



Appeal Decision

Site visit made on 10 July 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th August 2024

Appeal Ref: APP/Z0116/D/24/3344915

17 Briarwood, Bristol, BS9 3SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Neil Denham against the decision of Bristol City Council.
 - The application Reference is 23/04896/H.
 - The development proposed is the demolition of existing conservatory and erection of a single storey rear and part side extension with raised balcony to the rear. Removal of existing bay window to front elevation and replacement with new bay window.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

3. The appeal property is an extended substantial two-storey semi-detached dwelling. It is on the northern side towards the end of a pleasing spacious suburban cul de sac which slopes upwards towards its turning circle at the eastern end. Land also slopes to the north, downwards, behind the properties which typically leads to elevated rear 'ground floor' accommodation as in this case. Vegetation within plots and to side boundaries is generally well established and verdant. The proposal is as described above.

Living conditions

4. The Council is concerned with amenity impacts on the dwellings to either side of the appeal property.
 5. In terms of No 16 to the south east I would not share these concerns. The boundary screening, plot angles and ground levels are very appreciable mitigation. The planned side glazing would effectively be a (albeit larger) replacement for a window in situ. The garden stair access from the raised terrace, and the terrace itself, would be significantly distant from the side rear boundary. I do not agree that there would be potential for undue additional overlooking or loss of privacy for those living at No 16.
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6. The topography, orientation and semi-detached form make the relationship to No 18 very different from No 16, the appeal property is on higher ground. The nature of the proposal towards this side is also very different. It would involve development effectively on the boundary and from ground level and relevant windows on the neighbour's side both the planned extension's side wall and the privacy screen would be of appreciable vertical height and outward projection. Even allowing for the existing (lower level) conservatory and the fact that a glazed screen does have some transparency the effect would be one of very uncomfortable hemming-in. The sheer scale and nature of the development would be dominating and overbearing and unreasonably impinge upon the level of amenity which occupiers would reasonably expect in this good quality neighbourhood.
7. Furthermore, accepting that immediate sideways and side-down overlooking would be curtailed I do consider that there would be an increased loss of privacy through proximity and height of the terrace relative to the more distant parts of No 16's garden. Tellingly anyone in this neighbouring outside amenity area would be very well aware of people on the relatively high-level terrace close to the edge and this would cause undue unease.
8. In my opinion, from the perspective of No 18, the scheme is simply not suitably 'contained' within its own curtilage.
9. Policies BCS21 of the Bristol Core Strategy and DM30 of the Site Allocations and Development Management Policies are relevant. Taken together and amongst other matters they seek well designed development which would not impinge upon residential amenity. Given the characteristics of the proposal I conclude that it would run contrary to these policies. The aim of protecting living conditions for neighbours is also reflected in the objectives of the SPD2 'A Guide for Designing House Alterations and Extensions'. I conclude there would be conflict with this document albeit it cannot be expected to cover every eventuality.

Other matters

10. I do understand the Appellant's wish to extend this property for family accommodation and to enhance energy efficiency. With the exception of the above four paragraphs' content, I recognise and accept most of the impressive technical information and sound arguments embodied in the comprehensive appeal papers. I also note that there is disappointment in the way the application was processed and there is a willingness to amend the scheme. However, in an instance such as this I have to determine the plans which were before the Council and the consultees and I could not comment on any other proposal.
11. Mention is made of other extensions being permitted. However, I do not have planning details and in any event I would not see these as a precedent in this situation; I must determine this case on its own merits. I recognise that there would be some economic and social gains forthcoming from the scheme but given the impacts I identify I would not deem this as sustainable development. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue above.

12. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR