



Appeal Decision

Site visit made on 25 April 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/Z0116/W/23/3331589

8 St Brelades Grove, St Annes, Bristol, BS4 4QJ

- 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 Agata Linton against Bristol City Council.
 - The application Ref. 23/01043/H was dated 13 March 2023.
 - The application is for a first floor rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged a revised version of the National Planning Policy Framework (Framework) was published in December 2023. However, the relevant design and amenity policies of the Framework remain unchanged, albeit some of the paragraph numbering is different.
3. The Appellants Grounds of Appeal (GOA) raise a number of concerns in relation to the inability to engage with the Council during the application process and the delays in the Council allocating a Case Officer. These are not matters that I can comment on within the context of an appeal that has been lodged under section 78 of the Town and Country Planning Act 1990. If the Appellant wishes to pursue these concerns further, the only suggestion I can make is that they take these up directly with the Council through the normal complaints process.

Main Issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal site comprises a two storey semi detached property located on the northern side of St Brelades Grove. The road forms essentially a cul-de-sac of similar properties. The property to the east, 9 St Brelades Grove (No.9) forms the other half of the semi with the host. The property to the west, 7 St Brelades Grove (No.7) is separated from the host property by a shared driveway through which there are glimpsed views of the side façade to the host and its single storey rear extension.

6. At the rear of the host is an existing single storey extension that extends the full width of the property. The appeal proposal would involve the construction of a first floor extension to match the width and depth of this ground floor extension. The new extension would include a single dual pitched roof whose ridge would align with that of the main roof to the host. The new roof would be constructed from tiles to match existing and the extensions elevations faced in timber effect horizontal cladding.
7. I understand that planning permission was granted by the Council in June 2018 for a first floor rear extension under ref. 18/01788/H (2018 Permission). An extract from this approval is reproduced in the Council's Statement of Case (SOC) showing a single dual pitched roof extension, with a ridge height lower than that of the host, stepped back from the common boundary with No.9. It appears that when first submitted that application sought permission for a first floor extension that spanned the full width of the host property, with two separate dual pitched roofs. Following concerns raised by the Council in terms of scale and residential amenity, revised plans were submitted setting back the extension from the boundary with No.9 by some 1.65 metres and incorporating a single dual-pitched roof. The 2018 Permission has now expired.
8. Within this context, the proposed extension would, in my view, represent an overly dominant addition to the rear of the host property. For a first floor extension to successfully integrate with its host and surroundings it should be subservient and in this case, the proposal, due to its full width, height and dual pitched roof that aligns with the ridge of the host, would not be subservient or proportional. As to the concerns raised by the Council in relation to the use of timber cladding, I am satisfied that this aspect of the design and the use of this type of material would be appropriate and would add interest and contrast well, subject to the colour of cladding, with the buff colour brickwork to the host.
9. Whilst the 2018 Planning Permission is not matter that is before me, based on the plans I have seen of this scheme, it involved a generous sized extension that, in my view, was more successful in appearing subservient and integrating with the design of the host.
10. The Council have referred to policy BCS21 of the Bristol Core Strategy (June 2011) (BCS) and policies DM26, DM27 and DM30 of the Bristol Site Allocations & Development Management Plan (July 2014) (BDMP). These seek, amongst other matters, to ensure that new development: contributes positively to an areas character and identity, reinforcing local distinctiveness; respects or builds on local patterns and grains of development as well as scale and character; makes efficient use of land with the layout, form and pattern of buildings contributing to the creation of quality urban design; for extensions, that they respect the siting, scale, form, proportions and overall design and character of the host property and its surrounds.
11. A similar approach is set out in A Guide for Designing House Alterations & Extensions Supplementary Planning Document (October 2005) (SPD Guide). Part 5.5 deals with 'Extensions' and states that overly large extensions can affect the visual quality of the area, unbalance the appearance of existing buildings, and that successful extensions are those that appear subservient to the host. All of the above policies and guidance remain broadly consistent with those in the Framework. They provide support for the findings I have reached

above and my overall finding that the proposal would not sit comfortably on the appeal site.

12. Accordingly, I find that the proposed extension would result in harm to the character and appearance of the host property and surrounding area contrary to policy BCS21 of the BCS, policies DM26, DM27 and DM30 of the BDMP, the guidance in the SPD Guide and paragraph 135 of the Framework.

Living conditions – neighbours

13. Policy BCS21 of the BCS seeks, amongst other matters, to safeguard the amenity of existing development and create a high quality environment for future occupiers. A similar approach is set out in policy DM30 of the BDMP, as well as in the SPD Guide, which require new development to safeguard the amenity of the host and neighbouring occupiers. All of these policies are broadly consistent with paragraph 135 f) of the Framework.
14. The proposal would extend right up to the common boundary with No.9 at first floor level and would have a depth of some 3.3 metres, similar to the existing ground floor extension. The height of the new extension would extend up to the eaves of the host property for the full width of 3.3 metres, leading to the single dual pitched roof. As a consequence, the proposal would be highly visible from the rear windows and private amenity space to No.9. From these viewpoints, the combined height, massing and scale of the proposed extension, sited on the common boundary, would be visually dominant resulting in an overbearing impact on the living conditions of the occupiers of No.9. It would result in an unneighbourly form of development that would harm the outlook of the occupiers of No.9.
15. The parties appear to disagree as to whether the proposal complies or not with the 45° test (in plan and elevation) set out in the SPD Guide and also what the windows of No.9, impacted on, currently serve. Neither party has provided a plan or diagram to support their position and I am unable, therefore, to reach a firm finding on this issue, albeit I noted on site that No.9 appeared to have, as you move away from the host, a bathroom, landing and bedroom window on the first floor. Even so, this does not affect the findings I have reached.
16. For the reasons set out above, the proposed building relationship between the new extension and No.9 would remain, in my view, harmful to the latter's living conditions. Moreover, whilst I understand that there have been no objections from the occupiers of No.9 that does not negate the need to have regard to the impact of the proposal on both existing and future occupiers living conditions.
17. Accordingly, I find that the proposed development would result in harm to the living conditions of existing and future occupiers contrary to policy BCS21 of the BCS, policy DM30 of the BDMP, the general guidance within the SPD Guide and paragraph 135 f) of the Framework.

Conclusions

18. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR