

Appeal Decision

Site visit made on 9 February 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th February 2023

Appeal Ref: APP/P0119/D/22/3309246

8 Blackthorn Drive, Bradley Stoke, Gloucestershire, BS32 8BY

- 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 Terry Nash against the decision of South Gloucestershire Council.
 - The application Ref P22/03921/HH, dated 15 July 2022, was refused by notice dated 8 September 2022.
 - The development proposed is the erection of a two-storey side extension and single storey rear extension to provide additional living accommodation.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. I note that the Council do not object to either of the extensions on account of their appearance, or to the proposed rear extension for any reason. I share the assessments in this regard provided in the officer report on the application.
3. The appeal was submitted a week or so following the issuing of a decision letter relating to another appeal¹ affecting the property. That appeal decision and the other planning history is material to my considerations.
4. Having regard to the sole reason for refusal, and the main issue set out below, I assessed the proposal from within 7 Blackthorn Drive (No 7)'s curtilage during my site visit.

Main issue

5. The main issue is the effect of the proposed two-storey side extension on the living conditions of the residents of No 7 with particular reference to visual impact.

Reasons

6. The appeal property is a semi-detached brick-built dwelling set within a relatively modern housing estate. The dwelling is primarily two-storey, but it also has a single storey element on its western elevation. A narrow pathway runs between the single storey element and the fence separating the appeal property from No 7.

¹ Ref APP/P0119/D/22/3302400

7. The intention is to erect another storey above the single storey element. The front wall of the extension would be set back slightly from the front wall of the house, and down slightly from its roof. However, the footprint of the single storey element would be increased since the rear wall of the proposed extension would become flush with the main rear wall of the house.
8. No 7's rear elevation looks out towards the appeal property's gabled western elevation and is separated from it by a garden of limited depth. The distance between No 7's rear elevation and the western wall of the proposed extension would be around 10.5m. Facing the proposal at ground floor level are No 7's dining room and its main living room, which is served by a set of French doors opening out onto a patio area.
9. The amendments² made to the previously rejected scheme are noted, as is the appellant's contention that the western facing wall could no longer be regarded as 'blank' in terms of the Council's TAN³. I share the appellant's view that *'the 12m minimum distance is guidance rather than strict regulation and each application can be reviewed on its own merit and the local impacts assessed'*.
10. I have done just that and assessed the scheme on its own merits. I find that, notwithstanding the amendments made to the design in comparison with the scheme rejected on appeal, the increased mass of the western elevation of the appeal property coupled with its relative closeness to No 7 at the higher level would result in an over-dominant structure having an oppressive effect on No 7's rear habitable rooms and garden. No 7 would become a far less pleasant place to live because of the adverse impact of the proposal, if built.
11. I therefore conclude that the proposed development would harm the living conditions currently enjoyed by the residents of No 7 by reason of its adverse visual impact upon them. Accordingly, a clear conflict arises with those provisions of Policies CS1 of the South Gloucestershire Local Plan Core Strategy 2006- 2027, Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan November 2017, and The Householder Design Guide Supplementary Planning Document March 2021 requiring that development proposals do not create unacceptable living conditions, have an unacceptable impact on, or prejudice the residential amenity of, occupiers of nearby properties.

Other matters

12. All other matters referred to in the representations have been taken into consideration, including the extensive references made to the Framework⁴ by the appellant and the comment and analysis thereon. I share the appellant's view that the scheme aligns with several of the Framework's principal objectives. However, I have found that the scheme is poorly designed since it would result in unacceptable effects on neighbouring living conditions. I do not therefore find the proposal to comprise sustainable development having regard to the Framework as a whole. There is a clear conflict with development plan policy, as outlined previously, and my decision also reflects an important

² Including the set-back, set down, the omission of the upward porch extension and the insertion of 3 windows.

³ Technical Advice Note: Assessing Residential Amenity June 2016 (TAN) which suggests that a 12m separation be applied in such circumstances.

⁴ The National Planning Policy Framework

aspect of the advice and guidance provided in the Framework⁵ in respect of poor design.

13. I have also noted the references to other similar cases, but as already mentioned, I have dealt with this proposal, as required, on its merits.
14. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

⁵ At paragraph 134