

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: 01st March 2023

Appeal Ref: APP/Z0116/D/22/3311990

16 Clyde Road, Bristol, BS6 6RP

- 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 Ben Tivadar against the decision of Bristol City Council.
 - The application Ref 21/06414/H, dated 29 November 2021, was refused by notice dated 5 October 2022.
 - The development is the demolition of side extension housing staircase and insertion of new window to side elevation. Creation of access steps/balcony from main entrance level to garden and reconfigure rear garden.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal property is located within the Cotham and Redlands Conservation Area (CRCA). Accordingly, the first main issue is whether the proposed development would serve to preserve or enhance the character or appearance of the CRCA.
3. The second main issue is the effect of the proposal on the living conditions of the residents of 14 Clyde Road (No 14) with particular reference to privacy.

Reasons

Character or Appearance

4. The appeal property is a large, attractive Victorian villa standing at the junction of Clyde Road and Clyde Park in a predominantly residential area comprised of similar Victorian properties.
5. For the reasons set out in the officer report the Council does not object to the proposed demolition of the side extension adjoining No 14. I share the Council's stance on this aspect, for the same reasons.
6. I note the appellant's reasons for requiring the proposed balcony and access steps, and that during the application's determination its size of the structure was reduced. Although I saw no similar structures in the vicinity of the appeal site, these types of adorned metallic features, in my experience, are not uncommon within a Victorian built environment. I also see from the Council's

SPD guidance¹ that development of this nature is not always regarded as inimical on historic properties.

7. Fencing has been erected on the stone wall fronting Clyde Park surrounding the appeal property's rear garden. This would effectively screen views of the balcony from some points outside the site, but the balcony would nevertheless be seen from other parts of Clyde Park and from adjacent gardens. However, from where it could be seen and having regard to the generous mass of the appeal property's rear elevation, the proposed addition in my view would prove proportionate, subservient, be of an acceptable design, and would not therefore look out of place. It would not, in my opinion, cause harm either to the host property or the wider scene.
8. I therefore conclude that since the proposed development would not cause harm the character and appearance of the CRCA would be preserved. Accordingly, no conflict arises with those provisions of policy BCS21 & BCS22 of the Bristol Development Framework Core Strategy (CS), and policy DM30 & DM31 of the Site Allocations and Development Management Policies Local Plan (DMP), directed to protecting the City's heritage assets and promoting high quality urban design, and that alterations to existing property should respect the siting, scale, form, proportions, details and the overall design and character of the host building.

Living conditions

9. During my site visit I noted that oblique views could be obtained into parts of No 14's garden from within the habitable rooms of the appeal property on the upper levels. However, such overlooking occurs only when standing close to the windows concerned and is a common occurrence in the locality having regard to its overall layout. It is a level of mutual overlooking that is not abnormal and generally acceptable.
10. Whilst the appellant contends to the contrary, I consider that the balcony, even at its reduced size, would be capable of being used for purposes other than access, for example, for sitting out by a limited number of people. Facing south it would be an attractive and convenient sitting out spot next to the large kitchen, particularly when the sun was out, having a pleasant outlook over Clyde Park and its gardens.
11. Despite the pleached tree planting which has taken place near the boundary with No 14, those using the balcony either for access or sitting out, would have a clear view from an elevated position into much of No 14's garden. I consider the residents of No 14 to be wholly justified in their concern as to being unacceptably overlooked in future from relatively close quarters leading to loss of privacy. The balcony to my mind would prove intrusive to them. Whilst the solid wall marking the common boundary between Nos 14 & 16 provides some effective screening, I am not confident that the scheme of planting, even when matured, would suffice in protecting neighbouring privacy all year round.
12. The Council and others also raised an issue relating to possible noise disturbance from the use of the balcony. I do not share this concern given the

¹ A Guide for Designing House Alterations and Extensions – Supplementary Planning Document Number 2 – page 17

reduced size of the balcony, and the limited number of people who could occupy it at any time. One would reasonably expect some low level disturbance from families' normal use of their gardens, particularly during the summer.

13. Concerns were also raised by No 14's residents regarding loss of privacy from the proposed insertion of windows in the side elevation. Were this appeal to be allowed, conditions could be imposed to ensure that the 2 windows of concern were fixed pane, obscurely glazed and non-openable, thus protecting No 14's residents from being overlooked.
14. I conclude that the proposed balcony access structure would harm the living conditions of the residents of No 14 by reason of its intrusive nature leading to loss of privacy. Accordingly, a clear conflict arises with those provisions of CS Policy BCS21 and DMP Policy DM30 directed to protecting neighbouring occupiers' living conditions from the adverse effects of development, including those involving extensions and alterations to existing buildings.

Other matters

15. I have noted the references to other development plan policies but those to which I have referred are considered the most relevant having regard to the particular circumstances of the case. The references made to the Framework² and the Appraisal³ have been taken into consideration.
16. I have also taken account of the examples of other similar proposals referred to by the appellant, including one granted on appeal⁴.
17. The many representations submitted both in support of and against the proposal have been considered and I have already dealt with the main planning-related points raised.
18. All other matters raised in the representations have been considered but none are of such significance as to outweigh those considerations that led me to my overall conclusions.

Overall conclusions

19. I have found in favour of the appellant on the first main issue identified, that of the effect of the development on the character or appearance of the CRCA. However, I have found against him on the second main issue, that of the effect on neighbouring living conditions. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR

² The National Planning Policy Framework

³ Cotham and Redland Conservation Area Character Appraisal and Management Proposals Document (September 2021)

⁴ Ref APP/Z0116/D/19/3236601

