



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: 15 May 2025

Appeal Ref: APP/Z0116/W/24/3358084

18C Eastfield Road, Westbury-on-Trym, Bristol, BS9 4AD

- 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 Ms Stephanie Hitchcock against the decision of Bristol City Council.
 - The application Ref is 24/02683/F.
 - The development proposed is the erection of an outdoor terrace.
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Decision

1. The appeal is allowed and planning permission is granted for an outdoor terrace at 18C Eastfield Road, Westbury-on-Trym, Bristol, BS9 4AD in accordance with the terms of the application, Ref 24/02683/F, subject to the conditions set out in the accompanying Schedule.

Main Issues

2. These are:
 - (a) the effect on the character and appearance of the host property and whether the character or appearance of the Westbury-on-Trym Conservation Area (CA) would be preserved or enhanced, and
 - (b) the effect of the proposal on the living conditions of the residents of neighbouring dwellings with particular reference to privacy and disturbance.

Reasons

Host property and Conservation Area

3. The host property forms part of a terrace, and is sited at its end. Viewed from Eastfield Road, it is perceived as a pleasantly attractive two storey dwelling, but it has been split into flats. A path to the side leads to the rear garden, which is split to serve different residents. The rear part of the garden is used by the appellant, who resides in the top floor flat.
 4. Ground levels are such that the property is three storey at the rear, whilst a wide, glazed flat roofed dormer has been inserted in the roof. The appellant seeks to convert part of the dormer into an open terrace.
 5. The rear of the property is not readily seen from the front in Eastfield Road. However, it is evident from a short stretch of Westbury Hill from the footway on the other side of the road from the appeal property. Otherwise, the rear of the property is largely screened by vegetation, trees and the bulk of other properties.
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6. The dormer is visible from Westbury Hill and, to my mind, its insertion has transformed the roof, the property's side profile and has imbalanced the terrace. Given the dormer's size and shape, the appellant's proposal, which would occupy less than half of the dormer's width, would have a minor and not harmful effect on the appearance of the host property as a whole.
7. Since the dormer already exists, the effects of its modification in the manner proposed would not prove very noticeable in the public realm and would certainly not catch the eye. The proposed development would thus have a neutral effect on the CA as a whole, thus preserving its character and appearance.
8. In conclusion, I find the development does not materially conflict with those provisions of Core Strategy Policy BCS21 and Local Plan Policy DM26 & DM27 directed to achieving good quality urban design contributing positively to local character and distinctiveness. Nor is there conflict with those provisions of policy BCS22 of the Core Strategy requiring development to safeguard or enhance heritage assets.

Living conditions

9. The Council acknowledges that a degree of overlooking of neighbouring gardens already occurs because of the extent and height of the fenestration in the rear elevation. However, in its view, overlooking from a balcony would give rise to a different and more harmful perception of loss of privacy in the gardens below.
10. The appellant has suggested the use of 'non translucent' privacy screens, more commonly referred to as obscurely glazed. Whilst I have noted the Council's view on this aspect, I consider the suggestion would overcome any harm arising from potential or perceived overlooking which may be caused by the proposal.
11. I have no reason to conclude that the use of the balcony should result in any greater level of activity and subsequent noise than the normal use of a residential garden, which is shared in the case of the garden immediately below.
12. In conclusion, I find the proposals to be compliant with those provisions of Local Plan Development Management Policies Policy DM30 directed to ensuring that proposals to alter existing buildings are designed to safeguard the amenities of neighbouring occupiers.

Conditions

13. The Council has suggested some conditions which shall be imposed in a slightly modified form. These are imposed for the reasons given by the Council.
14. I also consider other conditions to be necessary to reflect my comments made above in relation to the use of obscure glazing in the screening and to ensure that the screens are installed and kept in place. These are imposed in the interests of residential amenity.

Other matters

15. Reference has been made to other development plan policies but those to which I have referred are considered the most relevant in the context of this appeal.
16. I have also taken into account all references to the *National Planning Policy Framework*.

17. No other matter raised in the representations, is of such strength or significance as to outweigh those considerations that led to my conclusions.

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 development hereby permitted shall be carried out in accordance with the following approved plans: Plan Nos. S101; S102; P102; S110 & P110.
- 3) All new external work and finishes and work of making good shall match the existing or original in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.
- 4) Prior to their installation full details of the proposed privacy screens, including details of the obscured glazing proposed, supports and fixing, shall be submitted for the Council's written approval.
- 5) The privacy screens shall be installed in accordance with the approved details and shall be fixed in place prior to the productive use of the terrace hereby permitted. The screens, once in place, shall not be removed, replaced, or altered without the Council's prior consent.