



Appeal Decision

Site visit made on 6 June 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2023

Appeal Ref: APP/Z0116/D/22/3310812

37 Ullswater Road, Southmead, Bristol City, Bristol, BS10 6DH

- 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 Miss Wang against the decision of Bristol City Council.
 - The application Ref 22/03883/H, dated 8 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as "4.3m rear extension behind original main part of the property, and enlarge the existing garden annex building to form up storage, office and WC space. The garden annex building to be flat roof with no change of roof height from existing."
-

Decision

1. The appeal is allowed and planning permission is granted for a 4.3m rear extension behind original main part of the property, and enlarge the existing garden annex building to form up storage, office and WC space. The garden annex building to be flat roof with no change of roof height from existing at 37 Ullswater Road, Southmead, Bristol City, Bristol, BS10 6DH in accordance with the terms of the application, Ref 22/03883/H, dated 8 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 37UR06 Rev P01, Site Plan 37UR05 Rev P01, Proposed Elevations 37UR03 Rev P01 and Proposed and Existing Floor Plans 37UR01 Rev P01.
 - 3) The annex hereby permitted shall not be used for purposes other than those ancillary to the domestic use of the main dwelling No.37 Ullswater. The annex shall not be let, or used for business purposes, or separated as an independent residential unit.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and the effect of the proposed development on the living conditions of nearby residents, with particular reference to outlook and light.

Reasons

Character and Appearance

3. The appeal building is one half of a pair of semi detached, two storey dwellings which are typical of the area. There is a spacious feel to the street scene which contributes positively to its character and appearance. It is made up of evenly spaced pairs of buildings set back from the road behind front gardens/parking areas. Although some buildings have been altered with the addition of bay windows, porches and garages constructed within the gaps between pairs, their single storey and set back design has helped reinforce the spaciousness of the area.
4. The appeal site is located on a corner, at the junction between Ullswater Road and Gosforth Road. As such it benefits from a large side garden in addition to its front and rear gardens. Within the side garden is a large single storey L-shape garden annexe. Due to the corner positioning of the appeal site the host buildings and the outbuilding are visible from the surrounding roads, although screening is provided in the form of a mature hedgerow and the boundary fence at the neighbouring dwelling on Gosforth Road screens views in to the rear garden.
5. The proposed garden annexe extension would square off the L-shape building. There would be no increase in height to the annexe. The proposed extension would be screened from the surrounding area from Gosforth Road by the neighbouring boundary fence and from Ullswater by the existing built form. Whilst there would be limited visibility of this extension, due to its minor scale and height, where it would be visible it would appear as a minor and subservient enlargement of an existing building.
6. During my site visit I noted that there were outbuildings and extensions on corner plots, in particular properties at the corner of Marbeck Road and Gosforth Road, Gosforth Close and Gosforth Road and Staveley Crescent and Embleton Road. These vary considerably in their design and scale, with some being large outbuildings close to their boundary walls/fences. As such, the provision of a larger outbuilding to the side elevation of the appeal property, would not be out of keeping with the pattern of development in the surrounding area.
7. Whilst the proposed rear extension would extend the entire width of the host dwelling, it would only project approximately 4.3 metres to the rear and would be single storey. The proposed extension would use matching materials to the host dwelling. In the views into the site the proposed extension would appear as a subservient addition to the host dwelling. There are examples of rear extensions in the surrounding area, as such extending the property to the rear would not be out of keeping with the existing pattern and grain of development.
8. No built form would be introduced closer to the highway and the visible garden area to the front and site of the host dwelling would be retained. As such, the spaciousness that characterises the area would be preserved.
9. I have had regard to the Council's submission that the Bristol City Council A Guide for Designing House Alterations and Extensions Supplementary Planning Document (2005) (SPD) states that rear extension should be a maximum of

3.5 metres in depth. However, in reviewing the SPD this relates to living conditions rather than the character and appearance of a building or area.

10. As such, the proposal would comply with CS Policy BCS21, Policies DM26, DM27 and DM30 of the Site Allocation and Development Management Policies Local Plan (2014) (SADMP) and the guidance contained within the SPD. These together seek to ensure that developments contribute to an area's character and identity and that the visual impact on the street is minimised. The proposal would also comply with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks good design sympathetic to local character.

Living Conditions

11. The proposed rear extension would extend to the entire width of the host dwelling and abut the boundary with No.35 Ullswater. The Council's SPD states that in order to safeguard the living conditions of neighbouring residents, rear extension should be limited to a projection of 3.5 metres. No.35 benefits from rear windows which face out on to their garden. Extensions to the rear of the appeal property could have the potential to impact on the living conditions of its occupants.
12. The proposed extension would be single storey and would extend approximately 4.5 metres to the rear. Whilst this would not comply with the requirements of the SPD, which seek to ensure that proposals do not impact on neighbouring residents regarding outlook and light, the proposed extension would be single storey and would have a pitch roof that slopes down towards the boundary with No.35. Additionally, an existing tall timber fence runs along the boundary between the two properties. As such, only the roof section of the proposed extension would likely be visible from the rear of No.35. Due to the slope of the roof and its fairly shallow pitch, it is unlikely that this would increase overshadowing or have an overbearing effect to such an extent that it would have a harmful impact on the residents of No.35. This would be no harmful impact in relation to a sense of enclosure in addition to that already experienced by the timber fence.
13. I find that the proposed development would not harm the living conditions of the occupiers of No.33, with particular reference to outlook and light. The proposed development would therefore comply with CS Policy BCS21, SADMP Policy DM30 and the guidance contained within the SPD which seek, amongst other things, to ensure that development safeguards the amenity of existing development. The proposal would also comply with paragraph 130 of the Framework that seeks high standards of amenity for existing and future users.

Other Matters

14. I have had regard to the Council's comments regarding the red outline, which they consider overruns the boundary of the site with 13 Gosforth Road. I have not been provided with any evidence that the boundary drawn on the site location plan is incorrect, and no objection has been raised by the resident of No.13 who were notified of both the application and appeal.

Conditions

15. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is

necessary to provide certainty. To protect the character and appearance of the area and the living conditions of residents, it is necessary to ensure the occupation of the annex is only for purposes ancillary to the main dwelling. I have altered the wording of the condition in order to ensure it complies with the Planning Practice Guidance.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Tamsin Law

INSPECTOR