



Appeal Decision

Site visit made on 26 September 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2023

Appeal Ref: APP/Z0116/W/23/3320934

301 Bishport Avenue, Hartcliffe, Bristol City, Bristol BS13 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ryan Ault against the decision of Bristol City Council.
 - The application Ref 22/04524/H, dated 16 September 2022, was approved on 15 March 2023 subject to conditions.
 - The development permitted is second storey side extension over existing attached garage.
 - The condition in dispute is No 5 which states that: *The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.*
 - Arboricultural Report, received 13 February 2023*
 - 230207-301BA-TPP-NB Tree Protection Plan, received 13 February 2023*
 - Site Location Plan, received 16 September 2022*
 - Existing & Proposed Block Plan, received 16 September 2022*
 - 001 Existing Elevations, received 16 September 2022*
 - 002 Existing Ground Floor Plan, received 16 September 2022*
 - 003 Existing First Floor Plan, received 16 September 2022*
 - 004 Rev B Proposed Elevations, received 6 March 2023*
 - 005 Proposed Ground Floor Plan, received 16 September 2022*
 - 006 Rev A Proposed First Floor Plan, received 6 March 2023*
 - PP1 Rev A Existing Parking Plan, received 6 March 2023*
 - PP2 Rev A Proposed Parking Plan, received 6 March 2023.*
 - The reason given for the condition is for the avoidance of doubt.
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Decision

1. The appeal is allowed and the planning permission Ref 22/04524/H for second storey side extension over existing attached garage at 301 Bishport Avenue, Hartcliffe, Bristol City, Bristol BS13 0PL granted on 15 March 2023 by Bristol City Council, is varied by deleting condition 5 and substituting for it the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, received 16 September 2022; Existing & Proposed Block Plan, received 16 September 2022; 004 Rev A Proposed Elevations, dated 28/08/22; 005 Proposed Ground Floor Plan, received 16 September 2022; 006 Proposed First Floor Plan, dated 01/09/22; PP2 Rev A Proposed Parking Plan, received 6 March 2023.

Background and Main Issue

2. Planning permission was granted for a second storey side extension over an existing garage. During the course of the planning application process, amended plans were submitted that showed a greater set back of this extension behind the garage frontage, and these were approved. The appellant considers that the original plans remain sufficiently subservient to the front elevation wall, and that the approved set back is not necessary. The Council does not consider the correct route has been taken by the appellant though the right to appeal is provided in s78(1)(a) of the Act. Aside from this, the Council is concerned that the originally submitted plans do not provide adequate set back from the front elevation and there would therefore be conflict with development plan policies concerning the effect of the proposal on the character and appearance of the area. There is no dispute between the parties that a plans condition is necessary.
3. I therefore consider the main issue to be the effect of the revised design on the character and appearance of the area.

Reasons

4. The appeal site is located in an urban area where house types and external materials used in their construction are varied. The existing and adjoining property comprise a brick faced finish which is a strong characteristic of the pair. The proposed extension would be constructed close to a tree lined boundary and an area of open space beyond. Glimpsed views of the site are available from this open space and the road frontage.
5. The proposed extension would be subservient in height to the host property and would be constructed over an existing garage that is set back from the front elevation. Furthermore, the proposed side extension would be set further back from the full width porch and canopy extension at the host property's ground floor frontage. This would give the sense that the extension would be significantly stepped back from the existing property frontage. Consequently, regardless of any simplified construction process to which I attach very little weight, the siting, scale, form and proportions of the extension would appear adequately subservient to the host property without dominating it.
6. The appellant's submitted plans include various design iterations where brick facing would be used on 1 or 3 sides. Where it would be used on just the front elevation, the other sides would include a rendered finish. The use of render would be an uncharacteristic feature of the property that would consequently fail to respect its existing brick material detailing. However, the alternative proposed plan that shows brick on 3 elevations would deliver a material palette that would complement those used at the host property.
7. For the above reasons, I conclude that the proposed revised design would not harmfully affect the character and appearance of the area. As such, it would not conflict with Policy BCS21 of the Bristol Development Framework Core Strategy – June 2011, policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies - July 2014, and the advice contained within the Council's Supplementary Planning Document Number 2 - A Guide for Designing House Alterations and Extensions – October 2005. Together in this respect, these policies and guidance seek to promote subservient extensions that respect the materials, design and character of the host building.

8. The original approved plans condition included reference to an arboricultural report which is not a plan or drawing. I have therefore not included reference to it within the new approved condition. Additionally, compliance with tree protection measures is covered by a different condition and that plan does therefore not need to be included again within the approved list. There is no substantive evidence to demonstrate the tailpiece wording included in the original plans condition is necessary. I have therefore not re-imposed it. Additionally, a plan has been submitted that includes a third parking bay, though this is not within the appeal site and is therefore outside of the scope of this appeal. I have not included it.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed plans condition and substitute it for a new one.

J Hills

INSPECTOR

