



Appeal Decision

Site visit made on 18 December 2024

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Appeal Ref: APP/P0119/W/24/3350167

Grindlewald, 37 Rock Lane, Stoke Gifford, Bristol, BS34 8PF

- 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 Conor Hackett against the decision of South Gloucestershire Council.
 - The application Reference is P24/00493/F.
 - The development proposed is the erection of 1 No dwelling with parking and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 1 No dwelling with parking and associated works at Grindlewald, 37 Rock Lane, Stoke Gifford, Bristol, BS34 8PF in accordance with the terms of the application, Ref P24/00493/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan and Plan Nos. P 102 B; P 110 C; P 115 C; P 116 A; P 200 B & P 201 C.
 - 3) Prior to the commencement of development, a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.
 - 4) The development hereby permitted shall not be occupied until (i) the results of the programme of archaeological investigation and post investigation assessment has been completed in accordance with an approved Written Scheme of Investigation and (ii) that the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
 - 5) The development hereby permitted shall not be occupied until the access (including visibility splays) and parking (plus cycle store) arrangements have been completed in accordance with the approved plans. The driveway up to the gate shall be surfaced in a consolidated material (not loose stone or gravel).

- 6) Prior to the occupation of the development hereby permitted a detailed hard and soft landscape scheme shall be submitted to and approved in writing by the LPA, including detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required. The landscaping scheme and boundary treatments shall be completed in accordance with the approved details no later than 12 months following the first occupation of the dwelling hereby permitted.
- 7) Prior to works commencing on the superstructure of the development hereby permitted a detailed schedule of materials to be used on all external surfaces, including doors and windows, shall be submitted to the local planning authority for its approval in writing. The development shall be completed in accordance with the approved details.

Procedural and Preliminary Matters

2. The Council has confirmed that its determination was made on the basis of amended drawings as opposed to some of those listed in its decision notice. The appeal shall therefore be determined on the same basis.
3. Representations were made by the Parish Council and local residents. Most representations made by local residents supported the scheme, but several were opposed, for various planning related reasons. The author of the comprehensive officer report took these views into account in dealing with the application.
4. Officers concluded, having regard to the general character and appearance of the local area, that the proposed dwelling was so designed as to fit acceptably into its local context. On the basis of advice received from colleagues in the Highways Department, officers considered the proposed access and parking arrangements to be satisfactory. Officers also considered the distance between the proposed dwelling and No 10 Rock Lane to be sufficient to ensure that the living conditions of No 10's residents would not be harmed.
5. Having regard to what I have read and saw at my visit, I have no reason to disagree with the officer assessment on these specific matters. However, the Council refused the application for a single reason, and this forms the basis of the main issue.

Main Issue

6. This is the effect of the proposed development on the living conditions of future residents of 37 Rock Lane with particular reference to outlook and visual impact.

Reasons

7. No 37 Rock Lane is a bungalow, standing within a generously sized garden. The intention is to split the garden roughly in half to enable a new dwelling to be built. The proposed new dwelling would be two-storey and sited fairly close to the new boundary established to separate it from No 37. The Council considers that in view of this closeness, the new dwelling would unacceptably dominate the outlook of No 37's future residents.

8. The judgment made in the officer report is largely subjective, with reliance also placed on the advice provided in the Council's TAN¹. In this regard reference is made to the paragraph at page 9 of the TAN which provides the basis for the 'Wall to Wall Test', used to assess outlook. It advises that a distance of 12m or over should be achieved when a window to a primary room faces onto the blank elevation of another building. Two windows to habitable rooms in No 37 would face the proposed dwellings' west elevation. However, as the appellant has pointed out, the west elevation is not blank but contains openings, albeit that windows may be obscured.
9. No 37's closest window to the proposed development is that serving a bedroom. The main outlook from the bedroom would be directly towards the new dwelling at fairly close quarters. In my view, the new dwelling would be perceived as dominating from this window. I could find no explanation in the TAN as to whether a bedroom should be considered as a 'primary' room. However, I am also mindful of the main function of a bedroom; accordingly, at night, outlook becomes a secondary consideration.
10. The other room facing the new dwelling was unfurnished when I visited, but appeared to be a large space to be used for living/dining/kitchen. The outlook from this room was obtained through a set of glazed French doors. In view of the angle at which No 37 is set to the proposed new dwelling, and the distances involved, I would not consider the new building would dominate the outlook from this room. Moreover, given the nature and size of the opening, outlook would also be available, above a boundary fence, over the southern part of the new dwelling's garden, and because boundary conifers are to be removed, towards Rock Lane and beyond.
11. As to external spaces, the narrow northern strip of garden retained would tend to be dominated by the new dwelling. However, ample garden space is available to the side and front of No 37, where the new dwelling would have little or no effect.
12. One of the closing paragraphs of the TAN deals with the planning balance in the determination of planning applications. In this case I have found that in terms of the main issue that most of No 37's external areas would not lack acceptable outlook or be dominated or suffer adverse visual impact if the proposed new house were built. The same would apply to the large room served by the French doors. I find differently in respect of the bedroom. However, having regard to the many factors in the development's favour, this is insufficient reason, in itself, to refuse permission.
13. In conclusion, I find, on balance, the proposed development would not unacceptably harm the living conditions of No 37's future residents. Accordingly, I find that no significant conflict arises with those provisions of Policy PSP8 of the South Gloucestershire Local Plan Policies, Sites and Places Plan directed to ensure that new development should not have an unacceptable impact on the residential amenity of occupiers of nearby property.

Conditions

14. Several conditions have been suggested by the Council were the appeal allowed.

¹ Technical Advice Note: Assessing Residential Amenity (June 2016)

15. A condition shall be imposed to ensure, in the interests of certainty, that the development shall be carried out in accordance with the approved plans.
16. In view of its proximity to an area of known interest, the archaeological conditions suggested by the Council are considered necessary.
17. For highway safety reasons the Council suggested access condition shall be imposed.
18. In the interest of visual amenity, the Council's proposed landscaping scheme is imposed, albeit that the period allowed for its implementation is extended since I consider the Council's suggested period to be too short.
19. An additional condition is imposed in the interest of visual amenity in respect of external materials.

Other matters

20. All other matters raised in the representations have been taken into account, including the representations made by local residents and the Parish Council, but no other matter is of such significance as to outweigh those considerations that led to my conclusions.
21. Accordingly, the appeal is allowed.

G Powys Jones

INSPECTOR