



Appeal Decision

Site visit made on 25 April 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/Z0116/W/22/3306898

10 Rylestone Grove, Westbury, Bristol BS9 3UT

- 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 Paul Williams against the decision of Bristol City Council.
 - The application Ref 21/05977/F, dated 2 November 2021, was refused by notice dated 7 April 2022.
 - The development proposed is the demolition of the existing detached house and erection of a 6 bedroom replacement detached dwelling with integral garage, associated landscaping and adjusted access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupants of No 8 and No 12 Rylestone Grove with particular reference to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is located in an established residential area known as the Parry's Lane Estate comprising predominantly detached houses on large plots and although they have differing designs they were built during the same period. As highlighted by the appellant the area can be described as gentle suburbia with a strong sense of unity through the use of materials and Arts and Crafts references such as bay windows, chimneys and hipped and dual-pitched roofs.
4. The appeal property is located on a prominent corner plot and has a large garden particularly to the rear and side and is set back from the front boundary creating a sense of spaciousness.
5. I acknowledge that a single storey side extension and double garage has been introduced up to the common boundary with No 8 Rylestone Grove (No 8) which closes the gap between the appeal property and this neighbouring house. However, this element is subservient to the existing house and matches a similar arrangement at No 8 and consequently the appeal property sits comfortably on its plot.

6. Further, like other houses in the area the appeal property has Arts and Crafts references, including several bay windows, chimneys and has a pitched roof on four sides with a flat section in the centre. As a result, although on its own it does not have a particularly remarkable architectural design, it plays an integral role in informing the strong sense of unity that is a defining feature of the area and consequently along with the associated sense of spaciousness the existing house on the appeal site contributes positively to local character and distinctiveness.
7. Unlike the existing property, the proposal would not sit comfortably on the plot. I accept that there is nothing intrinsically unacceptable about the introduction of a house with a contemporary design into this location, but it is important that any replacement dwelling is appropriate. The proposal would result in a three storey dwelling with large dormers in the front elevation and rear roof slopes and with heavy reliance on roof windows in other elevations of the upper storey in order to accommodate additional living space. Although some houses in Rylestone Grove do have dormers and roof windows they are not at the same scale as proposed. As a result, the proposed dwelling would be at odds with the appearance of other houses in the area. It would also project significantly further back on the plot than other houses on the same side of the road and consequently the proposal would not respect the local pattern and grain of development. In summary, the proposal would introduce a building of a mass and scale which would unacceptably overwhelm the appeal site and diminish the sense of spaciousness.
8. Although the proposal would be screened to a certain extent by existing vegetation and the road slopes down so the appeal site is at a lower level than other houses along the road, given the overall scale of the proposal it would be clearly visible from surrounding properties and from Rylestone Grove. A property of such mass, scale and incongruous design would introduce a discordant feature that would disrupt the existing strong sense of unity that is such an important feature of the area. In any event, retention of the existing vegetation currently surrounding the appeal site cannot be relied on in the longer term to screen the harmful impact the proposal would have on the character and appearance of the area.
9. The appellant has highlighted other matters that they consider represent wider planning benefits that accord with a number of development plan policies and the National Planning Policy Framework (Framework). These include creation of jobs within the construction industry and environmental benefits (supported by a Sustainability and Energy Statement and Addendum). I acknowledge that even if enhancements were made to the existing house, the proposed dwelling would result in a significant reduction in primary energy demand. I also accept that if the existing house was demolished, materials could be re-used and recycled. I have taken account of these wider planning benefits. However, they do not outweigh the harm that the proposal would have on the character and appearance of the area.
10. It follows that as I have found that the existing house on the appeal site contributes positively to local character and distinctiveness, the appellant has not adequately demonstrated that the loss of the existing house on the appeal site would be acceptable due to wider planning benefits as required by Policy DM26 of the Site Allocations and Development Management Policies Local Plan adopted July 2014 (SADMPLP).

