



Appeal Decision

Site visit made on 29 March 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/Z0116/D/23/3314295

22 Elmcroft Crescent, Lockleaze, Bristol BS7 9NF

- 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 Bart Kardys against the decision of Bristol City Council.
 - The application Ref 22/03201/H, dated 26 June 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as the erection of a single-storey rear extension off Lower Ground Floor Level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the development on:
 - the character and appearance of the appeal property and the wider area; and
 - the living conditions of existing and future occupiers.

Procedural Matter

3. From reviewing the appeal submissions and as evident from my site visit, the neighbouring property to the appeal site, No.23 Elmcroft Crescent, was in the process of constructing a rear extension. As a result, I requested a copy of the approved plans, decision notice and other relevant information¹ from the Council to better inform my considerations of the appeal proposal.

Reasons

Character and appearance

4. The appeal property is positioned within a terrace of four dwellings which due to the topography of the area present in a two-storey manner to their front (north-east) facing elevations, and with a four storey form to their rear (south-west) facing elevations.
5. The appeal proposal would consist of alterations to the rear of the appeal property, which would involve the creation of a single storey extension at the basement level. The submitted plans also indicate works associated with the provision of an off-street parking space.

¹ 21/02518/H

6. From my site visit, I noted that the rear elevation of the appeal property and the surrounding properties are visible from the rear access lane and further afield in the nearby public park to the south-east. From these vantage points numerous alterations and adaptations to the rear elevations of the properties in the immediate vicinity to the appeal site are clearly evident, alongside the larger dormer addition to the appeal property itself.
7. The appeal proposal relates to an addition at the basement level. Whilst I acknowledge that the extension would project further into the garden area than neighbouring extensions, and an element of garden space would be lost by the proposed extension, bearing in mind the current characteristics of the appeal site itself and the surrounding context, I find that the extension proposed would sit comfortably within the variety of building forms that would surround it.
8. In reaching my decision, I have had regard to the Council's Supplementary Planning Document Number 2 entitled 'A Guide for Designing House Alterations and Extensions, October 2005' (the SPD), and I acknowledge that the proposal would project further than the suggested guide of a depth of 3.5 metres. However, the SPD provides guidance only, rather than establishing mandatory requirements. The SPD also acknowledges that relaxations from the guidance may be acceptable on a case by case basis.
9. Consequently, I am satisfied that the appeal proposal would have no harmful impact on the character and appearance of the host property or the surrounding area. On this matter, the appeal proposal would accord with Policy BSC21 of the Bristol Development Core Strategy (the Core Strategy) adopted June 2011 and Policy DM26 of the Bristol Local Plan Site Allocations and Development Management Policies (the Site Allocations and Development Management document) adopted July 2014, which amongst other matters, seek development 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.

Living conditions of existing and future occupiers

10. The footprint of the proposed extension alongside the proposed parking space would result in the loss of the majority of the existing garden area serving the appeal property. Whilst I acknowledge that there is easy access to a park nearby, and that the parking space itself may not need planning permission, if I were minded to allow the appeal, in the interests of the living conditions of existing and future occupiers of the appeal property, I consider that it would be necessary to off-set the loss of the garden space with an appropriate alternative provision within the appeal site, to provide for outdoor space for private use.
11. However, in my view the loss of the garden space could be off set through the use of the flat area of the roof space of the proposed extension as a usable and attractive outdoor area, as suggested by the appellant, and the parking area would retain space for storage of items, such as bins or similar.
12. Whilst this would address the concerns I have expressed above, the use of the roof space for an outdoor amenity area would enable views from directly upon the neighbouring boundaries of No.21 and No. 23 over their rear gardens, alongside allowing for views into their rear living space and balcony/ decking

areas from a similar level and in close proximity. Whilst I accept there is an element of overlooking already both internally and externally to No. 21, the proposed extension due to the proximity and the depth it would run along the boundary to this property, would increase the potential for overlooking and loss of privacy to No. 21 both externally and internally to a significant degree beyond what currently exists.

13. Whereby, if I were to allow the appeal, I consider it would be necessary to mitigate these overlooking and loss of privacy effects to both No. 21 and No. 23 through the provision of a privacy screen or similar enclosure up to eye level on the site boundary, as has been suggested by the appellant. However, this would in turn increase the scale of the enclosure directly upon the boundaries of No. 21 and No.23, which I consider would result in an overbearing physical presence, that would have a significant visual impact and appear dominant from their rear garden areas.
14. Ultimately, I consider it would be necessary to off-set the loss of the existing private garden space of the appeal property itself through the use of the flat roof space as an outdoor amenity area. Whilst overlooking and loss of privacy could potentially be mitigated through a privacy screen controlled via a condition, this would create a dominant physical presence and overbearing impact on the living conditions of the occupiers of No. 21 and No. 23. Without the privacy screen the proposal would result in an unacceptable level of loss of privacy to both the internal and external space of No. 21 and No. 23. As a consequence, the appeal proposal would adversely affect the living conditions of the existing and future occupiers of the neighbouring properties of No.21 and No. 23.
15. I therefore find conflict in terms of the effects upon the living conditions of neighbouring occupiers. The proposal would therefore be contrary to Policy BCS21 of the Core Strategy and Policy DM30 of the Site Allocations and Development Management Policies document and the guidance contained within the SPD2 which seek to safeguard the amenity of existing development and neighbouring occupiers.

Other Matters

16. Whilst I have taken account of the arguments made by the appellant of the potential of fallback opportunities through permitted development rights, I have no Certificate of Lawfulness of Proposed Use or Development before me to confirm these submissions to be the case, I also have no certainty that these submissions are genuine fallback opportunities. Nonetheless, the details submitted would in my view result in lesser effects on living conditions than the proposal before me, therefore these arguments do not persuade me to reach different conclusions.

Conclusions

17. While I have found that the appeal proposal would have an acceptable effect on the character and appearance of the appeal property and the wider area, it would have a detrimental effect on the living conditions of existing and future occupiers.
18. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no

material considerations that would justify a decision contrary to the provisions of the development plan, in this case.

19. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR