



Appeal Decision

Site visit made on 15 April 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/P0119/D/25/3361346

27 Gerrish Avenue, Staple Hill, Bristol, BS16 5PT

- 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 I Jiya against the decision of South Gloucestershire Council.
 - The application Ref is P24/02638/HH.
 - The development proposed is to build a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed rear extension on the living conditions of the occupiers of 1 The Croft, with particular regard to outlook, sunlight and daylight.

Reasons

3. The appeal property is located on the corner of Gerrish Avenue and 1 The Croft. The property is semi-detached, but it is attached to its neighbour 1 The Croft at its rear, rather than to the side. Given the corner arrangement the properties are in close proximity to each other, with a high diagonal blockwork wall of approximately 1.7m in height, delineating the rear shared boundary.
4. The proposed single storey extension would have a pitched roof, with bi-fold doors in the gable end, opening out onto the property's small garden. The extension would replace an existing lightweight flat canopy, with its rendered sidewall less than 2.5m from the rear elevation of no 1, rising to 2.6m at its eaves and 4m to the ridge. I saw during my visit, that the roof of the canopy was constructed from clear polycarbonate material.
5. Above the wall on the common boundary, the neighbour's closest downstairs window is unobstructed, with the translucent flat roofed canopy allowing diffused daylight to pass through. The downstairs window is small and west facing, and due to the L shaped layout of the semi-detached properties, the room is unlikely to receive much direct sunlight, so any that is received will have a positive impact on the occupants. Due to a combination of its close proximity, mass and height, the outlook from this window would be dominated by the extension, which would appear overbearing and oppressive. Although the sunlight the room currently receives is likely to be limited, the proposal's greater height and massing would further diminish the extent of sunlight entering the room. Moreover, the replacement

of the canopy with the proposed extension's greater height would significantly diminish the amount of interior daylighting. The room would be gloomier as a result of the loss of daylight and sunlight, which would be detrimental to the occupants of the property.

6. The appellant has submitted evidence which shows the path of the mid-summer sun will not change the amount of interior mid-summer sunlight entering the neighbour's ground floor window as a result of the extension. However, this is one scenario of the trajectory and position of the sun in relation to the window and the room it serves. The amount of direct exposure the window receives from the sun will vary depending on the time of day and the times of year, therefore I find that there is no clear evidence that the amount of sunlight to the neighbour's ground floor window will be unaffected as a result of the extension.
7. Consequently, I conclude that the proposed extension would harm the living conditions of the occupiers of no 1 The Croft with particular regard to outlook, sunlight and daylight of the neighbouring occupiers referred to above, contrary to policy PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan which supports residential extensions provided they do not harm the living conditions or have an unacceptable impact on the residential amenity of occupiers of nearby properties, the requirement for high-quality design in the Household and Design Guide Supplementary Planning Document and the National Planning Policy Framework.

Other Matters

8. The appellant explains that the proposal would enable an elderly family member to live at the property. The extension would provide additional living space for the occupants of the house, allowing the existing living room to be used as a bedroom by the relative. Accordingly, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age.
9. I have taken the benefits of the proximity of family to the elderly individual's wellbeing into account, as required by the PSED. Notwithstanding this important consideration, it does not follow from the PSED that the appeal should succeed, particularly as it has not been robustly evidenced that the accommodation and facilities could not be provided within a less harmful scheme. Therefore, set against the well-established and legitimate aim of the protection of living conditions and the resultant development plan conflict I conclude that it is proportionate and necessary to dismiss the appeal.
10. Although there was no objection from no1, this does not indicate that the proposal should be considered acceptable in terms of its impact on living conditions, and whilst I acknowledge that the proposal is a revised scheme following a previous refusal in 2023, this does not materially affect my consideration of the merits of the appeal proposal.
11. Whilst the Council does not raise any objections to the proposal in terms of design, privacy and highway matters, compliance with the development plan in these respects is a neutral factor.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

SE Hughes

INSPECTOR