11. I have taken account of other properties that have been brought to my attention which the appellant says are similar in size and scale to the appeal property. For properties on Rylestone Grove, although they are large detached properties, they sit comfortably on their plots and form an integral part of the existing character and appearance of the area and therefore are materially different from the proposed dwelling. As recognised by the appellant, Parry's Lane is a busy local distributor route. It has a mix of different styles and types of properties. As a result, the properties identified by the appellant do not have the same relationship with their surroundings as the appeal property and are materially different. Therefore, these other examples do not justify harmful development at the appeal site.
12. I therefore conclude that the proposal would be harmful to the character and appearance of the area in conflict with Policy BCS21 of the Bristol Development Framework Core Strategy adopted June 2011 (BDFCS) and Policies DM26, DM27 and DM29 of the SADMPLP. Amongst other things these policies seek to deliver high quality urban design that contributes positively to an area's character, reinforces local distinctiveness, and existing buildings that contribute positively to local character and distinctiveness should be retained unless the loss is acceptable due to wider planning benefits. The proposal would also conflict with the Framework which seeks to ensure development is sympathetic to local character.

Living conditions of neighbouring occupants

No 8 Rylestone Grove

13. The proposal would be set in a short distance from the common boundary with No 8 and the first and second floor elements would project beyond the rear elevation of No 8 and would be clearly visible above the boundary treatment from the area immediately to the rear of this neighbouring property where there is currently a conservatory and patio area. Although I accept that the proposed cat slide roof would slope up and away from the common boundary, and despite the difference in site levels, due to the overall mass and scale of the proposed dwelling it would dominate this part of the garden at this neighbouring property in an overbearing manner, would harm their outlook and as such would be detrimental to the living conditions of the occupants of No 8 when using their conservatory and garden.
14. In terms of privacy, there are two dormer windows in the cat slide roof that face toward No 8. However, these serve ensuite bathrooms and would be obscure glazed to prevent overlooking which could be secured by condition. There is also a secondary window serving the proposed master bedroom that would face towards the garden at No 8. However, this would be set back some significant distance from the common boundary and I observed that a secondary window serving an existing bedroom already overlooks the garden of No 8. As a result, the proposal would not result in an unacceptable degree of overlooking or loss of privacy at No 8.

No 12 Rylestone Grove

15. Although the proposal would result in a building of considerable mass and scale, it would be set back from the common boundary with No 12 by some significant distance. Even taking account of the fact that the appeal site is located on higher ground, given this distance, the proposal would not appear

unacceptably overbearing when viewed from this neighbouring property and so would not harm their outlook. Consequently, the proposed development would not adversely impact the living conditions of the occupants of No 12.

16. I therefore conclude that although the proposal would not harm the living conditions of the occupants of No 12 with particular reference to outlook; and would not result in an unacceptable loss of privacy for the occupants of No 8, it would appear unacceptably overbearing when viewed from No 8 and would harm the living conditions of the occupants of this neighbouring property with particular reference to their outlook. As a result, the proposal would conflict with Policy BCS21 of BDFCS and Policies DM27 and DM29 of SADMPLP which seeks to ensure that development enables existing properties to achieve appropriate levels of outlook. It would also conflict with the Framework which seeks to ensure that developments result in a high standard of amenity for existing residents.

Other Matters

17. The appellant highlights that they could legitimately demolish the existing house on the appeal site under the General Permitted Development Order and although a prior approval application was rejected, it was only on the basis of insufficient evidence. They also point out that that the appearance of the existing house could be significantly altered as a result of permitted development rights which could harm the character and appearance of the area. However, the application for prior approval to demolish the house was rejected and insufficient evidence has been provided to establish that the appellant genuinely intends to demolish the house in the absence of permission being granted for a replacement property. Similarly, no information has been provided about any plans to extend the house under permitted development rights. As a result, I am unable to find that there is a greater than theoretical possibility that the house will be demolished or that extensions will be added. Consequently, I give either of these possibilities limited weight in the determination of the appeal and these matters do not justify harmful development at the appeal site.

Conclusion

18. For the reasons given above, the proposal would have an adverse impact on the living conditions of the occupants of No. 8 and would harm the character and appearance of the area. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR