



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: 12 December 2023

Appeal Ref: APP/P0119/D/23/3323350

21 Victoria Street, Staple Hill, South Gloucestershire BS16 5JP

- 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 Ms Vida Green against the decision of South Gloucestershire Council.
 - The application Ref P23/01122/HH, dated 20 March 2023, was refused by notice dated 17 May 2023.
 - The development proposed is Replace single ground floor window at front façade with a bay unit. Create a roof terrace at the existing rear first floor by adding a glass balustrade and privacy screen atop the flat roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposals include a number of proposed alterations which are not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to these aspects of the application. Following my site visit I see no reason to disagree. Therefore, the focus of this appeal is the proposed first-floor roof terrace (referred to as a balcony by the Council) and privacy screen.
3. The appellant indicates a willingness to modify the roof terrace design to include a privacy screen to the side boundary adjacent to No 19 Victoria Street and to reduce the deck depth if deemed appropriate. No plan showing such an amendment has been provided. The Planning Appeals: procedural guide clarifies that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Accordingly, I have considered the appeal based on the plans submitted with the application.

Main Issue

4. The main issue is the effect of the proposed roof terrace and privacy screen on the living conditions of neighbouring occupiers at No 19 and No 23 Victoria Street, with particular regard to privacy.

Reasons

5. No 21 Victoria Street is a mid-terrace two-storey property in the urban residential area of Staple Hill. The appeal property has a large single-storey rear extension with a long and relatively narrow rear garden beyond. The neighbouring properties have been extended at the rear, with gardens of a comparable size. The proposed roof terrace would create a new accessible external space above the flat roof rear extension of the appeal property, with new patio access from a first-floor study area.
6. At present, there is intervisibility between neighbouring rear gardens, as is common in terraced properties in an urban context. At the appeal site, this takes the form of views across the gardens from the first-floor rear windows of the property, and between gardens where vegetation and other garden boundaries are relatively low. It is also possible to see parts of the single-storey rear extensions of Nos 19 and 23 from the first-floor windows of the appeal property. However, clear views of their ground-floor windows and amenity spaces by their rear doors are not easily obtained from within the host dwelling due to the sharply oblique angle of the view. Consequently, despite some overlooking of the garden spaces, a relatively high level of privacy between the properties is currently maintained.
7. The proposed roof terrace would create an accessible space with short and direct downward lines of sight towards the neighbouring extensions, resulting in a significant increase in the opportunity for overlooking. With its elevated position, the proposed roof terrace would also facilitate an increase in the availability of views from the host dwelling across neighbouring gardens.
8. Whilst I am satisfied that the proposed privacy screen would avoid overlooking from the proposed roof terrace directly back towards No. 23's rear extension, the direct views towards No 19's extension, though at a slightly greater distance from the proposed roof terrace, would not be screened. Though some visibility across rear gardens is already available, a substantial increase in the opportunity for direct overlooking towards the windows and garden space immediately adjacent to the house would be intrusive for the occupiers of No 19 and significantly detract from their living conditions.
9. I therefore conclude that whilst the proposed development would not unduly affect the privacy experienced at No 23, it would unacceptably harm the living conditions of neighbouring occupiers at No 19, with particular regard to privacy. The proposals would therefore conflict with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan. Taken together, these policies require, amongst other criteria, that developments do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers, including by loss of privacy and overlooking.

Other Matters

10. I acknowledge that the neighbouring properties did not raise concerns about the proposed roof terrace and the appellant's frustration with the Council's approach. Nevertheless, I must consider the appeal based on its merits and in accordance with the development plan for the area.

Conclusion

11. For the reasons given above I find that the development would conflict with the development plan when read as a whole. There are no material considerations that have been shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. Accordingly, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR