



Appeal Decision

Site visit made on 26 September 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/P0119/W/23/3319336

28 Ferndale Road, Filton BS7 0RP

- 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 Pam Edwards against the decision of South Gloucestershire Council.
 - The application Ref P22/07167/F, dated 23 December 2022, was refused by notice dated 27 February 2023.
 - The development proposed is one new three-bed within the existing large neglected garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal is described more accurately on the decision notice as the erection of 1no. detached dwelling with associated works.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and its surroundings; and
 - The effect on the living conditions of neighbouring occupiers at 28 Ferndale Road, with particular regard to outlook.

Reasons

Character and appearance

4. Ferndale Road is characterised by mid-20th century semi-detached housing. Properties are predominantly painted render under hipped tiled roofs, and have consistent detailing to their principal elevations, including two-storey bay windows and brick arch detailing around the front doors. Properties face onto the road behind shallow front gardens and driveways, and some corner plots are positioned diagonally to 'turn' the corner. Some variation in the street scene is introduced by individual alterations and extensions, but overall the area retains a pleasing uniformity of character.

5. The appeal property fronts onto Ferndale Road, but its position at the end of a row means that the rear garden forms part of the street scene of Fourth Avenue. When seen alongside the adjacent vegetated pre-school frontage and the primary school grounds to the south, the appeal site forms part of an important visual break in development. Indeed, there is no residential built form turning the corner of Ferndale Road and Fourth Avenue, or fronting the western side of Fourth Avenue for some 100m to the south of the appeal site. With few other pauses in the urban form in this context, the space created by the appeal site and the adjacent schools makes a valuable contribution to the character and appearance of the area.
6. The architecture of the proposed dwelling would relate well to the existing property and nearby houses, using render under a hipped roof alongside the repetition of locally prevalent facade detailing. However, whilst the proposed dwelling would be designed sensitively, its siting and orientation would not reflect the pattern of built form in the locality, instead creating an isolated frontage on Fourth Avenue with no related building line or plot patterns. Alongside its new access point and parking area, the proposals would noticeably reduce the extent of the vegetated break in development, and introduce an incongruous element of built form, to the detriment of local character.
7. My attention has been drawn to two recent developments in the local area, and I was able to see these during my site visit. The new dwelling north of 33 Ferndale Road continues the existing pattern of development turning the corner. When viewed from the local area, its frontage is well-related to the existing semi-detached pair of dwellings at Nos 31 and 33. Similarly, new housing on Ernest Court is well-related to development on Tenth Avenue, continuing the orientation of 38 Tenth Avenue and leading into a cohesive cul-de-sac of dwellings. Neither example reflects the isolated plot pattern of the appeal scheme, or justifies a departure from the prevailing pattern of development.
8. I therefore conclude that the proposed dwelling would unacceptably harm the character and appearance of the site and its surroundings. This would conflict with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, and Policies PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (the PSP Plan). Taken together, these policies require, amongst other criteria, that the siting of development respects and enhances the character and distinctiveness of the site and its context, that overall layout is well integrated with existing adjacent development, and that proposals respect the building line and form of the street and surrounding area. The proposals would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework), where it seeks to ensure that new developments are sympathetic to local character and maintain a strong sense of place.

Living conditions

9. The proposed dwelling would be positioned in the rear garden of No 28, directly behind its rear elevation. Although aimed at residential extensions and alterations, the Council's Householder Design Guide Supplementary Planning Document (the SPD) contains relevant guidance on protecting outlook, stipulating a minimum separation distance of 12m between windows and facing walls. At the appeal site, the proposed single-storey garage would be

approximately 9.5m away from the existing rear elevation of No 28, with the proposed two-storey main elevation at approximately 12.5m distance. No distinction is made in the SPD between single or two storey development, and the proposals would therefore fail to meet the recommended minimum separation distance.

10. The proposed garage and dwelling would extend across the full width of the main elevation at No 28, from which windows of habitable rooms look directly towards the appeal site. Given this, and the close proximity of the development, the new dwelling would be a dominant and overbearing structure which would unacceptably harm the outlook from No 28.
11. I acknowledge that the potential for overlooking between the two properties could be controlled by securing obscured glazing on the proposed bathroom windows of the new dwelling. However, this would not address the harm that I have found to the outlook from the host property at No 28. Whilst I also note that the current occupiers of No 28 may not object to the proposal, the harm to living conditions at the existing dwelling is a matter which, if the appeal were allowed, would affect all future occupiers of the property.
12. The appellant has drawn parallels between the appeal site and recent developments in the local area, due to their small plots and tight configuration. Although some of these plots do have small or shallow gardens, they do not reflect the proposed relationship of one property sitting directly behind the main rear elevation of another, and do not affect neighbouring living conditions in the same way.
13. I therefore conclude that the proposed development would result in harm to the living conditions of neighbouring occupiers at 28 Ferndale Road. This would conflict with Policies PSP8 and PSP38 of the PSP Plan. Taken together, these policies protect the amenities of neighbours, requiring, amongst other criteria, that developments do not create unacceptable living conditions, including through an overbearing or dominant impact. The proposals would also conflict with the Framework, which at paragraph 130 sets out that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

14. The proposals follow an appeal decision made on an earlier application at this site¹. I have not been provided with the full details of the earlier scheme, but note that those proposals included two dwellings on the same site in a different configuration. The current proposals have sought to address the matters raised during that appeal, some of which, including highway safety and parking are not now contested by the Council. Whilst I have had regard to this history, I have assessed the current appeal on its own merits and based on the information before me.
15. Policy PSP43 of the PSP Plan relates to private amenity space standards. In accordance with this policy, the development would create gardens with private amenity space of an area that would be adequate for the size of both the existing and the proposed dwelling. I also note that there are several properties in the locality that appear to have gardens with a smaller overall

¹ Application ref. P21/06039/F, appeal ref. APP/P0119/W/22/3294471

area. The Council has not identified a conflict with this policy in its reasons for refusal, and I see no reason to do so. However, the lack of harm is neutral in the planning balance and has not altered my overall conclusion.

Conclusion

16. For the reasons given above I find that the proposals would conflict with the development plan when read as a whole. I have taken into account the scheme's contribution to the supply of new homes. However, the very modest benefit of delivering one dwelling is not sufficient to indicate a decision otherwise than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR