



Appeal Decision

Site visit made on 8 September 2023

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/Z0116/W/23/3316171

186 Redland Road, BRISTOL, BS6 6YH

- 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 Henrietta Ridgeon against the decision of Bristol City Council.
 - The application Ref 21/01273/H, dated 8 March 2021, was refused by notice dated 21 November 2022.
 - The development proposed is the installation of safety glass balustrade to existing back dormer extension to facilitate safe use of roof terrace accessed via a roof light from the top floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An enforcement notice has been served alleging the unauthorised installation of stainless steel/glass balustrade at roof level to form a roof terrace. Appeals have been made against the notice (ref APP/Z0116/C/23/3316876 and 3316877) and these are the subject of separate decisions.

Main Issues

3. The main issues in this appeal are firstly, the effect of the development on the character and appearance of the host property and on the area; and secondly, the effect on the living conditions of neighbouring residents through loss of privacy.

Reasons

4. The roof terrace is situated to the rear of a single dwellinghouse at second floor level in a predominantly residential area. It has been erected on a flat roof dormer constructed in 2009 under permitted development rights and is accessed via a loft ladder through a roof light. It has glass screening on three sides to the height of 1.1m. The screening is set back from the edge of the flat roof by 0.79m and 0.40m on two sides.
5. The balustrade is visible from certain points on the opposite side of Redland Road but it is mainly visible and particularly prominent from the rear access lane and from the Chapter Walk residential development. Its prominence is exacerbated as the height of the balustrade is higher than the ridges of the roofs. Furthermore, the balustrade is viewed against the sky rather than the roof when observed from a lower height.

6. Whilst contemporary materials and the design of the screen can be perfectly appropriate in certain circumstances, this does not apply in respect of this development. The combination of the materials used and its position on the building do not harmonise with the Edwardian character of the host building and represent a poor and incongruous feature which in turn is harmful to the character and appearance of the area.
7. The appellant considers that there has been an unfair assessment of the scheme in view of the number of alterations, roof extensions and ground floor extensions that have taken place at the rear of the property and that the balustrade should not be viewed as uncharacteristic in an altered terrace. It is likely that many of the alterations referred to have been carried out under permitted development rights, such as the appellant's own roof extension. Inappropriate design of existing development should not be a reason for introducing further unacceptable development.
8. Although there are terraces/balconies at the higher level in the Chapter Walk development, these do not extend above the roof line as is the case with the appeal development.
9. The appellant suggests that there are public benefits arising from the development but none are apparent to me as the benefits appear to be personal to the occupier of the property. I note that it is argued that the provision of amenity space is a benefit, but as the house already has a garden, this is not a persuasive argument.
10. I conclude on the first issue that the effect of the development on the character and appearance of the host property and on the area is harmful.
11. In respect of the impact on the living conditions of neighbouring residents, any person standing on the balcony would have elevated views directly into the rear gardens of neighbouring properties and views directly towards the modern flats in Chapter Walk, which would affect the current level of privacy. The set back of the balustrade does little to mitigate the potential for overlooking. I am not persuaded by the appellant's argument that as most time would be spent sitting on the roof terrace rather than standing, this would overcome the harmful impact that would be caused to neighbour's privacy.
12. It is accepted that levels of privacy and the degree of mutual overlooking is considerable in an area such as Redland Road and its environs. However the visible presence of people in an elevated and exposed position could appear to be more intrusive to other residents than a situation of being overlooked through the windows of habitable rooms.
13. The appellant has suggested that a condition requiring higher screening would overcome the impact of loss of privacy but such a requirement would exacerbate the height and prominence of the development.
14. I conclude on the second issue that the degree of overlooking of neighbouring properties will be increased and this will cause additional harm to the living conditions of neighbouring residents.

Conclusions

15. For the reasons given above the development is contrary to Paragraph 134 of the National Planning Policy Framework (September 2023) which indicates that

development that is not well designed should be refused. It is also contrary to Policy BCS21 of the Bristol Core Strategy which seeks to achieve quality in design, and Policy DM30 of the Allocations and Management Policy which relates to extensions being physically and visually subservient to the host building. Furthermore it is not in accordance with SPD2 'A Guide for Designing House Alterations and Extensions' which refers to the addition of balconies and terraces being problematic through the potential for overlooking.

16. I therefore conclude that the appeal should be dismissed.

P N Jarratt

INSPECTOR