



Appeal Decision

Site visit made on 24 April 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/Z0116/D/25/3361250

17 Vale Street, Bristol, BS4 3BT

- 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 Helen Loney against the decision of Bristol City Council.
 - The application Ref is 24/03337/H.
 - The development is an external raised terrace area to the rear and formation of first floor balcony at rear.
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Decision

1. The appeal is dismissed in respect of the proposed formation of first floor balcony at rear.
2. However, the appeal is allowed in respect of the proposed external raised terrace area to the rear and planning permission is granted for this aspect of the proposals at 17 Vale Street, Bristol, BS4 3BT in accordance with the terms of the application Ref 24/03337/H subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

3. The proposal to create or formalise a balcony at first floor level at the rear is not referred to in the description of the proposal used in the application form or in the Council's decision notice. However, it is a matter assessed in the officer report on the application. I shall deal with it on a similar basis, that is, as part of the appeal proposals. The description of the development used in the banner heading above reflects this.
4. It is claimed that the works already carried out in preparation for the raised terrace constitutes permitted development. Whether or not that is the case is not a matter before me for decision. However, the works, which include walling and steps, are plainly preparatory to the formation of the raised terrace. I shall therefore proceed on the basis that the appellant wishes to retain the works already carried out as part of her overall proposals.

Main Issue

5. This is the effect of the proposals on the living conditions of the residents of neighbouring dwellings at Nos 15 & 19 Vale Street with particular reference to privacy, noise, disturbance and visual impact.

Reasons

6. The appeal dwelling is situated virtually at the top of a steep hill and forms part of a stepped terrace of dwellings. The three dwellings at the top of the hill on this side of the road have been subject to change at the rear, and the dwellings either side of the appeal dwelling at Nos 15 & 17 display raised external terraces. The appellant's proposals for the lower level terrace would not therefore be uncharacteristic of the area.
7. At first floor level a balcony has been formed in the area inset between properties, served by a glazed bedroom door. The balcony is in fact a flat roof above the kitchen, but is punctuated by a skylight, not shown on the submitted plans. The appellant wishes to formalise the use of the balcony by placing a guardrail at its southern end. I saw markings on the wall either side of the balcony which indicated that a guardrail had previously been in place but this was fixed closer to the bedroom door than is now proposed. The use of the terrace, as proposed, would result in unacceptable overlooking of the gardens of the properties either side, and such overlooking would prove intrusive and harmful. In my view, were the guardrail repositioned to its original place, no harmful intrusion would occur. However, that is not before me as an option.
8. The main raised terrace proposed would be built at the same level as the kitchen, and a set of French doors are in place to access it. The terrace would occupy the full width of the plot and access to the remainder of the garden would be obtained by means of a replacement set of steps. Privacy screens, part 1.8m and part 2.5m high, would be erected along the flanks of the terrace, along the boundaries shared with Nos 15 & 19. The Council describe these as being built in timber, but the application form states that they would be comprised of obscured glass.
9. The proposed terrace would be set at a higher level than those of the immediate neighbours, but I see no logical reason why the screens proposed, given their height, should not adequately protect the privacy interests of the neighbours either side. Sitting outside on terraces seems commonplace in the locality, and I am not therefore persuaded that the terrace should be the source of unusual activity giving rise to noise and disturbance over and above that normally experienced in residential gardens.
10. Since parts of the structure were already in place my assessment of its effect on neighbours by reason of visual impact was made that much easier. Solid walls would support the terrace, built along the common boundaries with Nos 15 & 19. The wall would project more into the garden along No 19's boundary than No 15, but given that No 19's ground level is set above that of the appeal property, I do not consider that the projecting wall would unacceptably harm its residents amenities by reason of visual impact and nor, in my view, would it appear overbearing.
11. The projection along No 15's boundary would be shorter, and I note the Council's concern about the possible effect on one of No 15's windows, which serves a habitable room. However, the outlook from this window is already affected to an extent by No 17's extant rear protrusions, and the relatively short extra length of walling would not make matters materially worse.

12. As the Council say, the terrace is designed so as to remain subservient to the host property, and it would not dominate its surroundings, notwithstanding the varying ground levels.
13. In conclusion, I find the proposals to be partly compliant with and partly in conflict with those provisions of Local Plan Development Management Policies Policy DM30 directed to ensuring that proposals to alter existing buildings are designed so as to safeguard the amenities of neighbouring occupiers. The two components of the scheme are however clearly separable, and therefore I find myself able to issue a split decision. I shall therefore allow the appeal in so far as it relates to the external terrace proposed, subject to conditions. The appeal in respect of the first floor rear balcony is dismissed.

Conditions

14. Although the Council has indicated that no conditions are necessary, I consider that some are needed. A condition is imposed in the interests of certainty that the development is completed in accordance with the approved plans.
15. I consider that conditions are necessary in relation to the proposed screening, and both are imposed in the interests of visual amenity and to ensure the protection of neighbouring privacy.
16. The standard time limit condition for commencement of the development is unnecessary since part of the now approved structure is already in place.

Other matters

17. Reference has been made to other development plan policies but that to which I have referred is considered the most relevant. I have also taken into account the Council's adopted guidance on the type of structures subject of this appeal. I have also considered the representations made by the public.
18. All other matters raised in the representations have also been considered, but none is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted, first floor balcony apart, shall be completed in accordance with the following approved plans: Plan Nos. 01; 01A; 02; 02A; 03; 04; 05 & 06.
- 2) Prior to their installation full details of the proposed privacy screens, including details of the glazing proposed, supports and fixing, shall be submitted for the Council's written approval.

- 3) The privacy screens shall be installed on both neighbouring boundaries in accordance with the approved details and shall be fixed in place prior to the productive use of the raised terrace, hereby permitted. The screens, once in place, shall not be removed, replaced, or altered without the Council's prior consent.