



Appeal Decision

Site visit made on 29 May 2024

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal Ref: APP/Z0116/W/23/3335823

49 Exeter Road, Bristol, BS3 1LY

- 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 Philip David Sheppard against Bristol City Council.
 - The application Ref is 23/02016/H.
 - The development proposed is first floor extension and loft conversion at rear of 49 Exeter Road Bristol.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension and loft conversion at rear of 49 Exeter Road Bristol in accordance with the terms of the application, Ref 23/02016/H, dated 20 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, 33/01 Existing plans and elevation, 33/02 Proposed plans and elevation, 33/03 Existing section, 33/04 Proposed section.
 - 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 proposed first floor side window, shown to serve a bathroom, shall be glazed with obscure glass and any parts of the window which can be opened shall be more than 1.7 metres above the floor of the room. This window shall be permanently maintained thereafter with the restricted opening and obscure glazed.

Preliminary Matter

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have recommended that the application for planning permission be approved subject to conditions. The Council's sets out that the main considerations in determining the proposal would be the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of neighbouring occupiers. I have had regard to the Council's statement in framing the main issues.

Main Issues

3. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

4. The property is a terraced house on the north side of Exeter Road. The garden at the rear of the property backs onto the garden at the rear of a property on Gathorne Road. The area is broadly characterised by long, close-knit terraces of similar properties with back gardens which back onto one another.
5. The proposal includes a first-floor extension above the existing ground-floor kitchen/utility room, a rear dormer and the removal of the side door and wooden porchway/steps facing number 51, and replacement of the rear kitchen/utility room windows with French doors and stepped access to the garden.

Character and appearance

6. In my view, the proposed ground floor alterations would result in a cleaner and less cluttered appearance which would have a positive impact on the overall property. I also noted that other properties nearby had incorporated rear French doors leading to their garden areas which would appear similar to that which is proposed in this instance.
7. At first floor level a small extension is proposed which would be broadly similar to an existing first floor extension at the neighbouring property, 47 Exeter Road. Other similar extensions are also visible from the rear garden area of No 49. The proposed first floor extension would be set-in from the side of the host property and set down from the eaves. The proposed and existing brickwork to the rear of the property would be rendered white thus ensuring the rear of the property would appear cohesive.
8. The proposed rear dormer window would be set down from the ridge and marginally back from the eaves of the host property. The dormer would be finished using hung tile to match the existing roof of the property. As such, the proposed dormer would represent a considerate addition to the property which would be well proportioned and would not appear dominant or visually jarring in any respect.
9. Furthermore, the proposed Velux roof window and dormer would be seen in a context where a number of other similar windows are present. The proposal would sit comfortably within its surroundings and would integrate well with neighbouring properties.
10. For these reasons, the proposed alterations would appear as sympathetic and appropriate additions which would assimilate well with the host property itself and the wider area. I therefore consider that the proposal would not cause harm to the character and appearance of the area.

11. The proposal would, therefore, comply with Policy BCS21 of the Bristol Development Framework Core Strategy, June 2011 (CS) which seeks to ensure that development delivers high quality urban design by, amongst other things, contributing positively to an area's character or identity, creating or reinforcing local distinctiveness.
12. The proposed development would also accord with Policies DM26 and DM30 of the Bristol Site Allocations and Development Management Policies Local Plan, July 2014 (LP). These policies reinforce the requirements of Policy BCS21 by, amongst other things, stating that development should respect the local pattern and grain of development, respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings and, where alterations to existing buildings are concerned, development should respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene.
13. The proposal would also meet the aims of the guidance set out within Supplementary Planning Document 2: A Guide for Designing House Alterations and Extensions (SPD) which states that successful extensions should be subservient to the original house, should reflect the character of the property and the wider area and sets out that roof alterations and extensions should reflect the existing form and be subservient to the main roof.

Living conditions

14. The proposed first-floor extension would be designed to echo that found at the attached neighbouring property in both design scale and would not exceed the existing established building line. The proposed extension would be of a modest scale and the use of a flat roof would further limit its apparent bulk.
15. Consequently, the proposal would not have any notably detrimental effect on the living conditions of the occupiers of either neighbouring property in terms of the effect on light. Neither would the proposal appear overbearing or dominant.
16. The proposal would introduce one additional window opening at first floor level which would face the property at No 51 Exeter Road at reasonably close proximity. However, an existing ground floor kitchen window facing this elevation of No 51 is already present. The area of the neighbouring garden which would be overlooked is narrow but opens into a larger main rear garden area which would not be affected.
17. Furthermore, the proposed window would serve a bathroom, as such, any overlooking would be likely to be minimal and for short periods of time. Moreover, the proposed window would be obscure glazed and non-opening below a height of 1.7m above ground level. These restrictions could be secured by a suitably worded planning condition. As such, any effect on the privacy of the occupiers of No 51 would be negligible.
18. Overall, the position and design of the proposal is such that there would be no notable increase in overlooking or unduly detrimental impact upon the privacy currently enjoyed by neighbouring residents.
19. The proposal is therefore not expected to have a harmful effect impact upon the living conditions of the occupiers of neighbouring properties. As such, the proposal would accord with Policy DM30 of the LP and Policy BCS21 of the CS.

These policies, amongst other things, state that proposals should safeguard the amenity of existing developments.

20. The proposed development would also meet the aims of the SPD which states that extensions should not cause any unreasonable loss of light or overshadowing to any existing habitable rooms of neighbouring properties, or to gardens, in particular to the area immediately to the rear of the house.

Conditions

21. The National Planning Policy Framework (NPPF) makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
22. In the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions proposed by the Council. Alongside the standard time limit condition, I have imposed a condition specifying the relevant plans as this provides certainty.
23. The Council have suggested a condition requiring the first-floor bathroom window to be obscure glazed and fixed shut. However, the appellant has raised some concerns around this condition's requirement for the window to be fixed shut which would prohibit the effective ventilation of the room. The proposed window would serve a bathroom and as such any overlooking would be likely to be short-term and not excessive.
24. Furthermore, this aspect of the condition exceeds the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which states that new windows in side elevations must be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
25. As such, in my view, requiring this window to be entirely fixed shut would fail to meet the tests of reasonableness and necessity as set out by the NPPF. In order to balance the need to protect the privacy of neighbouring residents with the requirements of the appellant and the tests set out within the NPPF I have imposed a condition requiring the window to be obscure glazed but which reflects the GPDO in requiring only the part of the window which is less than 1.7m above ground level to be fixed shut.

Conclusion

26. For the reasons given above and considering all other matters raised I conclude that the appeal is allowed and planning permission is granted.

L J O'Brien

INSPECTOR