



Appeal Decision

Site visit made on 9 May 2023

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/P0119/D/23/3317017

Crispin Lodge, 8 Crispin Lane, Thornbury BS35 2AY

- 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 and Mrs Alan and Patricia Purssord against the decision of South Gloucestershire Council.
 - The application Ref P22/05725/HH, dated 28 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed was originally described as: *"1 Install 2 x new dormer windows and reinstall 1 x existing window at a lower level. 2 Currently, Bedroom 1 and the Bathroom have only rooflights and the cill of the existing window in Bedroom 2 is 1.5 metres above floor level, making escape in an emergency near impossible. 3 The foot of the staircase rises from the Kitchen on the opposite wall from the house's entrance door. 4 In the event of a fire the proposed alterations would improve the means of escape from the two first floor bedrooms. 5 The dormers are designed to blend harmoniously with the existing building."*
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 2 no. front dormers at Crispin Lodge, 8 Crispin Lane, Thornbury BS35 2AY, in accordance with the terms of the application, Ref P22/05725/HH, dated 28 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A, 02, 03A, 05, 06, 08, 09, 10.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council to *"Installation of 2 no. front dormers and lowering of first-floor (side) dormer"*. This describes the proposal more succinctly. However, the Council has now confirmed that the lowering of the window on the side elevation does not need planning permission. As a result, that element of the proposal has been implemented. I have therefore

used the amended description of "*Installation of 2 no. front dormers*" as the basis for my decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 6 Crispin Lane, with particular reference to any overlooking of that property's rear garden.

Reasons

4. The proposal involves the replacement of two existing rooflights by two new dormer windows. The front elevation of Crispin Lodge faces across an access drive towards the rear garden of 6 Crispin Lane. It would therefore be possible to see into that garden from the proposed dormer windows, to an extent that is not the case from the existing rooflights, which are located higher in the rooms that they light.
5. Overlooking would not be an issue from the new window lighting the bathroom, as it could be glazed in obscure glass and conditioned as such. I do not consider that the fact that this obscurely glazed window would be visible from parts of No 6's garden would amount to material harm, by reason of perceived overlooking.
6. The issue is therefore the extent to which overlooking of the neighbours' rear garden is possible from the new window lighting bedroom 1. I was able to assess the views that would be possible from that window by using a stepladder to look out of the existing rooflight. As a result, I agree with the appellants that the amount of No 6's rear garden that would be visible from this window would be limited. The boundary wall would prevent views of the part of the garden closest to that wall. In addition, the presence of a number of mature evergreen trees and shrubs would further obscure possible views.
7. I accept that these trees and shrubs will not be in place in perpetuity. However, I do not consider that the amount of overlooking that would be possible, even without them, would be unacceptable in this part of Thornbury, where the juxtaposition of houses means that some degree of mutual overlooking is almost inevitable. I have given weight to the advice in Section 3.2 of the Council's adopted Supplementary Planning Document, entitled "Householder Design Guide". However, I do not consider that the limited overlooking that would be possible in this case would amount to an unacceptable loss of privacy.
8. I conclude that the development would not have an unacceptably adverse effect on the living conditions of the occupiers of 6 Crispin Lane, and would comply with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (2017). These policies seek to prevent development proposals that would have an unacceptable impact on the living conditions of occupiers of nearby properties, by reason of, amongst other things, loss of privacy and overlooking.

Other Matters

9. The appeal site lies within the Thornbury Conservation Area. The Conservation Area (CA) covers an area centred on Thornbury town centre, and includes an area of "back lanes" to the east of the centre, where the appeal site is located.

The CA's significance stems from its history as a medieval market town, and in part from its historic buildings and layout.

10. The Council do not allege that the proposal would harm the character or appearance of the CA. I agree that any impact on the character and appearance of the area by the appeal scheme would be localised and would not adversely effect the CA or its setting.

Conditions

11. As well as standard conditions requiring development to commence within three years and requiring compliance with the approved plans, I agree that a condition requiring external materials to match those used in the existing building is necessary, in order to protect the character and appearance of the CA. For clarity, this does not extend to the use of lead to cover the dormer windows, which is clearly shown on the submitted plans.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR