



Appeal Decision

Site visit made on 12 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/Z0116/D/25/3360483

24 Firfield Street, Totterdown, Bristol, BS4 3AL

- 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 Ian Tucker against the decision of Bristol City Council.
 - The application Ref is 24/03936/H.
 - The development proposed is Proposed single storey rear extension with roof terrace and retrofit measures including external wall insulation, solar panels and installation of ASHP.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. Further minor amendments were published on 7 February 2025, containing corrections and a clarification. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, it has not been necessary to seek comments from the parties on the revised Framework, which I have referred to in my decision.

Main Issue

3. The Council has raised no objection to the external wall insulation, solar panels and air source heat pump elements of the proposed development. There are no reasons to disagree. The main issue in this appeal is, therefore, the effect of the proposed development upon the living conditions of occupiers of neighbouring houses, with particular regard to outlook and privacy.

Reasons

4. The appeal site relates to a terraced house on Firfield Street which is located on a hill such that the neighbouring houses are on different levels. The land also slopes downwards, away from the road, with lower ground floor levels at the rear of houses from which rear gardens are accessed. The neighbouring house, No 26, downhill of the appeal site, has a 3 storey rear extension which projects back and forms part of the boundary with the appeal property. It extends up to level with the top of the appeal property first floor window.
5. The council's Supplementary Planning Document 2 (A Guide for Designing House Alterations and Extensions) (2005) (SPD) advises that balconies and terraces

above ground floor level are not normally acceptable because they enable overlooking into gardens and increase noise and disturbance. It acknowledges that privacy screens can reduce overlooking but their impact, in terms of creating a sense of enclosure, needs to be considered.

6. The proposed single storey rear extension would be the full width of the house and project back to the same depth as the extension at No 26. The proposed terrace would cover the whole roof, and the council is concerned that it would increase the potential for overlooking into neighbouring gardens and have an overbearing impact.
7. The side wall of No 26's rear extension blocks views into its rear garden from the appeal property. The proposed roof terrace would project back to the same extent as the extension. The proposed balcony would sit at the end of the roof, level with the back wall of the neighbouring extension enabling views across it into No 26's garden, thus reducing privacy to some extent. Elsewhere on the terrace, away from the balcony, No 26's extension wall would continue to prevent views into its garden. Given that the garden is already overlooked by No 28, I do not consider that the relatively minor additional loss of privacy that might arise would harm the living conditions of occupiers of No 26 to an unacceptable degree.
8. No 22's rear garden is already overlooked from ground floor and first floor windows of the appeal property. The proposed 1.8m high privacy screen would reduce overlooking, particularly into the area closest to the house where outdoor seating indicates this is the most utilised part of the garden.
9. There is a close board fence along the boundary between the gardens. Although the appeal property is at a slightly lower level than No 22, the extension roof would be slightly higher than the existing fence which would be replaced in part by the extension flank wall at the boundary, above which there would be the 1.8m screen. Although it is described as translucent, and it would be set in slightly from the boundary, the privacy screen would extend the full depth of the extension and from the main amenity area in the neighbour's garden it would appear unacceptably dominant and overbearing. I appreciate that the extension at No 26 already forms the backdrop to views over the fence from No 22's rear garden and has a dominating presence. However, despite the extension being higher than the proposed development, the appellant's garden provides a degree of separation from No 26 such that its impact is less overbearing than would be the case for the appeal proposal. I therefore conclude that the proposed development would conflict with Policy CS21 of the Bristol Local Plan Core Strategy (2011), Policies DM27, and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014), the SPD and the Framework which seek to safeguard the amenity of neighbouring occupiers.

Other Matter

10. The appellant has drawn my attention to other roof terraces in the area. However, it is not possible from the plans and photographs to determine whether they are directly comparable with the appeal proposal in terms of any overbearing impact they may have on neighbouring occupiers. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

11. The proposal would include substantial benefits in terms of improving the energy performance of the building. However, such benefits could be achieved without the proposed roof terrace and as such do not outweigh the harm that I have identified

Conclusion

12. I have considered all other matters raised in support of the appeal, including the absence of public representations. However, for the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR