



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: 28 March 2025

Appeal Ref: APP/D0121/D/25/3359903

Glen Orchy, Lake Road, Portishead, North Somerset, BS20 7JA

- 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 Robertshaw against the decision of North Somerset Council.
 - The application Ref is 24/P/1250/FUH.
 - The development proposed is side and front extensions to the property.
-

Decision

1. The appeal is allowed and planning permission is granted for side and front extensions to the property at Glen Orchy, Lake Road, Portishead, North Somerset, BS20 7JA, in accordance with the terms of the application, 24/P/1250/FUH, and the plans submitted with it, 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 strict accordance with the following approved plans: Dwg Nos: 24-0110 D01 Rev 17; 24-0110 D03 Rev 17; 24-0110 D05 Rev 17; 24-0110 D07 Rev 17; 24-0110 D08 Rev 17.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be carried out except in accordance with the approved Arboricultural Report Impact assessment and method statement prepared by Wotton Tree Consultancy, dated 2nd July 2024.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

3. Houses on Lake Road are set back from the road edge on land sloping up away from the road. The appeal property is detached with several rooms in the roof space and is further back from the road than the neighbouring houses, Copper Cliffs and Shiplanes. As a result of its proximity to their side boundaries and elevated position to their rear, the appeal property already affects the outlook from these neighbouring houses and gardens to some extent.

4. The appeal dwelling has a varied form with elements projecting out on all sides. The proposed alterations and extensions would infill parts of the ground and first floor, extending the walls out to the side in line with the existing projecting elements, and altering the roof height and profile to accommodate additional living space. They would increase its mass and bulk bringing sections of side wall closer to the boundaries with both neighbours. It would also bring part of the first floor forward, extending a bedroom at the front of the house. Existing windows would be replaced with floor to ceiling windows in a new gable end with a higher roof than the existing one. This would also increase the mass of the front of the house, visible from both neighbouring houses and gardens.
5. The appeal dwelling sits between the neighbouring properties, both of which have large rear gardens. It is set back some distance from the rear of the houses, and to the side, rather than directly behind them. As a result, its visual impact is peripheral when viewed from neighbours' rear windows and patio areas in front of them. It is also partially screened from Copper Cliffs by hedges and trees along the boundary and from Shiplanes by a fence and trees. The proposed changes would noticeably increase the mass of the dwelling, particularly when viewed side on from halfway down Copper Cliffs' garden. However, it is far enough away from both neighbours' rear windows and patios that the proposed extensions would not appear so dominant from their habitable rooms and main outdoor amenity areas that they would cause unacceptable harm to the living conditions of their occupants.
6. Extensions and alterations to the first floor would include a floor to ceiling window on the west elevation closest to Copper Cliffs' side boundary. It would be set back from the position of an existing window which is on a section of gabled roof to be removed. However, that window is to the side of an office and over a void, thus preventing direct views from it towards the neighbour's patio and rear windows. The proposed new window would serve a bedroom, and occupants would be more easily able to look over towards Copper Cliffs than from the existing window. However, the plans indicate that it would slightly exceed the minimum gap required between windows of habitable rooms, set out in the council's Supplementary Planning Document Residential Design Guide – section 1 Protecting living conditions of neighbours properties (2013) (SPD).
7. I note that the SPD advises that where there are differences in ground levels the distances between neighbouring windows may need to be increased, and that vegetation should not be relied upon for screening because it could die or be removed. However, the windows would be off set at an oblique angle to each other. Consequently, views from the proposed window towards Copper Cliffs would be peripheral, rather than direct, thus limiting the potential for overlooking despite the differences in window heights. Furthermore, the proposed window would face directly towards the Bristol Channel, drawing attention towards the sea and shore and away from the neighbour's house and garden. For these reasons, I consider the distance between this particular proposed bedroom window and those of Copper Cliffs to be sufficient to avoid unacceptable levels of overlooking from it.
8. A replacement gable section would project to the side and forward of the proposed bedroom window described above and include floor to ceiling windows and a Juliet balcony. These would be forward of the existing first floor windows that they would replace, and level with the proposed ground and first floor living room and dining room windows. Nonetheless, they would meet the SPD minimum distance

requirements and views from them towards Copper Cliff would be more oblique than from the other bedroom window. Views from the proposed Juliet balcony would be similarly drawn towards the sea and away from neighbouring houses and gardens. Therefore, the potential for overlooking from these windows would be the same or less than from the bedroom window to their side. Even if vegetation that currently provides screening were to be removed, the distances and angle of view between the proposed windows and neighbouring properties would be sufficient to limit overlooking and protect neighbours' living conditions.

9. Overall, I conclude that the proposed development would not conflict with Policies DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) (2016), the SPD and Policy PWH2 of the Portishead Neighbourhood Plan (2023) which require that development should not harm the living conditions of adjoining occupiers.

Other Matter

10. Representations raised concerns relating to the proposed design, its impact on light to neighbouring properties and the effect of construction traffic and activity on neighbours' amenity and highway safety. I have had regard to these matters and agree with the Council in concluding that either no harm would occur, or that based on the evidence before me the level of harm would not be significant enough to warrant withholding planning permission.
11. An Arboricultural Report was submitted with the planning application. No trees are proposed for removal, but tree protection measures are proposed during construction which the Council's Tree Officer recommended should be implemented and secured by planning condition.

Conclusion and Conditions

12. For the reasons given above I conclude that the appeal should be allowed.
13. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance and a condition to protect the existing trees on the site during construction.

P D Sedgwick

INSPECTOR