



Appeal Decision

Site visit made on 28 March 2024

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.04.2024

Appeal Ref: APP/Z0116/W/23/3331599

33 Headley Lane, Bishopsworth, Bristol City, Bristol BS13 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Lee against Bristol City Council.
 - The application Ref is 23/01425/H.
 - The development proposed is described as Remove out buildings and construct single storey rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for Remove out buildings and construct single storey rear and side extension at 33 Headley Lane, Bishopsworth, Bristol City, Bristol BS13 7QL in accordance with the terms of the application, Ref 23/01425/H, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The description of development in the banner heading above comes from the planning application form. Consistent with the submitted evidence, I observed on my site visit that the proposed extension had effectively already been built and that various other works had also been carried out in the garden of the appeal site. Whilst the Council have indicated that it considers one planning application covering both the proposed extension and the other works would be more suitable, the other works are beyond the scope of the submitted planning application which is now the subject of the appeal.
3. The appeal therefore only relates to what has been applied for. I have determined it on this basis and have thus limited my consideration to the development described in the banner heading above. The other works, irrespective of how (structurally) integral they may be to the proposed extension, are not a matter for this appeal and will need to be dealt with separately, between the Council and appellant. The acceptability of those other works is therefore unrelated to the outcome of the appeal.

Background and Main Issue

4. The appeal is against a failure of the Council to give notice of its decision on the planning application Ref 23/01425/H within the prescribed period. As such, there is no formal decision notice. However, based on the submitted evidence, I consider the main issue to be the effect of the proposed extension on the living conditions of adjoining occupiers, with particular regard to privacy, outlook and overshadowing at 31 Headley Lane.

Reasons

5. The appeal site is located to the south of No 31 and, being on a hill, is positioned slightly above it. Due to topography, ground levels at both properties also fall from the front to the back.
6. Given its position, the host building prior to being extended would have affected the amount of sunlight reaching No 31. Whilst the proposed development extends the rear wall of the host building and changes the roof from a hip to gable at the rear, the proposed extension is not particularly large and is set away from the shared boundary. The appeal proposal would not therefore significantly reduce the amount of sunlight reaching the property and elevated decking area at No 31. The amount of sunlight reaching the lower parts of No 31's garden, which extend away from the appeal proposal and the site, would also be largely unaffected.
7. The extension and change from hipped roof to rear gable increases the scale of the host building. However, the main outlook from No 31 is towards its rear garden and open views to the hills beyond, and I observed on my visit that the surrounding area includes buildings of various sizes, including larger two-storey properties. There is also a reasonable degree of separation to No 31 and the extension's roof slopes away from the shared boundary. The proposed development therefore neither significantly harms the outlook from No 31 nor, despite the topography, unacceptably dominates it.
8. Although the side window serving the bathroom is obscure glazed and only openable at the top, parts of No 31's rear garden and outbuilding can be seen from the rear extension's large areas of glazing. However, the rear windows in the host building before the extension was erected would have provided some views of the adjoining plot and, with the surrounding area being relatively built-up, some mutual overlooking is not unusual. In addition, the main outlook from the windows serving the proposed family room is towards the hills beyond, whilst views towards the rear garden and outbuilding of No 31 are limited by the elevated position of the extension. The addition of a fence on the shared boundary, as is the appellant's stated intention, would also provide some screening. Consequently, the level of overlooking of No 31 from the rear extension would not be unacceptable.
9. Accordingly, I conclude that the proposed extension would not harm the living conditions of adjoining occupiers, with particular regard to privacy, outlook and overshadowing at No 31. Allowing the appeal proposal would also not therefore interfere with the right for the occupiers of No 31 to the quiet enjoyment of their home and garden.
10. The Council has not alleged a conflict with any development plan policies. For the reasons above, I have no reason to find otherwise, including in relation to Policy BCS21 of the Bristol Development Framework Core Strategy and Policy DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies. Amongst other aspects, these require development to safeguard the amenity of existing development and neighbouring occupiers.

Other matters

11. A number of other matters have been raised and I have taken them all into account. This includes the development beginning before a decision was made

on the planning application; neighbours' concerns and suggestions not being acted on; the difficult position for third parties having to respond to the retrospective works now the subject of the appeal; the works going beyond that of the submitted plans; there being no representation from occupiers of the property on the other side of the site because it has been empty since construction started; the works in the garden being excluded from the appeal proposal in an attempt to circumnavigate the planning process and despite neighbours' concerns about the resulting impacts of those works; and how the Council will consider and deal with any subsequent application for the works not part of the appeal proposal. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the proposed development would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion and Conditions

12. For the above reasons, and having had regard to all other matters raised and the submitted evidence, I conclude that the proposed development accords with the development plan. The appeal is therefore allowed.
13. I have considered the Council's suggested conditions against the advice provided in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity, consistency and reasonableness.
14. In addition to the standard time limit, I have imposed a plans condition in the interests of certainty. I have also imposed conditions relating to the north-facing bathroom window and use of the extension's flat roof in the interests of the living conditions of adjoining occupiers. However, I observed on my site visit that the bathroom window had already been installed with a good level of obscure glazing and only the top section was capable of being opened. I have therefore amended the Council's suggested condition because the level of obscurity is already sufficient and the top opening element of the window prohibits significant views of the adjoining property.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; and Drawing No 001.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), the obscure glazed north-facing window with top opener installed in the bathroom shall be retained in its current form and any future replacement shall be obscure glazed and no part of it that is less than 1.7 metres above the floor of the room shall be capable of being opened.
- 4) The roof of the side extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

END OF SCHEDULE