



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/24/3339308

27 Tugela Road, Bedminster Down, Bristol, BS13 7BX

- 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 Popel against Bristol City Council.
 - The application Ref. 23/04500/H was dated 21 November 2023.
 - The development proposed is 2 storey side extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal against non-determination was lodged the Council has provided a reason for which they would have refused planning permission, had they retained jurisdiction to do so. This reason is set out within a Delegated Report & Decision, dated 2 May 2024 (DR&D). The Appellant has had the opportunity to respond to this as part of any final comments and therefore they would not be prejudiced by my taking this into account.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal site is located on the eastern side of Tugela Road close to its junction with King's Head Lane. It comprises a two storey semi-detached property that appears to have been built in the 1930's. The other half of the pair of semis is 29 Tugela Road (No.29). Both properties are symmetrical with a double storey bay window with hipped roof on either side of the pair and a cat slide roof, with small flat roofed dormers, towards the centre. A single storey garage is located on the northern side of the host property. There is also a single storey extension with mono pitch roof to the southern side of No.29. The surrounding area comprises similar pairs of two storey semi-detached properties that vary in terms of their style, design, materials and roof forms. A number of these properties have been extended, albeit the extent of change that has occurred is modest.
5. The appeal proposal involves the construction of a two storey side extension to the host property, which would have a similar cat slide roof to existing with, on

the front elevation, two rooflights and a full height window and door at ground floor level. The proposed eaves and ridge line to the new extension would match that on the existing main roof. The proposed front wall to the extension would also align with the wall below the existing cat slide roof. The proposal includes the demolition of the existing garage and its replacement with a single storey rear extension.

6. The Council do not raise any objection to the impact of the proposed extension on the living conditions of neighbouring occupiers. I concur with the Council's findings in this respect. The Council do object to the form, scale and massing of the proposed side extension, which they contend is not subservient and would harm the symmetry of this pair of semis.
7. Whilst the proposal would use a pallet of materials to match existing, the proposed scale, form and massing of the new extension would, in my judgement, be excessive. That impact would be accentuated by the fact that the proposal would have the same eaves and ridge height to the existing main roof of the host property. The front wall of the new extension would also be aligned with the front wall below the existing cat slide roof. As a consequence, the proposal would not be subservient or proportional to the host property or to the other half of this pair of semis.
8. The proposed extension would be highly visible from various public vantage points, where, for the reasons outlined above, it would appear out of keeping and overly dominant. It would also reduce the prominence of the existing double storey bay to the host, which, combined with the same bay on No.29, are positive features of these semi-detached properties. Combined with the fact that its eaves and ridge height would match that existing on the host, the proposed extension would unbalance and be harmful to the high degree of symmetry that exists between the host and No.29.
9. 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; 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.
10. 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 the appearance of 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 semi-detached properties this means that side extensions should be subservient to the host to maintain the properties architectural integrity, the balance of the pair and the character of the street. This can be achieved by setting back the extension from the front wall of the house and stepping down the roof ridge height.

11. All of 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 form, scale and massing of the proposed extension would be harmful to the character and appearance of the host property, the pair of semis it forms part of and the local townscape. Overall, the proposal would result in significant harm to the built rhythm of this pair of semi-detached properties and the streetscene. It would not represent a sympathetic extension to the host and for all the above reasons it would not sit comfortably on the frontage to the appeal site.
12. Reference is made in the DR&D to a theoretical fallback option of constructing an extension under permitted development. I accept that a fallback option can be a material consideration, but in this instance I have not been provided with any plans showing a fallback option or any evidence to demonstrate that such an option would be lawful and thus permitted development. Moreover, whether an alternative scheme would be permitted development or not and thus lawful is not a matter that I can determine within the context of an appeal that has been submitted under section 78 of the Town and Country Planning Act 1990. I can only consider the proposal that is before me, which in this instance seeks planning permission for a two storey side extension, and determine that proposal on its individual merits. Consequently, the existence of a theoretical fallback option does not affect my findings on this issue.
13. Accordingly, I find that the proposed side extension would result in significant harm to the character and appearance of the host property, the pair of semis and the streetscene contrary to policy BCS21 of the BCS, policies DM26, DM27 and DM30 of the BDMP, the guidance within the SPD Guide and paragraph 135 of the Framework.

Conclusions

14. 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