



Appeal Decision

Site visit made on 7 January 2025 by M Long BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/D0121/D/24/3354801

1 Sage Close, Portishead, North Somerset BS20 8ET

- 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 Hunter against the decision of North Somerset Council.
- The application Ref is 24/P/0995/FUH.
- The development proposed is a first floor extension.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council's decision notice includes that there would be a loss of light for neighbouring residents at 10 Hillside Road (No 10) but this is not mentioned or substantiated within the officer report. In all other respects the Council's decision notice and officer report identify which aspects of neighbouring living conditions and the respective neighbouring occupiers that it considers would be affected in each case, with matters of privacy for example relating to No 10 only. In the interests of conciseness and completeness the second main issue is all encompassing in terms of the various matters referred to on the Council's decision notice. However, I have had regard to the specific evidence before me and my own observations on site in terms of assessing the relationship on each of the specified neighbouring properties within my reasoning.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of occupiers at 2 Sage Close (No 2), 10 Hillside Road (No 10) and 12 Hillside Road (No 12) with particular regard to light, privacy and whether there would be any overbearing effects.

Reasons for the Recommendation

Character and appearance

5. The appeal dwelling is a detached, split-level bungalow. It is situated in an elevated position on Sage Close, at the corner with Hillside Road, as the land

slopes down steeply towards the Severn Estuary. Its simple form, and the consistency of its architecture, including with the similarly designed neighbouring dwelling at No 2, ensures that it sits comfortably within the street. The surrounding area is characterised by a diversity of housing types including single storey and split-level dwellings with pitched roofs, two-storey dwellings including some with striking mono-pitched roofs at the lower end of Sage Close, as well as a mix of traditional and more contemporary architecture nearby. While there is no overriding style of housing in this locality, each house, or group of similarly designed dwellings, generally has a cohesive design ensuring that they sit comfortably within the eclectic street scene.

6. The proposal would incorporate various design styles, the combination of which would have an awkward visual relationship. For instance, the flat roofed two-storey front projections would jar with the hipped form of the main roof. The mismatch in roof styles would be compounded by the main hipped roof, which would be stepped and would have a squat profile in views of the front elevation.
7. Furthermore, the front elevation would also have a mixture of competing window shapes and sizes including the wide openings that are characteristic of the existing house; tall glazing with a contrasting grid design above the front entrance that would extend into the main roof; and thin vertical windows positioned at angles within cranked bays, the top row of which would extend above the eaves. The inconsistent fenestration would not reflect the North Somerset Council's Residential Design Guide (RDG) – section 2 'Appearance and character of house extensions and alterations' (2014) which sets out that when introducing new windows, careful attention must be given to sizes, proportions and styles, and that they should be the same as, or complementary to the existing windows.
8. Overall, the extended dwelling's disjointed design, together its elevated position alongside the lower development at No 2, would result in an inharmonious composition which would sit uncomfortably within the Sage Close street scene. This would not be mitigated by vegetation at the site, particularly given the exposed relationship and close proximity of the front elevation to the street.
9. The appellant's evidence includes examples of approved developments in the wider area which have increased building scales and, in some cases, introduced contemporary design features and materials. The full details of the related planning decisions are not before me and so I cannot be certain of the specific material considerations in each case. Nevertheless, from the evidence before me, I can see that the designs of the proposals and the original houses differ materially from the mismatch of design features on the appeal scheme and its immediate context including its prominent position on Sage Close.
10. The closest of the developments drawn to my attention are at 11 and 14 Hillside Road (Nos 11 and 14). The dwelling at No 11 has a large scale and contemporary design. However, in contrast to the proposal, its overall design is cohesive and its front elevation is well-balanced. Although it is much taller than the neighbouring dwelling to one side, its height is comparable to its other neighbour, and it is well set back from the highway which allows it to sit comfortably within the street scene. No 14 sits side on to Sage Close and its single storey flat roof rear projection has a subservient appearance which does

not detract from the overall consistent aesthetic of its host. Therefore, these examples are not comparable to the discordant appearance of the appeal proposal.

11. I conclude that the proposal would be harmful to the character and appearance of the area. In that regard, it would conflict with Policy DM38 (Extensions to dwellings) of the North Somerset Council Development Management Policies: Sites and Policies Plan Part 1 (2016) (DMP) which permits proposals to extend existing residential properties provided they respect the massing, scale, proportions, materials and overall design and character of the existing property and do not harm the street scene or local area. It would also be contrary to Policy DM32 (High quality design and place-making) of the DMP and Policy CS12 (Achieving high quality design and place-making) of the North Somerset Council Core Strategy (2017) which together seek high quality buildings and places.

Living conditions

12. During my site visit, I accessed the relationships between the appeal property and neighbouring properties including from the existing first-floor balcony at No 1. I was also able to ascertain the relative levels between the site and adjoining properties from neighbouring gardens and the street. The appeal dwelling sits on a higher land level to No 2, No 10 and the rear garden at No 12.
13. The rear elevation of No 1 is set back a short distance from, and extends a substantial depth along, the shared boundary with No 12. There is some tall, mature vegetation in this neighbouring garden which filters views of the appeal dwelling to some extent. However, some of this was not in leaf when I visited the site, and the appeal dwelling is a prominent feature along the shared boundary.
14. Even accounting for the stepped roof line, the increased height on the dwelling's elongated rear elevation would unacceptably increase the mass of built form extending alongside and in close proximity to the rear garden serving No 12. The dwelling's increased presence would be further exacerbated by the extent of the brick work at the first-floor level, which would have a stark and dominant appearance that would be particularly overbearing when experienced from the garden at No 12. As I observed myself, the existing vegetation does not provide effective year-round screening and would not alleviate the overbearing effect of the proposal.
15. Furthermore, the evidence suggests that the proposal would meet the 45-degree test guidance in the RDG – section 1 'Protecting living conditions of neighbours' (2013) (RDG S1) in terms of the nearest ground floor window serving No 12. Even so, from my own observations there are parts of the rear garden at No 12 which are significantly lower than depicted in the 'Section C Proposed' plan, compounding the overbearing impacts and given the southerly orientation of the development it would also have the potential to overshadow the garden at No 12.
16. As depicted in the photograph at 'Figure 1' of the Council's Officer report, the dwelling at No 1 currently has a discreet presence when experienced from the nearest parts of the garden at No 10. Due to the respective levels and the intervening hedge, the existing upper floor window and balcony to the host

dwelling's 'North West' elevation are also not prominent from where the neighbouring garden sits close to the hedge. I experienced for myself that the hedge restricts views into the garden at No 10, although there is intervisibility between the upper floor windows of No 10 which are set at an oblique angle relative to the balcony at No 1.

17. RDG S1 is pertinent in the above respects as it recognises that significant changes in ground levels may result in distances between proposed upper floor windows and existing habitable room windows at neighbours having to be increased beyond guidance levels. Also, that balconies provide increased opportunities for overlooking and increase the perception of overlooking when compared to windows and therefore the required separation distances for this type of development may need to be greater depending upon the circumstances of the site.
18. Given the close proximity and position of No 1 at a higher land level, and their elevated position above the existing balcony and windows to the 'North West' side elevation, the proposed large, glazed openings and balcony on this elevation would likely facilitate views into the garden at No 10 resulting in a loss of privacy for occupiers when compared with the existing situation. Even accounting for the intervening distance and oblique relationship with the windows serving No 10, the proliferation of balconies and windows to the host dwelling's 'North West' elevation would also unduly increase the perception of being overlooked from within habitable rooms at No 10. Given its relatively low height, the indicated obscure glazed parapet would not fully mitigate the actual or perceived loss of privacy for occupiers of No 10.
19. Furthermore, due to its increased scale, close proximity and position higher in the topography, the extended appeal property would have an overbearing presence above the hedge line when seen from the part of the garden at No 10 depicted in 'Figure 1'. It is clear from this photograph that this part of No 10's garden is utilised for sitting out and so taken together the overlooking and overbearing effects experienced would be significantly harmful to the living conditions of occupiers of this neighbouring property.
20. I acknowledge concerns raised in relation to the side bedroom window at No 2. However, the set back of the first-floor extension and the relative proximity and angle would mean it would not be overbearing when experienced from within the room served by this window. More particularly, as this room is served by a further window to the rear elevation of No 2, it would retain an acceptable quality of outlook and light.
21. The closest parts of the garden serving No 2 to the appeal site are narrow, and the appellant suggests that they are not the primary outdoor space for this neighbouring property. Indeed, from what I saw, the nearest area with potential to be used for sitting out and hanging out washing is a small, enclosed patio which is set tight between the dwelling at No 2 and its rear boundary hedge and this is set away from the appeal site boundary. Consequently, the dominance of the appeal proposal in relation to its scale and higher position in relation to adjoining properties would be unlikely to have any significant overbearing effects in that particular instance.
22. Without detailed evidence to the contrary, the alignment and orientation of the outdoor areas at No 10 and No 2 relative to the development, would likely ensure that it would not have a harmful overshadowing effect beyond the

existing situation and that adequate levels of light are retained for occupiers of these particular properties.

23. Finally, the removal of an existing porch and external steps and any betterment resulting from this in terms of reducing pre-existing overlooking of No 12, does not justify the identified harm that would result from the proposal on the living conditions of occupiers of neighbouring properties.
24. I conclude that the proposal would result in significant harm to the living conditions of occupiers at No 12 with regards to light and at No 10 with regards to privacy. The proposal would also be overbearing when experienced from both No 12 and No 10. It would therefore conflict with the DMP, specifically Policy DM32 (High quality design and place-making) and DM38 (Extensions to dwellings) which together seek, amongst other things, to ensure that proposals would not prejudice the living conditions of occupiers of adjoining properties.

Other Matters

25. The proposal would use durable materials that suit its coastal location, improve the thermal efficiency of the dwelling and reduce its energy demand through the installation of solar panels and a new electric wet system. There would also be a private benefit through improvements to the living accommodation for occupiers of the host dwelling. However, these matters do not justify the harm identified above to character and appearance and living conditions. Also, it has not been demonstrated that such benefits could not be delivered through a less harmful design.

Conclusion and Recommendation

26. For the reasons given above the proposal would conflict with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR