



Appeal Decision

Site visit made on 2 June 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2023

Appeal Ref: APP/P0119/D/23/3320373

162 Bath Road, Longwell Green, BS30 9DB

- 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 Knapp/Silvenoinen against the decision of South Gloucestershire Council.
 - The application Ref P22/06948/HH, dated 9 December 2022, was refused by notice dated 23 January 2023.
 - The development proposed is single-storey rear extension incl internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey rear extension incl internal alterations at 162 Bath Road, Longwell Green, BS30 9DB, in accordance with the terms of the application, Ref P22/06948/HH, dated 9 December 2022, and the plans submitted with it, 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 development hereby permitted shall be carried out in accordance with approved drawings: TD4415 Location Plan, Block Plan, TD4415 Rev 1Be Proposed Plans.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.

Application for costs

2. An application for an award of costs was made by Knapp/Silvenoinen against South Gloucestershire Council. This application is subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of occupiers of No 160 Bath Road, with particular regard to outlook and daylight.

Reasons

4. The appeal site relates to a semi-detached bungalow. The appeal property and its adjoining neighbour, No 160, have existing rear extensions approximately 2 metres in from the boundary wall between them. These extensions and the shared boundary wall restrict outlook from the neighbour's closest window and,

due to the orientation of the houses, the appeal property overshadows and restricts daylight to it. As noted by the appellant, in this regard the existing extension at the appeal property already fails to meet the 45 degree test set out in the Householder Design Guide Supplementary Planning Document (2021) (SPD), which the Council used to assess the effect of the proposed development on outlook from, and daylight to, the neighbour's window.

5. The proposed development would increase the depth of the existing extension by a further 3m to over 6m. This would increase the amount of sidewall visible from the neighbour's window. Nonetheless, the gap between the wall and window would be enough to limit the increased sense of enclosure and ensure that the proposed development would not significantly worsen the outlook from the window. Nor would it further restrict daylight to such a degree that it would cause unacceptable harm to the living conditions of occupiers of No 160 and thereby justify withholding planning permission. The main views of the garden from No 160 are from the patio doors on the rear extension to that property which would be unaffected by the proposal, as would views from the window to the other side of it.
6. Overall, I conclude that the proposed development would not lead to unacceptable harm to the living conditions of occupiers of No 160 and the proposal therefore complies with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan (2017) and the purpose of the SPD which seek to ensure that development does not have an unacceptable impact on the amenity of occupiers of nearby properties.

Conditions

7. In addition to a standard condition in relation to the time limit for the commencement of development, a condition confining the approval to specified plans is necessary for certainty and a condition regarding materials is necessary to safeguard the character and appearance of the area.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR