



Appeal Decision

Site visit made on 26 March 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/Z0116/W/23/3326680

21 Hill Avenue, Bedminster, Bristol City, Bristol BS3 4SN

- 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 Mr Livingstone against Bristol City Council.
 - The application Ref is 23/00763/H.
 - The development proposed is the construction of a rear flat roof dormer and fitting of rooflights to form a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a rear flat roof dormer and fitting of rooflights to form a loft conversion. at 21 Hill Avenue, Bedminster, Bristol City, Bristol BS3 4SN in accordance with the terms of the application, Ref 23/00763/H, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3288 Sheet 1 (Existing Plans and Sections), 3288 Sheet 2 (Existing and Proposed Elevations), 3288 Sheet 3 (Proposed Floor Plans), 3288 Sheet 4 (Proposed Floor and Roof Plan), 3288 Sheet 5 (Proposed Sections), 3288 Sheet 6 (Proposed Views), 3288 Sheet 7 (Construction Notes), and 3288 Sheet 8 (Structural Details).
 - 3) All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Preliminary Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. I have consulted the parties on the amendments, and have had regard to any representations received.

Main Issue

3. The main issues are:
 - The effect of the development on the character and appearance of the host dwelling and the surrounding area; and
 - The effect of the development on the living conditions of neighbouring occupiers at 22 Hill Avenue, with particular regard to noise.

Reasons

Character and appearance

4. The appeal property is a two-storey residential dwelling, located within a short terrace of similar properties. Several houses in the same terrace have similar roof alterations, including rooflights and rear dormers. The proposed development would relate well to this existing context, and would not introduce a form or character of built form that conflicts with or is otherwise incongruous in its context. The Council is satisfied that the scale, position, and proportions of the dormer are appropriate in this context, and I see no reason to reach a different conclusion.
5. I therefore find that the proposed development would not harm the character and appearance of the host dwelling or the surrounding area. The proposal would accord with Policy BCS21 of the Bristol Development Framework Core Strategy (the Core Strategy), and Policies DM26, DM27 and DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies (the Local Plan). Taken together, amongst other matters these policies require proposals to contribute towards local character and distinctiveness by responding appropriately to the shape, form and proportion of existing buildings, reflecting locally characteristic architectural styles and features, and reflecting the predominant materials in the area.
6. The proposal would also accord with the Council's Supplementary Planning Document, A Guide for Designing House Alterations and Extensions. This document similarly seeks development which respects the character of the locality, and seeks dormers which are appropriate in scale, proportion and materials.

Living conditions

7. Hill Avenue is a residential street comprising mainly short terraces of properties on one side of the road. No 21 is within one of these terraces, sharing party walls with No 20 and No 22. Terraced properties in a residential area are likely to experience a level of noise from neighbouring properties carrying through party walls. The proposed floor plans indicate that the shower room would lie, in part, adjacent to the loft-room of No 22, which the neighbour identifies as a bedroom/office space. The evidence does not specifically indicate that the soil and water pipes would pass within the party wall, however, I accept that the position of the shower room may result in some noise being heard from the neighbouring property.
8. Nevertheless, given the continued residential nature of the proposed development, I do not find that, when in normal use, the proposal would result in an unacceptable level of additional noise in a residential area of this type. Moreover, additional materials would need to be added to the walls and floors for heat insulation and decoration to create habitable spaces, which would act to reduce noise levels. The works generally also would be subject to the requirements of Part E of the Building Regulations in terms of the passage of sound.
9. As such, the proposal would not result in undue harm to the living conditions of neighbouring occupiers at No 22, with particular regard to noise. The proposal would therefore accord with policies BCS21 of the Core Strategy, and DM30 of

the Local Plan. Taken together, amongst other matters, these policies seek to safeguard the amenity of existing and neighbouring occupiers.

Other Matters

10. I note the third-party comment raising other concerns regarding additional party wall issues. However, these are not planning matters that are within the scope of this appeal.

Conditions

11. I have considered the Council's suggested conditions in accordance with Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans in the interests of certainty. I have also attached a condition requiring the use of matching materials and appearance except where detailed on the approved plans, in the interests of character and appearance.

Conclusion

12. For the reasons given above the appeal should be allowed.

K Jones

INSPECTOR