



Appeal Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/P0119/D/23/3336098

14 Kites Close Bradley Stoke South Gloucestershire BS32 0BY

- 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 Mr William Brown against the decision of South Gloucestershire Council.
 - The application Ref: P23/02076/HH dated 10 July 2023 was refused by notice dated 6 October 2023.
 - The development sought to be approved is Erection of 0.90m fencing on top of existing wall with a total maximum height of 2.6m (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 0.90m fencing on top of existing wall with a total maximum height of 2.6m (retrospective) at 14 Kites Close Bradley Stoke South Gloucestershire BS32 0BY in accordance with the terms of the application Ref: P23/02076/HH dated 10 July 2023 and Drawing 2321/103 submitted with it.

Main Issue

2. The main issue is the effect of the proposal upon visual amenity and privacy.

Reasons

3. The appeal site (No.14) sits adjacent to a high enclosing wall that separates housing in Kites Close from the adjacent distributor road, Bowsland Way. The appellant asserts the westward relocation on that road of a stop for No.73 bus service has impacted upon privacy to an unacceptable degree due to its new proximity combined with use of double-deck vehicles. The Council express concern at the visual impact of increased height and choice of materials, however, the degree of visual change is not significant within this established suburban street scene, and the appellant has pointed me to other instances which have likely occurred for similar reasons making use of similar materials, which, it appears, the Council have not sought to have removed.
4. I note the Council acknowledge the proposal would improve privacy but suggest this 'does not form a material planning consideration' referring to a lack of 'policy context to suggest it would outweigh the impact of the development upon local amenity' which is not further explained. My observations direct that the bus-stop relocation will have introduced undesirable change in perceptions of privacy (and therefore the 'amenity' of otherwise well-screened private land) which had previously been only subject to fleeting overview from upper decks of passing buses or from immediate, presumably identifiable, neighbours. This

change has arisen from opportunities for potentially oppressive overlooking when buses pause to drop off or allow boarding, a situation which the works sought to be retrospectively approved, largely rectify.

5. Whilst the Council's refusal refers to high quality design and works within existing residential curtilage, these do not appear to me to be those most relevant to the matter before me and attract little weight, when the works sought be approved have plainly arisen from concerns as to residential amenity which is addressed by Policy PSP8 of The South Gloucestershire Local Plan 2017 (SGLP). matters addressed by other policies attach little weight to the impact of these works upon visual amenity, given my preceding comments and therefore conclude that the works accord with Policy PSP8 which seeks that development should avoid unacceptable impacts upon privacy and overlooking.
6. For that reason, the appeal succeeds. No conditions are necessary as the works hereby approved have been completed.

Andrew Boughton

INSPECTOR