



Appeal Decision

Site visit made on 13 November 2024

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/Z0116/D/24/3353625
22 Elmcroft Crescent, Bristol, BS7 9NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bart Kardys against the decision of Bristol City Council.
 - The application Ref is 24/00461/H.
 - The development proposed is Erection of single storey rear extension. (resubmission of 22/03201/H).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

3. The appeal site relates to a dwelling in a terrace of four houses located on a hill at the turning head at the end of a crescent shaped road. Due to the sloping nature of the road, the terrace is stepped with the neighbouring house, No 21, set slightly lower than the appeal property and on the other side, No 23, is slightly higher. The land drops away from the road frontage. Consequently, houses appear as 2-storey fronting on to the road, and 4-storey at the rear where they back on to an access road. Rear gardens step down in a series of terraces with retaining walls.
4. The proposed development would extend the lower ground floor at the rear. Its flat roof would be used as a terrace which would wrap around an existing upper ground floor extension and mitigate for the loss of garden space resulting from the extension and a proposed rear parking space. The Inspector in a previous appeal¹ concluded that the terrace would lead to unacceptable levels of overlooking into both neighbours' rear living space and garden areas and that mitigation, in the form of privacy screens, would be visually dominant and overbearing. To overcome the previous Inspector's concerns, the proposed development would have lower privacy screens set in 0.6m from the neighbours' boundaries.

¹ APP/Z0116/D/23/3314295

5. No 21 has a rear decking area which sits slightly below the proposed terrace and is to some extent already overlooked by the appeal property's rear windows and terraced garden. However, because No 21 is an end of terrace property, and angled away from the neighbouring terrace of houses, there is sufficiently open views from the rear house and garden that the proposed screening would not be so visually intrusive and overbearing that it would cause unacceptable harm to the occupiers' living conditions. Also, as noted by the appellant, it would reduce the degree of overlooking that currently exists from the appeal property onto No 21's decked area.
6. The Council raised concerns that the proposed development would increase the potential for overlooking into houses to the rear of the appeal site. I noted during my visit that there were direct unobstructed views across to the rear windows of 28 Elmcroft Crescent. However, whilst the proposed terrace would extend back from the existing patio at the back of the appeal property, it would not extend much further than the neighbouring decking at No 21, and the potential for overlooking would not therefore be significantly greater than already exists, and not sufficient to warrant withholding planning permission.
7. Although No 23 is slightly higher than the appeal property, its main amenity area comprises a rear upper garden terrace which is significantly lower than the proposed roof terrace at the appeal site. There is an existing wooden fence above the boundary retaining wall along the side of the garden terrace which already forms a high boundary feature. Even though the proposed 1.6m screen would be set back from the side wall of the proposed extension, in combination with the existing high boundary it would visually dominate the side of No 23's main amenity area. Although it would reduce the potential for overlooking, it would appear overbearing and oppressive and would not overcome the previous Inspector's concern over the effect on the occupiers of No 23 in this regard.
8. I therefore conclude that the proposed development would conflict with Policy BCS21 of the Bristol Development Core Strategy (2011), Policy DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014), Supplementary Planning Document 2 - A Guide for Designing House Alterations and Extensions (2005) and the National Planning Policy Framework (2023) which seek to safeguard the amenity of existing development and neighbouring occupiers.

Other Matters

9. I note the appellant's concerns over the Council's assessment of the application and a lack of dialogue during the application process. However, procedural issues such as these must remain a matter between the main parties.
10. I acknowledge that the proposed development would improve the appellant's living accommodation and the appearance of the appeal site. However, such benefits do not outweigh the harm that I have identified.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR