



Appeal Decision

Site visit made on 28 May 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/Z0116/W/23/3336087

27c and 27d Bridgwater Road, Bedminster Down, Bristol, BS13 7AQ

- 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 Mr Keen against Bristol City Council.
 - The application Ref. 23/02301/F was dated 12 June 2023.
 - The development proposed is two storey side extension to existing two storey block consisting of 2 flats to provide additional bedroom and living accommodation to each flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal against non-determination was lodged the Council has provided reasons for which they would have refused permission, had they retained the jurisdiction to do so. These reasons were set out within a Delegated Report & Decision, dated 1 May 2024 (DR&D). The Appellant has responded to the DR&D in their final comments and they would not, therefore, be prejudiced by my taking this into account.

Main Issues

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

Reasons

Character and appearance

4. The appeal site is located on the south eastern side of Bridgwater Road. It comprises a two storey detached property split into two flats with a narrow portion of open land that extends north east from the main property. The DR&D refers to this land as garden and storage to serve the host property, albeit, as I observed on my site visit, it is largely taken up by a ship container. To the west of the appeal site and on the opposite side of Bridgwater Road is parkland. To the south, east and north east of the appeal site, the area is predominantly residential with a mixture of detached, semi-detached and terraced properties that vary in terms of their style, age, form (including roof

- form), layout and materials. There is, therefore, no uniform character to the surrounding area.
5. The appeal site has an extensive planning history, with the current block of flats built pursuant to a permission granted in November 2007. Since then, a proposal to construct a one bedroom detached house on the open portion of land was refused planning permission by the Council in March 2018.
 6. The appeal proposal involves the construction, on the open portion of land, of a two storey side extension with hipped roof to provide an additional bedroom and living accommodation for each of the existing one bedroom flats. The new extension would be set back from the existing wall to the host that faces onto Bridgwater Road. The proposed eaves height would match that on the existing main roof to the host, with its ridge line marginally lower than existing.
 7. The Council object to the overall scale and massing of the new extension which they contend would not be subservient and results in the overdevelopment of the appeal site.
 8. Whilst the proposal would use a palette of materials to match existing, the scale, massing and footprint of the new extension would, in my judgement, be excessive. That impact would be accentuated by the fact that the proposal would be sited on a very narrow plot of land with the back wall of the extension sited hard up against the retaining wall to the rear garden of 38 Lulsgate Road (No.38). The proposed front wall would be sited hard up against the boundary of the site with Bridgwater Road. No details are shown on the submitted plans of any proposed boundary treatment in this location or whether the intention is to retain the existing high brick boundary wall. In either case, the result would be a cramped development with no space in and around the new extension to allow for light into parts of the new accommodation or to provide for any relief or any meaningful landscaping.
 9. A small parcel of open land is shown as being retained in the north eastern corner of the appeal site, served by the existing gates to Bridgwater Road. However, it's unclear what this would be used for or whether the occupants of the development would have access to it. Moreover, this parcel of land is constrained by the presence of the high retaining wall to the garden of No.38 and the brick wall to the appeal site (assuming the latter would be retained). For all the above reasons, I concur with the Council's findings that the proposal would result in an overdevelopment of the site.
 10. Whilst I acknowledge that the proposed ridge of the new extension would be lower than that of the host, the difference is marginal. I also accept that the new extension would be set back from the existing wall of the host property that faces onto Bridgwater Road. However, the proposed eaves height would match existing and the width of the new extension would be greater than the width of the host property. Consequently, the proposal would be highly visible within the streetscene, from where it would appear out of keeping and overly dominant.
 11. The visual impact of the proposed extension would be further accentuated by its irregular footprint and roof form. Notwithstanding the varied built character of the area, these factors, combined with the siting of the extension so close to the back edge of the pavement enclosing most of the boundary of the site to

the road with built development, would result in a harmful terracing effect and an extension that would not be subservient or proportional to the host.

12. The Council have referred to policy BCS21 of the Bristol Core Strategy (June 2011) (BCS) and policies DM26, DM27, DM29 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 grains of development as well as scale and character; retains or reinstates distinctive architectural features and fabric; for extensions that they respect the siting, scale, form, proportions, design and character of the host property and its surrounds; and again for extensions that they are physically and visually subservient to the host including its roof form.
13. The Council have also referred to 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 streetscene and unbalance existing buildings. It continues by stating that the success of side extensions will generally be determined by its relationship to the style, character and appearance of the host property. For detached properties, whilst it states that there is greater flexibility and its less important for the extension to be subservient, this will be dependent on the particular property and the character of the area. It is also notable that the example provided of a two storey side extension shows an extension reflecting the scale and character of the original property. For the reasons set out above, the scale, massing and footprint of the new extension would be excessive and would not be subservient to the host property.
14. The above policies and guidance remain broadly consistent with those in the National Planning Policy Framework (December 2023) (Framework). They provide support for my findings that the scale, massing, siting and footprint of the proposed extension would be harmful to the character and appearance of the host property and streetscene. Overall, the proposal would not represent a sympathetic extension to the host and would not sit comfortably on the appeal site.
15. Reference has been made to the benefit that would arise from enabling the existing 1 bed flats to be extended to 2 bed flats with additional living space. However, there is no substantive evidence before me to support that statement and neither is there any indication that the existing accommodation is in any way substandard or fails to meet a specific need. There is also a suggestion that the additional accommodation would assist in the letting of the units, but again there is no evidence before me to support that statement or that points to any difficulties in letting the existing units. Even if this evidence existed, I am not convinced that it would be sufficient to outweigh the significant harm that I have identified.
16. The Appellant has also referred to the benefit of removing the existing ship container. However, the removal of that container is I assume a matter that is completely within the Appellants control. As I also mentioned earlier, it is not clear to me why this container is located on the appeal site or whether it takes up land that was intended to provide amenity or storage space to serve the two existing flats.

17. Accordingly, I find that the proposed side extension would represent a poor design that would result in significant harm to the character and appearance of the host property and an overdevelopment of the appeal site contrary to policy BCS21 of the BCS, policies DM26, DM27, DM29 and DM30 of the BDMP, the guidance within the SPD Guide and paragraphs 134, 135 and 139 of the Framework.

Living conditions – neighbours

18. Policy BCS21 of the BCS seeks to safeguard the amenity of existing development (occupiers) 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, again consistent with the relevant policies of the Framework.
19. As I observed on site, the proposed extension would be sited against a high retaining wall beyond which is the rear garden of No.38. On top of this wall is a timber slatted fence. Even with this difference in site levels and the presence of the timber fence, the upper part of the existing host property with its hipped roof extends well above the height of the fence and is visually prominent from the rear garden and private terrace to No.38.
20. Whilst the ridge of the proposed extension would be marginally lower than that on the host, its eaves would match existing. In view of this, the upper part of the proposed extension with its hipped roof would still extend high above the fence to No.38. As the proposed width of the extension would be greater than that of the host, the upper part of the extension would be highly visible along a large stretch of the remaining garden boundary to No.38. When viewed from the rear garden of No.38 it is clear that the resulting impact of the proposal on the living conditions of No.38 would be significant. The new extension would be overbearing and visually dominant and would lead to an increased sense of enclosure that already exists from the presence of the host building.
21. I also note that the submitted plans show a high level window on the proposed rear elevation facing the garden of No.38, albeit this is shown on elevation but not on plan. Even so, if I were minded to allow the appeal, I am satisfied that this window could be conditioned to be obscure glazed and non-openable above eye level. The Appellant has also referred to the distance that would separate the rear of No.38 from the proposed extension. However, as I observed, the private terrace and main rear garden to No.38 is to the north of that property from where the proposal would be highly visible and overbearing.
22. Accordingly, I find that the proposed development would result in significant harm to the living conditions of neighbouring occupier's contrary to policy BCS21 of the BCS, policy DM30 of the BDMP, the SPD Guide and paragraph 135 f) of the Framework.

Conclusions

23. 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