

Appeal Decision

Site visit made on 4 September 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2024

Appeal Ref: APP/Z0116/D/24/3337307

12 Queens Drive, Bishopston, Bristol City, Bristol BS7 8JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by A Gordon against the decision of Bristol City Council.
 - The application Ref is 23/03707/HX.
 - The development proposed is a single storey flat roof extension as kitchen/family room.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. In circumstances where any owner or occupier of any adjoining premises objects to the proposed development Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises, taking account of any representations received.

Main Issue

5. It is not in dispute that the development would meet the requirements of Article 3, Schedule 2, Part 1, Class A of the GPDO. Therefore, the main issue is the impact of the proposed development on the living conditions of the

occupiers of 10 Queens Drive (No. 10) and 14 Queens Drive (No.14) with regard to daylight, sunlight and outlook.

Reasons

6. The appeal property comprises a semi-detached dwelling in a street which is generally characterised by detached and semi-detached dwellings of a similar scale and appearance.
7. The proposed extension would project approximately 6m from the main rear elevation of the dwelling. It would be positioned close to the boundary with the attached property, No.10. The rear elevation of No.10 contains a ground floor window which is close to the boundary, to the southwest of the proposed extension.
8. The appellant acknowledges that the proposal would breach a 45° line (on plan and elevation) projected from the centre of the window. This is described in A Guide for Designing House Alterations and Extensions Supplementary Planning Document (October 2005) (SPD) as a rule-of-thumb which seeks to maintain a reasonable relationship between existing buildings and extensions, avoid an overbearing visual impact, and prevent excessive daylight loss or overshadowing of habitable rooms of neighbouring properties.
9. Whilst I accept that there may be circumstances where extensions which breach this rule-of-thumb may be acceptable, I have based my assessment on the scheme before me and my observations.
10. Although the height of the proposed extension would be relatively modest, it would be noticeably higher than the existing fence. Because of its proximity to the adjacent ground floor window at No.10 combined with its considerable length, the proposal would result in a structure which would have a significant effect on the daylight entering this window.
11. In addition, because of the position of the existing window to the southwest of the proposed extension and bearing in mind the path of the sun across the sky, the proposal would result in the loss of sunlight to this window. It would cast a shadow during the morning which would affect the nearest window and also the parts of the garden adjacent to the extension.
12. The modest height of the extension somewhat limits the effect on outlook, however because of the length of the extension and the proximity to the boundary, it would be highly visible from the ground floor rear windows of No.10 and the garden. Consequently, the proposal would have a moderately overbearing effect on the occupiers of No.10, even if the existing outbuilding were to be demolished.
13. No.14 is located to the northeast of the appeal site. It has a ground floor window on the rear elevation near to the boundary with the appeal site. There is a small gap between the side elevations of Nos. 12 and 14 and the proposed extension would be located a moderate distance from the boundary. Although the length of the extension would be considerable, it would be modest in height and its position away from the boundary, means that it would not result in a significant loss of light to the rear facing windows of this property.

14. The extension would be to the southwest of No.14 and as such, would cast a shadow towards this property later in the day. However, because of the modest height of the extension and the distance from the boundary the effect of the harm arising from overshadowing would not be significant. Furthermore, whilst it is likely that the proposed extension would be visible from the rear facing windows and garden of No.14, because of its relatively low height and position, away from the boundary, the effect of this would not be overbearing.
15. Consequently, whilst I have found that the proposal would not result in significant harm to the living conditions of the occupiers of No.14, I find that the proposed development would have a harmful effect on the living conditions of the occupiers of No. 10 with regard to daylight, sunlight and outlook.
16. Although not included in the reason for refusal, the officer report refers to Policies BCS21 of the Core Strategy (Adopted June 2011), DM30 of the Site Allocations and Development Management Policies (Adopted July 2014) and the SPD. I have had regard to these only in so far as they are material to the main issue. The proposal would conflict with these policies and guidance, which amongst other things seek to safeguard the amenity of neighbouring occupiers of existing development.

Other Matters

17. I recognise that the proposed extension would allow the appellant to rationalise the ground floor layout and provide additional living space for a family, however the harm that I have identified is not outweighed by the desire for additional space.
18. I acknowledge that planning permission has previously been granted for a single storey rear extension at the appeal site. Although the roof of the previously approved extension would have been larger, the depth would have been significantly shorter. Therefore, the proposal before me is materially different.
19. I note the comments in respect of the effect of the proposal on the character and appearance of the host dwelling and the area and the previous extensions which have been constructed. However, my consideration is confined to the impact of the development on the amenity of any adjoining premises.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

E Pickernell

INSPECTOR