



Appeal Decision

Site visit made on 30 July 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/F0114/D/24/3345150

14 Woodland Grove, Claverton Down, Bath, BA2 7AT

- 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 Mrs Diana Johnson against Bath & Northeast Somerset Council.
 - The application is Ref 23/00537/FUL.
 - The development proposed is erection of first floor extension over existing single storey accommodation with ground floor entrance lobby.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of first floor extension over existing single storey accommodation with ground floor entrance lobby at 14 Woodland Grove, Claverton Down, Bath, BA2 7AT Ref: 23/00537/FUL and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2107/P/001 LOCATION PLAN, 2107/P/105 BLOCK PLAN AS PROPOSED, 2107-P-110 REV B GROUND FLOOR PLAN AS PROPOSED, 2107-P-111 REV B FIRST FLOOR PLAN AS PROPOSED, 2107-P-112 REV B ROOF PLAN AS PROPOSED, 2107-P-132 REV B SOUTH EAST ELEVATION AS PROPOSED, 2107-P-133 REV B NORTH EAST ELEVATION AS PROPOSED, 2107/P/130/B NORTH WEST ELEVATION AS PROPOSED and 2107-P-131 REV C SOUTH WEST ELEVATION AS PROPOSED;
 - 3) Notwithstanding the details shown on the approved drawings, no construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, has been submitted to and approved in writing by the Local Planning Authority.

The schedule shall include detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.) and photographs of all of the proposed materials. Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.
 - 4) The proposed second-storey windows on the north-east elevation as indicated on drawing '2107-P-133 REV B NORTHEAST ELEVATION AS

PROPOSED' shall be obscurely glazed and non-opening. Thereafter the windows shall be permanently retained as such;

5) The flat roof area of the development hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area;

6) The proposed air source heat pump hereby approved shall comply with MCS 020 Planning Standards or equivalent for air source heat pumps (ASHPs).

Main Issues

2. The main issues are the impact of the proposal upon i) the character and appearance of the surrounding area and ii) the residential amenity of neighbouring occupiers with regard to overbearing impact and loss of light.

Reasons

3. The appeal site is a two-storey detached dwelling with an attached, single storey, garage/extension which extends forward of the main house and is located at the end of Woodland Grove which is a cul-de-sac. The appeal site is acknowledged to stand within the City of Bath World Heritage Site. The proposal seeks to construct an extension over the single storey extension with a ground floor entrance lobby as shown on the submitted plans. I note, within the numerous objections which have been received, that the principle of development is challenged as to acceptability. The site is within the housing development boundary where the principle of extensions is acceptable subject to other material planning considerations.

Character and appearance of the surrounding area

4. The appeal site is located at the end of the cul-de-sac, however, due to the host dwelling being located off the turning head, I find that views are available of the existing garage over which the extension would be constructed. The proposal would add in the region of 2.5 metres to the width of the footprint of the extension extending towards the northeast boundary with the addition of a second storey. The dwellings in the street are noted to have a distinct degree of spacing between them, however I do not find that in this case the addition of a second storey to the current one storey element would be detrimental to the spacing and layout of the area as a result of scale, massing and form especially given a lack of uniformity on the eastern side of Woodland Grove that the appeal site stands at the end of. Given that the proposal is to be viewed against the backdrop of existing extensions within the vicinity and a visual gap would be retained between 16 Woodland Grove and the appeal site, I do not find that the proposal would detrimentally impact upon spacing or the character and appearance of the street scene.
5. The proposed footprint would result in an increase in area of in the region of 4.7 square metres which I do not find to be a notable increase in footprint, as a result of the proposals, when taking into account the overall plot size and size of the host dwelling which is noted to have been previously extended. Whilst the proposals would evidently add a second storey, the design of the proposal including the proposed materials and window designs would assist to break up any visual impact of the proposals. The proposal seeks to utilise more modern and contemporary materials including metal cladding on a two-storey wall. The link is proposed to be finished in standing seam metal; however, this is contained to the rear of the proposals and would not result in a detrimental

impact to the street scene. I note that the proposal would be visible from neighbouring properties to the rear, and whilst the standing seam metal would be in contrast to typical materials of the surrounding area, this element would be broken up by large windows resulting in no single elevation solely finished in standing seam metal.

6. Houses within the cul-de-sac already have timber cladding on the main elevation meaning that the second storey, being natural timber batten and board cladding, would be in keeping with materials found within the general locality with the context of the street scene. In addition, from the Committee minutes as well as the appellant's submission, I also note that the use of metal cladding has been approved for utilisation elsewhere in the locality. These factors, combined, mean that I find that the proposed materials would be appropriate within the setting and would respect the local materials palette and I do not find that the proposal would have an industrial appearance which would be incongruous in the residential setting.
7. The proposals are, of course, modern, and contemporary in design and would present as an obvious modern addition, however, I do not find that this would have such an impact upon character and appearance which would warrant refusal. The design, scale, massing, and materials I find to be acceptable within the local context taking into account the character and appearance of the surrounding area. The proposals would result in a large addition however, the combination of step backs of the overall form and shape would result in the proposal being subservient and clearly reading an extension to the host dwelling. Overall, based upon the evidence and plans before me, and my findings at the time of my site visit, I do not find that the proposal would result in overdevelopment of the host dwelling, or site in general, with the proposal reading as a contemporary addition but one which I feel would add architectural interest to the locality.
8. I note the Committee minutes (March) where concern was raised in relation to design and materials, however, I do not find that the minutes before me provide any evidence of reasoned assessment by the committee to justify or support refusal of the proposals following officer recommendation for approval. The Committee is, of course, entirely entitled to come to their own decision and opinion but based on the evidence before me I find that the proposal would be consistent with the relevant Local Plan policies for the reasons outlined.
9. The proposal would be consistent with Core Strategy and Placemaking Plan (Volume 1) 2023 (LP) Policy CP6 which seeks to produce high quality and inclusive design of schemes, Policy D1 which seeks to enrich character and qualities of a place and Policy D2 which supports proposals where they contribute positively to and do not harm local character and distinctiveness. The proposal would also be consistent with LP Policy D3 which seeks to ensure that proposals contribute positively to the urban fabric and Policy D5 which supports that extensions must complement and enhance the host building, and that good, modern innovative design is supported.
10. The proposal would also be consistent with paragraph 135 of the National Planning Policy Framework 2023 (the Framework) which seeks to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character and history whilst not preventing or discouraging appropriate

innovation or change. The first refusal reason also refers to Policy D4, however, a copy of this policy has not been provided with the application/appeal documents that are before me, so I have been unable to consider the proposal in the context of this policy for this reason.

Residential amenity of neighbouring occupiers

11. I note that objections have been raised with regard to windows, and overlooking of neighbouring residential dwellings, however, I can see that the Council have already assessed the proposal in terms of residential amenity due to windows looking towards some of the houses to the rear. The closest windows facing this direction are in the region of 17 metres away and whilst this is acknowledged to result in some increased intervisibility I find that this separation distance is still acceptable taking into account the existing relationship between the appeal site and surrounding residential dwellings. The proposed windows from the rear garden boundaries vary in distance between in the region of 6.5 metres and 9.2 metres, however, despite this given the existing relationship and intervisibility between rear facades and gardens, the proposals would not result in unacceptable loss of privacy which would warrant refusal in a residential setting such as this.
12. On the northeast elevation, where the elevations of the extensions would be closest to neighbouring gardens and dwellings, obscure and non-opening glazing is proposed within the submitted plans which can be secured by condition. Other windows would generally overlook neighbouring driveways or face towards nearest windows which are already obscurely glazed which would again support that it is unlikely that the proposal would result in the significant loss of privacy for neighbouring occupiers. I note, however, that the Council's refusal reason (as a result of Planning Committee) does not raise loss of privacy as a refusal reason with the second refusal reason instead being focussed upon loss of light and overbearing impact.
13. In relation to loss of light, and overbearing impact, the properties most likely to be impacted by this are the houses which stand to the north of the appeal site as the proposal would stand closest to their gardens as well as lying to the south of the properties in question. The linked section of the proposal would be in the region of 2.45 metres from the north boundary at its closest point. The link in question would have a depth of in the region of 4.2 metres from the main dwelling and the main extension would have a depth of in the region of 6.9 metres, however, this is set in the region of 2.4 metres behind the link when viewed from the northeast.
14. The maximum height of the proposal (main extension), due to the sloping ground towards the northwest, would be in the region 6.27 metres where the ground is at the lowest point and 5.6 metres where the ground is at its highest point. The maximum height of the link would be in the region of 5.9 metres (5.6 metres where the ground is highest). Taking these factors into account and combined with the fact that the nearest distance to neighbouring elevations to the rear would be in the region of 14.1 metres (which is the corner of the main two storey section), there would likely be some increased overbearing impact, loss of light and overshadowing to neighbouring gardens to the rear due to the addition of a second storey.
15. The closest points of the development are noted to be close to the boundary of the appeal site, however, this would relate to the corners of the proposal with

the elevations themselves then being angled away from the boundaries increasing the sense of space around the proposal. I do not, therefore, find that the proposal would result in overbearing impact or loss of light to neighbouring gardens to the rear of the proposal to a level which would warrant refusal on this occasion. I find that the proposed extension, by virtue of its massing, height and proximity to neighbouring gardens would not result in unacceptable overbearing impact or oppressive feel and that there is no evidence to suggest that the proposal would result in a loss of light to an unacceptable level. LP Policy D6 is clear it is objective to avoid significant harm to amenity.

16. Overall, based upon the evidence before me, I find that the proposal would not result in significant harm to the amenities of neighbouring dwellings and the proposal would therefore be consistent with LP Policy D6 which requires that development provide for appropriate levels of amenity and thus allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light and not cause significant harm to the amenities of existing or proposed occupiers by reason of overlooking. The proposal would also be consistent with paragraph 135 f) of the Framework which requires developments to create places with a high standard of amenity for existing and future users.

Other Matters

17. There are a large number of objections to the proposals. I have dealt with matters relating to character and appearance and residential amenity, above, in the context of the two main issues which stem from the two refusal reasons outlined within the Council's Decision Notice. I note comments have been made that other previous nearby proposals have been refused or withdrawn due to overdevelopment, bulk, and massing; however, I have no evidence before me to support this or give reasons or context to the statement made.
18. I do not find that the proposal creates a second house within the plot, and I must consider it as it is applied for. The planning condition, seeking to prevent the separation of the dwelling into two dwellings, is not reasonable and in the event the site was to be subdivided this would be subject planning control with any applications considered on their own merits at that point in time. The requirement for additional heating, as a result of an addition of an extra floor, is not a planning matter and similarly reference to other applications having been refused (and some upheld by the Planning Inspectorate) are not evidenced before me within this appeal. The visualisation drawing is noted to not match the elevation drawings, nor it is to scale, however it is a visualisation, and I have based my decision upon the scaled plans submitted and upon which the Council also made their decision.
19. The proposed garden boundary wall would be approximately 2.3 metres in height and, although more substantial than the current boundary treatments, it would set back from the front boundary of the property and would not dominate the street scene. I note concern as to the incorporation of solar panels to the flat roof and possible additional height they may add. Solar panels are noted to be indicated on a roof plan; however, they are not specifically included as part of the application which is before me and therefore cannot reasonably form part of the assessment. Despite this, as acknowledged by the Council, a roof parapet does form part of the proposal in question.

20. Objection/concern has been raised over potential noise generation as a result of a proposed air source heat pump which would be positioned no less than 3.3 metres away from the neighbouring boundary. Such equipment can generally be installed on domestic premises under permitted development rights as acknowledged by the Council, which allow installation up to within 1 metre of adjacent boundaries subject to other conditions. I note that no details have been provided as to the appearance or size of this element, however, a compliance condition can be attached to ensure that it meets equivalent standards relating to noise levels to protect neighbouring amenity.

Conditions

21. The Council has suggested conditions, in the event this appeal is allowed, which I have considered and applied, as necessary. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted. A condition relating to approval of material details is required to ensure a satisfactory finish for the development.
22. A condition requiring obscure glazing/non-opening in the second storey, northeast elevation, windows is required to safeguard the amenities of adjoining occupiers from overlooking and loss of privacy and a condition restricting use of the flat roof is required to safeguard the amenities of adjoining occupiers from overlooking and loss of privacy. Finally, a condition relating to the ASHP is to ensure the ASHP installed, depending on final size, does not result in noise disturbance to local residents.

Conclusion

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR