



Appeal Decision

Site visit made on 18 June 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/F0114/D/25/3364409

3 Wallenge Drive, Paulton, Bristol, BS39 7PX

- 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 Stuart Tovey against the decision of Bath and North East Somerset Council.
 - The application Ref is 25/00505/FUL.
 - The development proposed is the erection of a two storey side extension including car port.
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Decision

1. The appeal is dismissed.

Main Issue.

2. The main issue is the effect of the proposed development on the living conditions of the residents of 1 Wallenge Drive with particular reference to overshadowing and visual impact.

Reasons

3. The appeal property is a two-storey semi-detached dwelling set within a residential estate. It stands next to a bungalow, 1 Wallenge Drive, which was originally detached, but which was extended some time ago to create another bungalow. No 1's front door faces the appeal site, and its private garden is set behind to the north, sited between the bungalow and a dwelling known as Willow Bank.
4. The proposal is a modified resubmission of an earlier scheme, also refused permission. The appellant seeks a side extension which would incorporate a car port on the ground floor. Above, supported by pillars, additional sleeping accommodation would be formed. The main design changes are to the roof. The former gable end facing No 1 has been amended to a form of hip, and the mass of the roof has been reduced. The Council has no issues with the proposal in terms of its appearance, and I have no reason to disagree with its stance in this regard.
5. The appellant's sun path/shadow analysis shows what I would have expected, given that the appeal site is sited to the west of the bungalow. For most of the day, No 1's rear garden would be unaffected by the proposal. There would be some additional overshadowing towards late afternoon/early evening throughout the summer when the garden is most likely to be used but it would be marginal when compared with the extant position. I do not consider the Council's concerns in this regard to be well founded.

6. The extension would be erected virtually on the boundary between Nos 1 & 3. This is currently demarcated by a high timber fence. The proposal's side elevation would protrude significantly above the fence. The outcome, in my view, is that No 1's rear garden would become increasingly hemmed-in by a relatively tall structure at close quarters. When viewed from the garden the extension would be perceived by the property's residents as an over-dominant and oppressive structure. I appreciate that neither the Parish Council nor No 1's residents objected to the proposal at application stage, but this is not decisive in my consideration. Planning is concerned in part with ensuring that new development achieves a high standard of amenity¹, and I am satisfied that this objective would not be achieved in this case.
7. Having regard to the above I conclude that whilst the development would not result in harmful additional overshadowing it would have a harmful visual impact on the occupants of the immediately neighbouring property at No 1. Accordingly, in this regard, the proposal conflicts with national policy, to which reference has already been made, and with provisions of policy D6 of the Bath and North East Somerset Local Plan – Core Strategy and Placemaking Plan requiring development to provide appropriate levels of amenity. The degree of harm I have found is sufficient reason to dismiss the appeal.

Other matters

8. I note the references to other development plan policies and other aspects of the Framework, but those to which I have referred are considered the most relevant having regard to the particular circumstances of this case. No other matter is of such strength or significance as to outweigh those considerations that led to my conclusions.
9. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

¹ National Planning Policy Framework, paragraph 135(f).