



Appeal Decision

Site visit made on 9 January 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/Z0116/W/24/3350868

258 St John's Lane, Bristol, BS3 5AU

- 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 Lana Hoffman against the decision of Bristol City Council.
 - The application Ref is 22/01623/F.
 - The development proposed is a single storey ground floor extension and roof extensions, and conversion to one maisonette and one garden flat.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey ground floor extension and roof extensions, and conversion to one maisonette and one garden flat at 258 St John's Lane, Bristol, BS3 5AU in accordance with the terms of the application, Ref 22/01623/F, subject to the conditions set out in the accompanying Schedule.

Preliminary matters

2. The appeal property is a terraced dwelling in a dilapidated condition. It is set within a predominantly residential area fronting a busy road (B3122).
3. I note from the planning history that most of the external building works proposed as ground floor or roof extensions is permitted development, as verified by the Council. It thus raised no objection to the principle of the development and the external building works proposed, but raised specific concerns to the appeal proposals which are reflected in the main issues.

Main Issues

4. These are: (a) the sustainability of the proposed development with particular reference to cycle parking provision, and (b) the acceptability of future residents' living conditions with particular reference to light and outlook.

Reasons

Sustainability and Cycle Parking

5. The dwelling would be split into two residential units. Cycle parking for the upper unit would be provided in the small front garden area. The Council appears content with this arrangement, but not with the proposals for the ground floor unit.
6. For the ground floor unit, cycle parking would be provided at the rear of the extended property within a small amenity area. However, before and after use,

cycles would need to be manoeuvred and/or carried to and from the front of the house along corridors and through living space.

7. It is possible that only the most ardent cyclists would wish to carry out such manoeuvres, particularly in inclement weather. I therefore share the Council's view that the siting of the proposed ground floor bicycle parking area is not ideal and may act as a disincentive to some future residents to own and use cycles.
8. On the other hand, the Council does not dispute that the property is reasonably located regarding accessibility to services, shops and public transport, and future residents would not be constrained from walking or catching buses should they so desire.
9. Accordingly, whilst I find the arrangements for cycle parking for the ground floor unit are not ideal, they are capable of being used by those who would wish to make use of them. Otherwise, the property is sustainably located, and the proposals would have significant benefits in bringing a dilapidated property back into productive use for residential purposes.
10. I therefore conclude, on balance, the proposed development is designed and located where sustainable travel patterns can be achieved in accordance with provisions of policy BCS10¹, with good access to public transport as required by policy DM23².

Living conditions

11. The Council's concerns centre on two specific matters, which shall be dealt with in turn.
12. First, the rear bedroom in the proposed ground floor unit would be served by a rooflight thus, in the Council's view, depriving future users of the room of adequate outlook and light; problems may also arise with leakage and ventilation.
13. I share the appellant's view that modern, high performance rooflights are capable of being left open to a degree in most weather conditions without adverse consequences. Thus, the problems of leakage and poor ventilation feared by the Council should not arise. The Council has not adequately explained why a rooflight should be less effective in allowing sun or daylight light into a room than a traditional window of a similar size.
14. As to outlook, this would be obtained solely towards the sky, which would prove limiting. However, I am mindful that this would be a secondary bedroom in the flat, and that the intended function of the room is such that outlook would not be essential at those time when it is most likely to be used.
15. Second, the Council is concerned with the fenestration in the rear bedroom on the first floor serving the second unit. In this respect the main window is proposed to be tilt-only and obscurely glazed so as to avoid possible overlooking of the rooflit windows below. I understand the reason for a limited opening facility. However, having regard to the angle of the rooflights below, I do not consider obscure glazing is necessary since I do not consider that residents' privacy below would be put at

¹ Of the Bristol Development Framework Core Strategy (CS)

² Of the Bristol Local Plan, Site Allocations and Development Management Policies (LP)

risk were a tilted window installed. The tilted window could therefore remain clear glazed without causing problems. On this basis, light entering the room would be unaffected, and outlook would remain the same as now.

16. I conclude that future living conditions in both units would prove acceptable with regard to outlook and light. Accordingly, no conflict arises with those provisions of CS policy BCS21 and LP policy DM30 directed to creating a high-quality environment for future occupants and to safeguard the amenity of the host premises.

Conditions

17. The Council has suggested the imposition of several conditions in the event of planning permission being granted.
18. It is necessary that the development be carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
19. In the interests of sustainable development and visual amenity conditions on the lines of the Council's suggested conditions 2 & 3 are imposed, albeit in a modified form, since some of the detail requested in the suggested conditions is considered unnecessary.
20. A condition in respect of the provision of bin storage and cycle parking and their future retention are imposed in the interest of amenity and sustainable development.
21. For the reasons already set out, the provision of a tilt only window is warranted in one of the approved bedrooms, but the need for obscured glazing is not. The detailed design of this window is subject of a condition in the interests of ensuring privacy.
22. I consider an additional condition to be necessary in respect of the rooflight within the proposed rear bedroom at ground floor level, to ensure that its performance level is acceptable in the context of future living conditions.

Other matters

23. All other matters raised have been considered and taken into account, but no other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
24. Accordingly, the appeal is allowed, subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The provision of obscured glazing on the rear first floor bedroom window excepted, the development hereby permitted shall be carried out in accordance with the following approved unreferenced plans all received by the local planning authority on 11 April 2022: Location plan; Existing and proposed block plans; Existing and proposed ground floor; Existing and proposed first floor; Existing and proposed loft floor; Existing and proposed front elevation; Existing and proposed rear elevation; Existing and proposed side elevation; Existing and proposed side elevation & Existing and proposed roof plan; Refuse, Recycling and Bicycle Storage Elevations and Sections (as amended 7 October 2022).
- 3) Prior to the occupation of either of the residential units hereby permitted the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures shall be incorporated into the design and construction of the development in full accordance with the Sustainability Statement prepared by Restoration Design Studio dated 8th March 2022.
- 4) Prior to its installation, details of the proposed PV system including its appearance, dimensions, and design/technical specification shall be submitted to the local planning authority for its written approval. The energy output of the system shall at least match that set out in the submitted Sustainability Statement referred to in condition 3. The PV system shall be installed in accordance with the approved details.
- 5) Neither of the residential units hereby permitted shall be occupied until the refuse stores, facilities allocated for storing of recyclable materials and bicycle parking areas have been completed and ready for use in accordance with the details shown on the approved plans. Thereafter the refuse stores, associated facilities and bicycle parking areas shall be retained for use in perpetuity for their specifically designed purposes.
- 6) The window to be installed in the rear bedroom window at first floor level shall be tilt only opening in accordance with details previously submitted to and approved in writing by the local planning authority. The window shall be installed in accordance with the approved details and thereafter the window shall not be modified or replaced.
- 7) Prior to its installation details of the rooflight to be installed in the rear bedroom at ground floor level shall be submitted to the local planning authority for its written approval. The rooflight shall be installed in accordance with the approved details and thereafter the rooflight shall not be modified or replaced.