



Appeal Decision

Site visit made on 25 July 2023 by Max Webb BA(Hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/P0119/D/23/3318814

3 Maisemore Avenue, Patchway, South Gloucestershire BS34 6BT

- 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 Neil Taylor against the decision of South Gloucestershire Council.
 - The application Ref P22/06290/HH, dated 2 November 2022, was refused by notice dated 5 January 2023.
 - The development proposed is iglu made of plywood.
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Decision

1. The appeal is allowed and planning permission is granted for iglu made of plywood at 3 Maisemore Avenue, Patchway, South Gloucestershire BS34 6BT in accordance with the terms of the application, Ref P22/06290/HH, dated 3 November 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 development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM22306222359915 (Location plan), TQRQM22313103318203 (Block plan), M3-BW Front Elevation Rear Elevation, M3-BW Side Elevations Section A and M3-BW Floor Plan

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by Mr Neil Taylor against South Gloucestershire Council. This application is the subject of a separate decision.

Preliminary Matter

4. The appellant submitted amended plans as part of the appeal. The Procedural Guide: Planning appeals – England makes it clear that the appeal process should not be used to evolve a scheme. The amendments would reduce the height of the proposed building and increase its width. They are therefore materially different to the scheme which the Council considered. There has been no opportunity for the Council or other interested parties to comment on the amended plans, therefore there is potential for other parties to be prejudiced if I were to accept them. Therefore, the appeal has been assessed based on the plans on which the Council made its decision.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of 1 Maisemore Avenue, with particular regard to outlook and light.

Reasons for the Recommendation

6. The appeal site is the garden of a detached bungalow, with the neighbouring bungalow, No 1, separated from the appeal site by a small gap and a panel garden fence. The nearest windows in No 1 to the boundary with the appeal site are patio doors in the rear elevation, which serve a habitable room but which are set in from the edge of the property.
7. The proposed outbuilding would be positioned close to the boundary with No 1. It would extend along most of the boundary between the properties, however only a small portion of the proposed outbuilding would rise above the existing fence with the roof curving away from the boundary. This would result in some of the outbuilding being seen from the patio doors of No 1. However, the fence and the separation distance between the patio doors and the proposal would prevent the proposal appearing dominant or overbearing and there would thus not be an unacceptable loss of outlook.
8. The existing fence on the boundary already causes shadowing to the rear of No 1. The limited additional height of the proposed building above the existing fence would be unlikely to cause significantly more shadowing than the existing fence. The proposal would thus not cause an unacceptable loss of light to the patio doors in No 1.
9. Overall, the proposal would not harm the living conditions of the occupiers of No 1 with regard to outlook or light. Consequently, the proposal would comply with Policy PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017), which together aim to protect the amenities of neighbours including from overbearing impacts or loss of light. It would also accord with the National Planning Policy Framework, which seeks to ensure development results in a high standard of amenity.

Conditions

10. I have recommended the standard time condition and compliance with the approved plans for reasons of certainty.
11. The Council's officer's report suggests a condition to ensure the proposal is used as an annexe. I do not consider this necessary as there is no suggestion before me that the proposal will be used as a separate dwelling, and such a use which would require separate planning permission. I have therefore not recommended an annexe condition.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed above.

Max Webb

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report. I agree with the reasoning set out above and on that basis I conclude that the proposal would not harm the living conditions of the occupiers of 1 Maisemore Avenue in respect of outlook or light. Therefore, the appeal is allowed subject to the conditions set out above.

L McKay

INSPECTOR