



Appeal Decision

Site visit made on 3 June 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/P0119/W/25/3361493

65 Kilby Road, Stoke Gifford, Bristol, Gloucestershire BS34 8DJ

- 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 Emma Wong against the decision of South Gloucestershire Council.
 - The application Ref is P24/02445/HH.
 - The development proposed is erection of rear canopy and free standing gazebo (Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear canopy and free standing gazebo at 65 Kilby Road, Stoke Gifford, Bristol, Gloucestershire BS34 8DJ in accordance with the terms of the application, Ref P24/02445/HH, dated 14 October 2024, and the plans submitted with it.

Preliminary Matters

2. The Council has sought to make a split decision. In the interests of certainty, I have based my assessment on the proposed development originally applied for.
3. I have amended the description of development given in the application form in my decision above to omit the wording *retrospective*, as it is not a description of development.
4. The rear canopy and free standing gazebo have been constructed and appear to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
5. The Council has only raised substantive concerns with regards to the free standing gazebo and not in reference to the rear canopy. From the evidence before me and my observations on site, I see no reason to disagree with the Council's position with respect to the rear canopy.

Main Issue

6. The main issue is the effect of the development on the living conditions of the occupants of 67 Kilby Road, with particular reference to proximity, daylight, sunlight and sense of enclosure.

Reasons

7. 65 Kilby Road forms part of a modern housing development of similar properties, with a driveway to the side of the property and a detached garage structure positioned behind the rear elevation, adjacent to the rear garden.

8. The gazebo occupies the garden space to the rear of the detached garage. The eaves to the gazebo sit slightly above the existing closed board fence to 67 Kilby Road and its shallow pitched roof slopes away from this common boundary. Whilst the gazebo can be seen above this boundary fence and it sits adjacent to the existing detached garage at No. 65, its visual impact is limited. Consequently, it has neither an overbearing nor dominant impact upon No. 67 even when considered cumulatively with other enclosing features. Moreover, due to the gazebo's modest height, as well as the shallow angle of the roof, it does not result in an unacceptable loss of daylight and sunlight in relation to No. 67.
9. For the above reasons, the gazebo has an acceptable effect on the living conditions of the occupants of 67 Kilby Road, with particular reference to proximity, daylight, sunlight and sense of enclosure. Accordingly, I find no conflict with Policies PSP8 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan. These policies include the requirement for development proposals to have an acceptable impact on the residential amenity of occupiers of nearby properties.

Other Matters

10. The gazebo may restrict certain views of the estate's main road and a nearby park from neighbouring properties. I observed that the road and park have a good level of natural surveillance from surrounding properties. There is no compelling argument that the gazebo would reduce levels of public surveillance of these areas to an unacceptable degree.

Conditions

11. As the scheme has already been constructed in accordance with the proposed plans, it is not necessary for a condition to ensure that outcome.

Conclusion

12. For the reasons given above the appeal should be allowed.

P Barton

INSPECTOR