



## Appeal Decision

Site visit made on 11 July 2023

**by C Billings BA (Hons), DipTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> August 2023**

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**Appeal Ref: APP/Z0116/W/22/3310974**

**127 East Dundry Road, Whitchurch, Bristol, BS14 0LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Moore against Bristol City Council.
  - The application Ref 22/04092/H is dated 22 August 2022.
  - The development proposed is for a 2-storey rear and single storey side extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for a 2-storey rear and single storey side extension at 127 East Dundry Road, Whitchurch, Bristol, BS14 0LP in accordance with the terms of the application, Ref 22/04092/H, dated 22 August 2022, and the conditions in the attached schedule.

### Preliminary Matters

2. This appeal relates to the failure of the Council to give notice of its decision on the application for proposed development within the prescribed period. However, since the submission of the appeal the Council has provided a statement setting out its position on the proposed development, that it would have granted planning permission for the development.
3. Accordingly, there is no dispute between the two main parties, such that there are no main issues for consideration. I have nevertheless taken into consideration the matters raised by interested parties, which I address below.

### Other Matters

4. A neighbour located to the rear of the property at 32 Maplestone Road (No 32) has raised concerns about the proposed development. Their concerns relate to the scale and height of the rear extension and its impact on their living conditions, in relation to loss of privacy and sunlight to their garden and the rear of their property. The neighbour notes that the appeal garden is small and that other properties in East Dundry Road do not have extensions that cover the sides of the original buildings, as proposed.
5. The neighbour furthermore feels that a single storey extension at the rear would be more appropriate, with a 2-storey extension at the side, similar to others in the area. They consider such extensions would be more in keeping with the character and appearance of the area and that of previously granted development.
6. In respect of the scale and height of the proposed development and its impact on the character and appearance of the surrounding area, I note that the rear

2-storey extension would not extend further to the rear than an existing single storey conservatory at the appeal property. I also note that a single storey outbuilding would be demolished within the rear garden of the appeal property to allow the construction of the proposed extensions. As a result, the rear garden would not be significantly reduced in size as a result of the proposed extensions.

7. The plot size of the appeal property is comparable to that of other properties on this side of East Dundry Road, some of which have had side and/or rear extensions. The resultant rear garden area of the appeal property would remain of an acceptable size to accommodate the needs and not negatively affect the living conditions of the occupiers of the appeal property.
8. During my site visit I noted that some properties in East Dundry Road already have 2-storey rear extensions, notably at Nos 131 and 137. Whilst they are of different designs and scale to that proposed, there are clearly examples of 2-storey extensions in the area. The proposed 2-storey extension would not therefore be incongruous with the character and appearance of the surrounding area. Also, I note that there are examples of single storey side extensions along the road, which help to reduce any potential terracing effect by maintaining gaps at upper-floor level between dwellings. Therefore, in the context of the local area, a 2-storey rear extension and single storey side extension would be in keeping with the character and appearance of the surrounding area.
9. With regard to the effect on the living conditions of occupiers of No 32, the proposed first floor bedroom window in the two-storey rear extension would be a significant distance from the main rear elevation and a rear dormer at No 32. This proposed separation distance would be sufficient to prevent any overlooking that would cause harmful loss of privacy to the rear garden or property itself at No 32.
10. The juxtaposition of the appeal property and No 32 is noted. However, due to the separation distance between the proposed extensions and No 32, there would unlikely be significant loss of sunlight caused to the rear garden or property itself.
11. In conclusion, I have no substantive basis to disagree with the view of the Council in respect of the matters raised by the neighbour. The proposed development would not have an adverse effect on the living conditions of occupiers of the neighbouring property. Furthermore, the proposal would be of appropriate design and not be harmful to the character and appearance of the surrounding area. As such, the proposal would not conflict with Policy BCS21 of the Bristol City Council Core Strategy (June 2011) or Policies DM26, DM27 and DM30 of the Bristol City Council Site Allocations and Development Management Policies (July 2014), or the guidance in the Bristol City Council Supplementary Planning Document, a Guide for Designing House Alterations and Extensions (October 2005) in respect of these matters.

## **Conditions**

12. The Council has suggested three conditions in the event of the appeal being allowed. In light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework, in addition to the standard implementation condition, it is necessary for the avoidance of doubt

and in the interests of certainty to define the plans with which the scheme should accord.

13. The Council has also recommended a condition in relation to obscure glazing and restricting the opening of the 2 No rooflights in the side roof slope. As these openings would be set at an angle within the roof slope and serve a bathroom, there would unlikely be any direct overlooking caused to the neighbouring property. However, full details of floor to roof light height is unknown and therefore to safeguard any potential overlooking, a condition is necessary. I have slightly amended the wording of the condition to be more precise.

### **Conclusion**

14. Having no reasons to dispute the position of the Council and in having regard to the matters raised by an interested party, I conclude that the appeal should be allowed.

*C Billings*

INSPECTOR

### **Schedule of 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: UK Planning Maps location plan and, general arrangement drawing No 001 dated Aug '22.
- 3) The 2 No rooflights in the west side facing roof slope of the side extension hereby approved, shall be fitted with obscure glazing, and no part of the rooflights that is less than 1.7 metres above the internal floor level of the room they are to serve shall be capable of being opened. The obscured glazing and restricted opening shall be retained as such thereafter.