain of development in the surrounding area. The form and layout of the proposal, with its staggered built form, spreading across much of the depth of the site, is also out of keeping with the surrounding area.
8. Although visibility of the proposal would be limited from the street along Harcourt Road and Metford Road, it would be visible to some extent from the turning circle at the end of Dugar Walk. It would also be highly visible from neighbouring dwellings either side of the site and to some extent from dwellings on Dugar Walk. From these perspectives, the proposal would appear bulky and contrived, cramped within the available space and out of keeping with the surrounding built form.
9. The part of the Conservation Area adjoining the site a community orchard and allotments. Given the intervening distance, trees and topography, visibility of the proposal from within the Conservation Area is likely to be limited and seen in the context of other development. Consequently, the proposal would not have an adverse effect on the setting of the Conservation Area.
10. Details of planning permission granted in 2004 for a two-storey structure at the site are not before me. However, I note that any such permission would have been granted under a previous development plan. I have determined this appeal on its own merits, circumstances, and situation, in accordance with the current development plan for Bristol.

11. I conclude that the proposed development would cause significant harm to the character and appearance of the host dwelling and the surrounding area. Consequently, the development would not comply with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) or Policies DM26, DM27 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (SADMP), which amongst other things, seek to ensure that development is well designed, respects the surrounding context and built form, and contributes positively to local character. However, the proposal does not conflict with Policy DM31 which seeks to protect heritage assets.

Living conditions

12. The extension would project for a significant depth into the site and close to the boundary with No 61. The combination of the depth, the height and the proximity of the proposal to the boundary mean that it would have an overbearing effect, which would unacceptably dominate the outlook from the dwelling and rear garden of No 61.
13. The proposal would bring the dwelling and new terrace at the appeal site closer to the boundary with dwellings along Dugar Walk such that the rear elevations and rear gardens of these dwellings would be visible from windows in the new extension, and vice versa. However, the separation distance between the extension and these features would be sufficient to ensure that the proposal would not have an unacceptable impact on privacy or be overbearing with regard to the residents of Dugar Walk, to the degree that would cause harm to nearby occupiers' living conditions. In addition, I have no substantive information which would lead me to conclude that the proposed terrace would result in an unacceptable increase in noise, regardless of whether it was served by patio doors.
14. I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of 61 Metford Road with regard to outlook. Consequently, the development would not comply with Policy DM30 of the SADMP, which amongst other things, seeks to ensure that development safeguards the amenity of neighbouring occupiers. However, the proposal would not have an unacceptable impact in terms of neighbouring privacy or outlook for the residents of Dugar Walk.

Other Matters

15. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan.
16. Details of any developments and development proposals at dwellings along Dugar Walk are not before me. Any impact on the appeal site from such development is not for consideration under this appeal, neither is the condition of the ground at the site which would be subject to separate legislation.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed and planning permission refused.

Helen Davies

INSPECTOR