

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/P0119/D/22/3312317

31 Stone Lane, Winterbourne Down, Bristol, BS36 1DQ

- 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 Adrian Turner against the decision of South Gloucestershire Council.
 - The application Ref P22/04234/HH, dated 24 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the erection of two storey rear extension and raising of roofline to facilitate creation of first floor living accommodation and erection of single storey front extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. In the interests of accuracy, I have used the description of development found in the Council's decision notice in preference to that seen in the original application form.

Main issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and its surroundings, and (b) on the living conditions of neighbouring residents at No. 1 Stone Close (No 1) and No. 33 Stone Lane (No 33) respectively with particular reference to overshadowing, light and visual impact.

Reasons

Character and appearance

4. The appeal property is a bungalow, which stands alongside another, No 33. The proposal in effect would transform it into a two-storey dwelling. However, the dominant form of development in the locality is two-storey dwellings of various shapes and forms. Bungalows are therefore the exception rather than the rule in forming local character.
5. The existing bungalow is of little architectural merit, and there is no compelling aesthetic justification for its preservation. That a two-storey dwelling, such as proposed, would stand alongside a bungalow, is not in itself objectionable in townscape terms; indeed, such a juxtaposition already exists in the relationship between the appeal property and No 1. As the Council points out,

the proposal's gable would face the road, but No 1's gable faces Stone Close, so I do not share the Council's concern on this aspect.

6. There is no distinct local style of architecture, or none that I found to be immediately discernible. The design of the enlarged dwelling would add another variation, but in time, I consider that the proposed development, if built, would fit acceptably into the local street scene.
7. I therefore conclude that the proposed development could be built without harming the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of policies CS1 of the South Gloucestershire Local Plan: Core Strategy (December 2013) and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (November 2017) directed to promote and encourage high quality design generally, and specifically in residential extensions.

Living conditions

8. No 1, a two-storey dwelling, stands to the west of the appeal property being separated from it by the width of the access serving Stone Close and some limited planting. Its front elevation, which contains the property's front door and several windows, would face the enlarged appeal property's side elevation and heightened roof.
9. No 33, an extended bungalow, stands to the east of the appeal property. It is closer to the appeal property than No 1. Its western elevation contains several windows of which 2 appear to be obscurely glazed. The others serve habitable rooms, albeit I note the appellant's point that the rooms are also served by other windows. The appellant describes those facing the appeal as secondary windows. I could not verify that, but even if that were the case there is light doubt in my mind that the windows provide outlook and allow daylight to the rooms served.
10. Having regard to the daily path of the sun and the orientation of the appeal property and neighbouring dwellings, I do not consider that either No 1 or No 33 would be so affected by loss of sunlight and overshadowing as to prove harmful. Some overshadowing of part of No 33's western elevation may occur during summer evenings, but not so much as to render the scheme objectionable for this reason.
11. I consider No 1 to be sufficiently distant from the enlarged appeal property so as not to suffer an unacceptable deprivation of daylight. I note the 45⁰ exercise conducted by the appellant in respect of No 33's side windows. Both this and the other 25⁰ exercise normally conducted are useful long-established tools used to provide an indication as to the effect of development on daylight in adjacent properties.
12. However, in my experience, it is the 25⁰ rather than the 45⁰ exercise that is normally used in these circumstances, and if this were applied in a similar manner to the exercise carried out by the appellant, I have no doubt that the test would be failed. Accordingly, on this basis, those habitable rooms within No 33 facing the proposed would suffer a reduced level of daylight.
13. To my mind, however, the greatest effect upon neighbouring living conditions would be the dominating impact of the enlarged bungalow, particularly so in

the case of No 33. From both within and outside No 33 the mass and scale of the proposal, notwithstanding that its roof would be sloping away, would be perceived as a bulky oppressive structure in view of its mass and relative height. No 33's residents would feel increasingly and harmfully hemmed-in by its presence.

14. The effect on No 1's residents would be less, but nevertheless harmful. The heightened structure would be clearly seen and would materially and harmfully affect the outlook from this property's front windows. Moreover, No 1's residents would be constantly reminded of its oppressive effects upon them every time they entered and left the house through their front door.
15. I note the discrepancy between the officer report and appellant as to the distance between No 1 and the appeal property in the context of the TAN¹ separation guidance. My assessment, however, was based on what I saw and perceived when standing at No 1's front door and the application of professional judgment as to the impact of the proposal.
16. I therefore conclude that the proposed development would harm the living conditions currently enjoyed by the residents of No 1 Stone Grove and 33 Stone Lane by reason of its adverse visual impact upon them both and the effect on daylighting in No 33's case.
17. 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

18. All other matters referred to in the representations have been taken into consideration, including the representations made at application stage by several local residents. In this regard, several residents other than those of 1 Stone Close and 33 Stone Lane considered that the proposal would have a detrimental effect upon them.
19. I looked at these matters closely during my visit, but arrived at the same conclusion as the Council's officers, for the same reason; that is, no resident other than those living in Nos 1 & 33 would be materially and unacceptably affected by the proposed development.
20. The views of the Parish Council have been noted, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my overall conclusions set out below.

Overall conclusions

21. For the reasons set out above I find for the appellant in respect of the first main issue identified at the outset, that is, the effect of the development on the character and appearance of the host property and its surroundings. However,

¹ Technical Advice Note: Assessing Residential Amenity June 2016 (TAN) which suggests that a 12m separation be applied in window-to-wall circumstances

I find against the appellant 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