



Appeal Decision

Site visit made on 17 March 2025

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2025

Appeal Ref: APP/Z0116/W/24/3345669

11 Collingwood Road, Redland, Bristol BS6 6PB

- 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 Mrs J Kaur against the decision of Bristol City Council.
 - The application Ref is 23/02917/F.
 - The development proposed is to erect a new steel stair with a privacy screen to replace the previous rotten wooden stair that had no privacy screen.
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Decision

1. The appeal is allowed and planning permission is granted to erect a new steel stair with a privacy screen to replace the previous rotten wooden stair that had no privacy screen at 11 Collingwood Road, Redland, Bristol BS6 6PB in accordance with the terms of the application, Ref 23/02917/F, subject to the following conditions:

- 1) The development hereby permitted must conform with drawing nos 2550 Location, 2550 Block, 2550 Existing and 2550 Proposed, unless variations are agreed by the local planning authority in order to discharge condition No 2 attached to this decision.
- 2) Unless within 2 months of the date of this decision details of the privacy screen to the platform between Numbers 10 and 11 Collingwood Road, are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the approved staircase shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 3 months of the date of this decision, the use of the staircase shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved screening specified in this condition, that screening shall thereafter be retained in place for the lifetime of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. The staircase and landing the subject of this appeal has already been erected. I have proceeded to consider the appeal on that basis.
3. Although not forming part of the Council's reason for refusal, the adjoining neighbour has raised concerns about noise disturbance arising from use of the staircase and landing area. I have therefore addressed this matter as part of my main issue.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, in respect of overlooking, overbearing and disturbance.

Reasons

5. Number 11 (No 11) is a terraced house with an enclosed rear garden, which is set midway between the lowest floor level and the entrance level floor. The upper floor kitchen provides access to the garden via a landing platform and staircase. The previous staircase had no such landing area. The appellant has confirmed that the platform and staircase is set in 0.8 metres from the shared boundary with Number 10 (No 10) which is the same distance as the original staircase. The dimensions of the platform area have been confirmed as 2 metres wide by just over 1 metre in depth. This accords with my observations on site that the landing area is wider than the doorway and of a limited depth.
6. No 11's garden is enclosed by a relatively high wall and fence, which extends along the boundaries with Nos 10 and 12. A bamboo screen has been installed above this along a section of the shared boundary with No 10 adjacent to the platform. There would have been some overlooking of the neighbouring garden from the original staircase. The platform provides more opportunity for this. However, the position of the screen in combination with the high fence and wall and relatively short depth of the gardens, prevents clear and direct views into the garden of No 10 from the platform. However, because the bamboo screening is not of a solid construction, it is possible to glimpse views through this with some loss of privacy, both actual and perceived, for this neighbour. A less permeable form of screening could address this and could be secured through an appropriately worded condition.
7. Due to the enclosing boundary fence and No 12 being set at a lower level to the appeal property, views into this garden are not possible from the landing area and the privacy of this neighbouring occupant would not be adversely impacted by the proposal. Additional screening to prevent this from arising would not be necessary.
8. The installed screening to No 10 does not extend far along the boundary and steps down in line with the staircase. Whilst it increases the height along a short section of the shared boundary, given its limited extent it does not unduly enclose the adjacent property. Any replacement screening could be controlled by condition to ensure this remained the case.
9. It would be possible to place a couple of small chairs on the landing but due to its modest size, this would leave little space for anything else including access to the garden. As such, it is unlikely to give rise to significant noise and disturbance because it can only accommodate a couple of people at most. The provision of a

less permeable form of screening would further reduce possible disturbance. As such, it is unlikely that noise and disturbance would be materially greater than if the proposal was providing a like for like replacement for the stairs that had previously been in situ.

10. I am mindful that the design of the structure is broadly in accordance with the guidance set out in the Council's Supplementary Planning Guidance Number 2 – A Guide for Design House Alterations and Extensions, dated 2005 (the SPD) which shows examples of similar properties and scenarios to the one here.
11. I conclude that the proposal does not harm the living conditions of neighbouring occupiers, with regard to overlooking, overbearing and noise disturbance. It therefore complies with Policy BCS21 of the Bristol Core Strategy 2011 and Policy DM30 of the Site Allocations and Development Management Policies Local Plan 2011 which together require alterations to safeguard the amenities of neighbouring occupiers.

Other Matters

12. The appeal site lies within the Cotham and Redland Conservation Area (the CA). In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal property, as part of an historic terrace of residential properties contributes to the significance of the CA. The structure is relatively small and of lightweight construction. It is visible in views from Melville Road but is not unduly prominent. It does not detract from the character and appearance of the building and its contribution to the significance of the CA.
13. A concern has been raised about the accuracy of the drawings and that this misrepresents the staircase as installed. The appellant has confirmed dimensions and the Council has not disputed these. I have also viewed the proposed development during my site visit and been able to assess the proposal.
14. The staircase and platform was constructed without planning permission. There is nothing before me to indicate that this was done intentionally. In any event, this is a procedural matter and does not alter my findings on the merits of the case.

Conditions

15. The Council has proposed conditions should the appeal be allowed I have considered these and imposed them where they meet the tests set out in Paragraph 57 of the National Planning Policy Framework, amending where necessary for the sake of simplicity, clarity, precision and enforceability. In addition to the condition relating to screening as referred to earlier in my decision, a condition specifying compliance with submitted drawings is necessary in the interests of certainty.

Conclusion

16. For the reasons given above the appeal should be allowed.

Rachael Pipkin

INSPECTOR