



Appeal Decision

Site visit made on 14 December 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/Z0116/W/23/3325246

12 Cairns Crescent, St Pauls, Bristol BS2 9QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Rihana Kouser against Bristol City Council.
 - The application Ref 23/00755/H, is dated 22 February 2023.
 - The development proposed is described as "domestic extension to a C3 dwelling. Single Storey, ground floor rear extension to kitchen/bathroom and loft conversion to create additional bedrooms".
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Decision

1. The appeal is dismissed and planning permission for the proposed development is refused.

Preliminary Matters

2. The description of development in the header above is taken from the application form. However, the appeal form gives the description of development as "domestic extension to a C3 dwelling. Double storey rear extension with roof extension loft conversion to create 7 bedroom dwelling". It would seem from the submissions that the Council has considered the proposal on the basis of this revised description.
3. In their final submissions on the appeal, the appellant states planning permission is sought for a single storey rear extension and loft conversion as per the description of development on the application form. However, the appellant has submitted plans that clearly indicate the construction of proposed enlargements to the rear at first floor level as well as at ground and roof levels. There are no plans before me that only show a single storey extension and works to the roof. To base my assessment on anything other than the submitted plans would cause injustice to the Council and interested parties. Therefore, my decision is on the proposal as shown on the drawings.
4. On my visit, I saw works being carried out to the appeal property including the construction of a single storey addition to the rear. The appellant's comments suggest that the erection of this extension is allowed under permitted development rights. As such, I have treated the construction works that have been carried out as not constituting a commencement of the appeal development.

Main Issues

5. The Council has issued no formal decision on the planning application leading to this appeal. In light of its submissions, the main issues are (i) the effect of

the development on the character and appearance of the host building and the local area, (ii) its effects on the living conditions of occupiers of neighbouring residences in respect of light and outlook, and (iii) whether the proposal would provide satisfactory living conditions for occupants of the appeal property in terms of garden space.

Reasons

Character and appearance

6. The appeal property is a 2 storey dwelling that is similar in style and form to most other nearby houses with a pitched roof and a 2 storey high projection to the rear. The development would include a rear extension with single storey, double storey and 3 storey high elements. These would not be easily seen from the street and so they would not be prominent. Nonetheless, they would be visible from the rear of the adjoining properties that face onto Cairns Crescent, London Road and Lower Ashley Road. As such, the development would have a noticeable, albeit localised visual effect.
7. The uppermost parts of the addition would protrude out from the rear roof slope and over part of the 2 storey high extension. The single and double storey elements would extend across the whole width of the plot. Overall, the proposal would appear as a sizeable increase in the volume and mass of the building, particularly as it would subsume the upper storey and roof of the existing 2 storey projection and the rear slope of the main roof. Very little of the rear of the building as originally constructed would remain to be seen. Accordingly, the proposed rear extension would not appear subservient but would dominate the host building.
8. Furthermore, all of the elements of the enlargement to the rear would have flat roofs that would give the development a box like appearance. This would be markedly at odds with the sloping roofs on the host property and that are seen on most of the nearby houses.
9. Extensions to the upper storeys to the rear of 8 London Road (No 8) are very close to the appeal site and can be seen from the property and from Cairns Crescent. These additions have flat roofs and are box like and so in these respects the proposed development would be similar to existing nearby features. However, the proposed extensions would be larger than those at No 8 and so they would have a more dominating effect. Moreover, the additions to No 8 are themselves uncharacteristic of the area. They do not provide an example that is appropriate to follow in the design of any enlargement of the appeal property. Even when considering the extensions at No 8, the proposal would be markedly at odds with its context in terms of form and design. The use of sympathetic external materials would not address the incongruity of the scheme.
10. The Council raises no objection to the proposed alteration to the side slope of the main roof and I also find that this would be acceptable in design terms. However, for the above reasons, I conclude the development as a whole would be harmful to the character and appearance of the host building and the local area. In these regards, it would not accord with policy BCS21 of the Bristol Core Strategy 2011 (CS) and policies DM26, DM27 and DM30 of the Council's Site Allocations and Development Management Policies Local Plan 2014 (LP).

Amongst other things, these look to ensure development is of a high quality design that responds appropriately to the scale and form of existing buildings.

Living conditions of occupiers of neighbouring properties

11. The proposed rear extension would extend beyond the rear wall of the adjoining residence, 10 Cairns Crescent (No 10). Also, the side wall would be on the common boundary. The plans show the flank wall facing No 10 would be 3 storeys high and so it would be clearly seen from the neighbouring property.
12. By virtue of its height and proximity, the proposed development would appear overbearing when seen from the rear of No 10, particularly from ground floor windows and its back garden. For the same reasons, I envisage the proposed extension would cause additional overshadowing to No 10's windows and garden. In these regards, it would be detrimental to the living environment at the adjoining property.
13. Moreover, the other side boundary of the appeal property is the rear boundary of 6, 8, 10 and 12 London Road. The 2 storey high side wall of the extension would be on the common boundary and be clearly seen from the London Road properties. The back gardens are short and so the height and proximity of the extension would lead to a significant sense of enclosure and a restricted outlook from these residences. The development would also block natural light from reaching the rear of the London Road dwellings.
14. Therefore, I conclude the proposal would cause significant harm to the living conditions of occupiers of nearby residences. In these regards, it would be contrary to CS policy BCS21 and LP policy DM30. These seek to ensure development safeguards the amenity of existing development.

Living conditions at the host property

15. The appeal property has a small back garden. It is evident that the aforementioned extension under construction has further decreased the outdoor space on the plot so that only a tight and enclosed rear yard remains.
16. The drawings indicate the scheme would not reduce the back yard any further than its current size. However, it would increase the amount of internal space at first floor and attic levels over and above the existing situation. The plans also indicate the provision of additional bedrooms, so suggesting the appeal property would be able to accommodate more residents than the existing house. The size of the dwelling after the proposed development would enable occupation by families or larger households which would typically require a garden to allow outdoor play, recreation and relaxation. The back yard as shown on the appeal plans would be insufficient in terms of its size and useability to satisfactorily serve the needs of residents of the enlarged house.
17. Therefore, I conclude the proposal would not provide acceptable living conditions for occupants of the appeal property in terms of garden space. In these regards, it would not accord with CS policy BCS21 and LP policy DM30. These seek to ensure development creates a high quality environment for occupiers of properties including sufficient useable private space.

Other Considerations

18. The appellant has raised concerns over the Council's handling of the planning application leading to this appeal and the delay in response. While I am sympathetic to the appellant's position, such factors fail to influence my views on the planning merits of the appeal.
19. The development would provide more space for the appellant and their family to reside at the property, including children and disabled residents. In these respects, it would be in the best interests of children to allow the proposal and this is a primary consideration in my assessment of the appeal. Also, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not share it. There is the potential for my decision to exclude persons with a disability and so I have had due regard to the three equality principles set out in section 149.
20. However, it is unclear from the evidence as to whether the extension I saw under construction would in itself address the appellant's accommodation requirements. Also, there is no information to show that the particular accommodation needs can only be addressed through the appeal scheme. Furthermore, I have found the proposal would lead to an unsatisfactory living environment for residents of the appeal property in terms of outdoor space. The benefits of the development in terms of improving internal space would not address nor override the shortcomings in these regards.
21. Overall, I find the benefits of the scheme to children or disabled residents would not outweigh the negative effects as identified under the main issues. The adverse impact of dismissing the appeal on the interests of children and those with protected characteristics would be a proportionate response to Article 3(1) of the United Nations Convention on the Rights of the Child as well as to the PSED.

Conclusion

22. For the reasons given, the proposal would not accord with CS and LP policies when read as a whole. There is insufficient justification to allow the appeal and grant planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR