



Appeal Decision

Site visit made on 14 February 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/Z0116/W/22/3308652

102 Kinsale Road, Hengrove, Bristol City, Bristol BS14 9EZ

- 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 Mr Scott against Bristol City Council.
 - The application Ref 22/03533/H, is dated 18 July 2022.
 - The development proposed is remove existing conservatory and re-build as sun room.
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Decision

1. The appeal is allowed and planning permission is granted for remove existing conservatory and re-build as sun room at 102 Kinsale Road, Hengrove, Bristol City, Bristol BS14 9EZ in accordance with the terms of the application, Ref 22/03533/H, dated 18 July 2022, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001; Site location plan; Site layout plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, except where indicated otherwise on the approved drawings.

Preliminary Matters

2. As set out in the banner heading above, the Council failed to determine the application to which this appeal relates within the prescribed period. Since the appeal has been made, the Council has advised that had it been in a position to determine the application they would have refused the application for the following reasons:
 - *The local planning authority considers that the proposed rear extension by reason its size, bulk and excessive depth would appear as an incongruous addition to the host building, detracting from its overall design and character. In addition, this form of development will fail to appear visually subservient to the host dwelling and would instead appear an overly prominent, incongruous and dominating feature; out of character with the existing pattern and rhythm of development within the surrounding Kinsale Road. The proposal is therefore deemed to be contrary to Policy BCS21 of the Bristol Core Strategy (2011), Policies DM26, DM27 and DM30 of the Bristol City Council's Site Allocations and*

Development Management Policies (2014) and contrary to SPD2 'A Guide for Designing House Alterations and Extensions' (October 2005); and

- *The local planning authority considers that the proposed rear extension by reason its size, bulk and excessive depth would lead to the potential for overshadowing and overbearing by way of enclosing the neighbouring property of no. 100 Kinsale Road. The proposal is therefore deemed to be contrary to Policy BCS21 of the Bristol Core Strategy (2011) and contrary to SPD2 'A Guide for Designing House Alterations and Extensions' (October 2005).*

Main Issues

3. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- The effect of the proposed development upon the living conditions of neighbouring occupiers of 100 Kinslade Road, with regard to overshadowing and outlook.

Reasons

Character and appearance

4. The appeal site is a semi-detached dwelling located within a suburban residential area featuring other two storey semi-detached and detached dwellings, some of which have been extended by both conservatories and single storey extensions to the rear of the properties.
5. The appeal property features a single storey lean-to extension to the rear, with a long rear garden. At the time of my visit, a conservatory attached to the single storey extension was in the process of being removed, although walls remained. Due to the property location at the end of the road, and the existence of neighbouring properties rear gardens to the south of the site, views are available of the existing extension from the highway above boundary fences.
6. The proposed development would replace the roof structure of the existing extension with a pitch roof, and extend on a similar footprint to the conservatory with a further pitch roof structure. Although the resulting extensions would extend to approximately 8.2 metres, the proposed extension would feature a slight step in ridge height due to a narrower footprint than that of the existing extension, thereby reducing the visual massing of the overall extension.
7. I observed that neighbouring properties feature similar extensions of varying length, some of which are of a similar size to the proposed development. Notwithstanding the overall depth, due to the single storey nature of the extension, combined with the stepped ridge and the considerable garden area that would remain to the rear of the property, the extension would clearly appear as a subservient addition to the original dwelling. Furthermore, the proposed development would also result in a more cohesive appearance to that of the existing extension with conservatory attached.

8. Consequently, I conclude on this main issue that the proposed development would not appear as an incongruous, or dominant feature and would not adversely affect the character and appearance of the area. As such, it would accord with Policy BCS21 of the Bristol Core Strategy (2011) (CS) and policies DM26, DM27 and DM30 of the Bristol City Council's Site Allocations and Development Management Policies (2014). These seek, amongst other things, to achieve high standards of urban design that contribute towards local character and distinctiveness and respect the overall design and character of the host building. For the same reasons, the proposed development would also accord with the guidance provided within the Supplementary Planning Document Number 2 'A Guide for Designing House Alterations and Extensions' (SPD).

Living conditions

9. The existing rear extension is in close proximity to the boundary of the neighbouring property. Although the proposed development would further extend the built form alongside the boundary, the low ridge height, combined with pitch roof, would limit the bulk and massing of the extension when viewed from 100 Kinslade Road.
10. The extension would be to the south of the garden of 100 Kinslade Road and the roof structure would result in a continuous, but stepped ridge line. However, given the low height of the proposal, the pitch of the proposed roof sloping away from the boundary, and the existing effect on overshadowing from the existing extension, any additional overshadowing to the neighbouring property would not be significant.
11. I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of neighbour occupiers by way of overshadowing or outlook. As such, it would accord with CS Policy BCS21 which seeks, amongst other things, to safeguard the living conditions of occupiers of existing development and create a high-quality environment for future occupiers. There would also be no conflict with the guidance within the SPD in relation to developments not causing any unreasonable overshadowing or overbearing visual impacts.

Other Matters

12. The Council have stated that the proposed development does not benefit from a fallback position due to permitted development rights given the size of the development. Even if this is the case, I have found that the proposed development accords with the development plan in any case.

Conditions

13. Conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is required to provide certainty. Furthermore, a condition would be necessary to ensure that appropriate materials are utilised in the interests of the appearance of the development.

Conclusion

14. For the reasons given above, I find that the proposed development is in accordance with the development plan, considered as a whole. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR