



Appeal Decision

Site visit made on 9 December 2024

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/D0121/D/24/3347855

58 Hillside Road, Portishead, North Somerset, BS20 8JR

- 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 John Cook of Cook & Burr Ltd against the decision of North Somerset Council.
 - The application Ref is 23/P/2015/FUH.
 - The development proposed is Proposed renovation and remodelling of existing dwelling, including creation of a second storey and gabled roof at the East/West elevations with 1no. dormer at the East elevation. Demolition of existing side conservatory and erection of a part-single-part-double storey extension in place. Erection of multiple small extensions at the front and rear elevations and fenestration alterations including the removal, replacement and installation of windows and doors. Creation of decking at the rear of the dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed renovation and remodelling of existing dwelling, including creation of a second storey and gabled roof at the East/West elevations with 1no. dormer at the East elevation. Demolition of existing side conservatory and erection of a part-single-part-double storey extension in place. Erection of multiple small extensions at the front and rear elevations and fenestration alterations including the removal, replacement and installation of windows and doors. Creation of decking at the rear of the dwelling at 58 Hillside Road, Portishead, North Somerset, BS20 8JR in accordance with the terms of the application, Ref 23/01824/F, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matter

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal given by the appellant on the appeal form as this gives a clear and concise description of the type of development proposed which reflects that used by the Council in their decision notice.
3. Amended plans were submitted prior to the application being determined. The Council determined the application on the basis of the amended plans, which were the subject of further consultation with interested parties.
4. The appellant, in their Statement of Case, submitted additional amended plans¹ and has sought that I consider them as part of the appeal. 003d is a correction to

¹ 003d; 007; 006c

003c which referred to privacy screen heights that were inconsistent with those on all the other plans against which the application was determined. 007 provides detailed annotations of the proposed screening and balcony but does not alter their details. 006c shows the full extent of the building and curtilage at No 54 rather than part of it as was the case with 006b. These are minor amendments and the nature of concerns of those who would normally have been consulted are clear from consultation on the original and amended plans, I do not consider that their interests would be prejudiced if I take these further amended plans into account. I shall therefore determine the appeal on the basis of the amended plans referred to on the decision notice and the additional amended plans described above.

Main Issue

5. The main issue is the effect of the proposed development upon the living conditions of occupiers of 54 Hillside Road, with particular regard to outlook and privacy.

Reasons

6. The appeal site relates to a single storey bungalow built on a slope to the side and above No 54 with its garden running along the side of No 54's garden down to the foreshore. No 54 is a long narrow bungalow and because of its orientation, perpendicular to the appeal dwelling, its windows face side onto the appellant's garden and are visible from the rear windows of the appeal property, which as the appellant notes is at its closest point 8m from the corner of No 54.
7. Consequently, the existing house and garden at the appeal site already overlook No 54. The main affected room is the master bedroom. From its window, the appeal property has a significant peripheral presence and there are mutual views between windows on both houses, albeit because of their angle they do not directly overlook each other. Wooden fences along the gardens' boundary to some extent screen views between them. They also screen views of No 54's garden which runs along the side of the house in a series of narrow terraces that lead down to the main garden area which ends just above the foreshore in front of the house.
8. The proposed development would extend the house back slightly beyond the existing rear building line and therefore bring its windows closer to those of No 54 and its garden, particularly on the ground floor section where it would replace the conservatory which projects furthest back and is closest. However, the proposed floor to ceiling windows would be angled away from No 54 restricting views into the master bedroom window and the patio in front of it. Although they would open out onto a decking area, it would be at the same level as the existing garden and therefore not result in any potentially harmful increase in overlooking.
9. The first floor windows above would be set back behind a sedum roof and the line of the ground floor windows below it, with 1.5 m high obscured glass screens angled away from No 54 to restrict views towards its windows. The proposed Juliet balcony would prevent access on to the sedum roof. A balcony next to the sedum roof would be angled away from No 54 with its side wall louvred to restrict views towards the neighbour's side windows. Overall, I consider these measures would minimise the risk of overlooking to an acceptable level.
10. The proposed additional floor would extend slightly above the current eaves level, but whereas the roof currently slopes away from the eaves it would be replaced by a gable end. It would thus increase the mass of the building up to its rear building

line with the ridge height above that of the existing house and inevitably be more visually intrusive. However, views of it from No 54's nearest window serving the master bedroom would remain to the side and peripheral and thus it would not dominate the outlook from it to a degree that would harm the living conditions of occupiers of the house such that it would warrant withholding planning permission.

11. Whilst the proposed development would be visible from No 54's garden most attention from within the garden is drawn away from the appeal property towards views of the coast and although it forms a backdrop it would not be visible from most of the main garden in front of the house. I do not therefore consider that the proposed development would lessen the enjoyment that the occupiers of No 54 have of their garden to a significant degree because of either overlooking or its impact on their outlook.
12. The proposal would not therefore conflict with Policy DM32 and Policy DM38 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours) and Policy PWH2 of the Portishead Neighbourhood Plan which seek to protect the living conditions of occupiers of neighbouring properties.

Conditions

13. I have had regard to the conditions suggested by the Council. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. Conditions requiring the installation and retention of obscured glass windows, privacy screens and preventing the use of the flat sedum roof as a roof terrace are necessary to protect neighbours' amenity.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun 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: 002c; 003d; 004d; 006a; 006c; 006; 007.
- 3) No external walls or roofs shall be constructed until samples of the walling and roofing materials to be used in the development have first been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.
- 4) Before the first occupation of the lounge/dining room (on the 1st Floor), bedroom 1 (on the ground floor), bedroom 1 ensuite (on the ground floor) and the utility room (on the ground floor) hereby permitted the windows on the side elevation (Southwest) shall be fitted with obscure glazing as shown on drawing number 003d. The obscure glazing used shall provide a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited

textured glass range as defined in publication ""Pilkington Decorative Glass Range" (published November 2017). These windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), neither the obscure glazing nor the method of opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

- 5) The 1.5m privacy screens to the Northeast side of the Juliet Balcony hereby permitted shall be provided in accordance with the approved plans before the said Juliet balcony is brought into use. The privacy screens shall be maintained permanently thereafter in accordance with the approved details.
- 6) The louvred screen to the side elevation (Northeast) of the balcony hereby permitted shall be provided in accordance with the approved plans before the said balcony is brought into use. The privacy louvred screen shall be maintained permanently thereafter in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order, with or without modification), the sedum flat roofs hereby approved for the dwelling shall not be accessed or used as a roof terrace or balcony, unless access is required on a temporary basis for maintenance of the building or an emergency.

*****End of Conditions*****