



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: 9TH July 2025

Appeal Ref: APP/Z0116/W/25/3362271

Land to the rear of 29 Raleigh Road, Bristol BS3 1QP

- 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 Marcus D Warr against the decision of Bristol City Council.
 - The application Ref is 24/02514/F.
 - The development proposed is construction of detached two storey dwelling for a single person on an existing residential plot.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Policy DM21 of the Bristol Local Plan Site Allocations and Development Management Policies (BLPSADMP) covers the development of private gardens. Part III of the Policy relates to house extensions and requires the retention of an adequate area of functional garden. This part of the policy is not relevant to the proposed development, and I have assessed the scheme on this basis.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of 27 and 29 Raleigh Road, with particular reference to outlook, daylight and sunlight; and
 - whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook.

Reasons

Character and appearance

4. The appeal site is located within a predominantly residential area that is characterised by regimented terraced streets with consistency to building lines, height, massing, fenestration, architectural detailing and plot sizes. There are a few exceptions, including a former commercial 3-storey property to the opposite side of Hamilton Road, which wraps around the junction with Raleigh Road, and has been converted into flats. However, these limited exceptions do not override the uniformity that forms the prevailing pattern of development in this area. The

overall harmony to these characteristics makes a significant positive contribution to the character and appearance of the area.

5. There are 2-storey corner properties at a number of the road junctions off Raleigh Road, that appear to have been former shops which have subsequently been converted into residential accommodation. 29 Raleigh Road is one of these properties and it has been subdivided into 3 flats, with an open yard associated with Flat 3 to the rear and a detached single storey garage that is accessed off Hamilton Road.
6. These corner properties, including No. 29, follow the front building line to Raleigh Road and where they turn the corner they are positioned to the back of the pavement on the side roads. There is space between the rear of these corner properties, as well as the other terraced properties along Raleigh Road, and the terraced houses on the side roads, which are slightly set back from the pavement. This gap provides relief to the built-up nature of the area and assists in diluting the contrast in the building lines between the corner properties and the terraced housing on the side roads. These gaps are often enclosed to the road by high boundary treatment, and some contain single storey outbuildings, or similar, as is the case with No. 29. However, the height and scale of these maintain the sense of spaciousness between the terraced blocks.
7. The proposed development would replace the existing single storey garage as well as occupy much of the existing open yard with a detached 2-storey building. The height, scale and bulk of the proposal would result in a building that would significantly erode the gap and sense of spaciousness between No. 29 and 1 Hamilton Road. Moreover, the additional height of the proposal to the back of the pavement would create a very stark contrast to the front building line of the terraced housing along Hamilton Road and be an incongruous feature in the street scene. The design and window sizes proposed in the front elevation would not reflect the prevailing character of the area in this respect. All these factors would disrupt the prevailing uniformed character and appearance of the locality.
8. For the above reasons, the proposed development would be harmful to the character and appearance of the area. This would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (BDFCS), and Policies DM21, DM26 and DM27 of the BLPSADMP. Taken together they seek high quality urban design, which contributes positively to an area's character and identity, including respecting and building upon the local pattern and grain of development, as well as development involving the loss of gardens not harming the character and appearance of the area.

Living conditions of occupiers of 27 and 29 Raleigh Road

9. There is the only window to Flat 3's ground floor bedroom on the rear elevation at No. 29, and the proposal would be sited at an approximate distance of 2.2m from this window. The very close proximity of the building would result in a significant reduction in the level of outlook, daylight and, due to its positioning, sunlight to this habitable room. This harm would be further compounded by virtue of the proposal's height, which the Council considers would be in the region of 4m at this point. This dimension has not been contested by the appellant. Moreover, these effects on outlook would create an unacceptable sense of enclosure and would be overbearing to the rear of Flat 3.

10. The appellant has suggested that the bedroom window to Flat 3 could be reduced in size, fitted with obscure glazing and additional rooflights installed. Whilst no details of these suggested amendments are before me, these would appear to reduce the level of outlook from this habitable room further, by obscuring the glass, and would not mitigate the harm I have found.
11. Due to its adjacent positioning, the proposal would, based on the evidence before me that has not been challenged by the appellant, have a similar impact on the adjacent rear ground floor window that serves a habitable room to No. 27. Moreover, the proposed dwelling would be sited along the majority of the common boundary, and its height behind a small set back would subsequently have an overbearing and dominating effect, as well as creating an unacceptable sense of enclosure, to the private amenity space at No. 27.
12. It is argued that the private amenity space is already overshadowed by the gable end to No. 1. However, the proposed house would be significantly closer to Nos. 27 and 29.
13. At the closest point, the eaves of the proposed house would sit at the approximate mid-point of the first floor windows to the rear of the outriggers at Nos 27 and 29. The mono-pitch roof to the new building would slope away from these windows to its highest point against the backdrop of the side gable of No. 1. Therefore, this arrangement would not result in an adverse impact with regard to these windows. Nevertheless, this would not override the harm I have found above.
14. Therefore, I conclude that the proposal would harm the living conditions of occupiers of Nos. 27 and 29, with particular reference to outlook, daylight and sunlight. This conflicts with Policy BCS21 of the BDFCS and Policy DM27 of the BLPSADMP, which require, amongst other things, new development to safeguard the amenity of existing development, including appropriate levels of outlook and daylight.

Living conditions for future occupiers

15. Whilst there may not be a policy setting out specific requirements in terms of the number of windows needed to provide sufficient outlook, I must consider the effects of the proposal in this respect. A single eye level window facing Hamilton Road would provide outlook to the proposed dwelling's main open plan living/kitchen/dining area to the ground floor. However, the outlook from this window would be partially restricted by the covered area immediately outside this window. The area would also have two small high cill windows facing the rear of No. 29 and a long narrow rooflight above the kitchen units, running parallel along the boundary to the private amenity space to No. 27, which would all provide daylight but not an outlook. This arrangement would result in an oppressive environment for future occupiers within the main living space to the ground floor.
16. For these reasons, I find that the proposal would not provide acceptable living conditions for future occupants, with regard to outlook. This would not be in accordance with Policy BCS21 of the BDFCS and Policy DM29 of the BLPSADMP, which seek, amongst other things, that new development creates a high-quality environment for future occupiers, including appropriate levels of outlook.

Planning Balance

17. I give significant weight to the conflict with Policy BCS21 of the BDFCS and Policies DM21, DM26, DM27 and DM29 of the BLPSADMP, which are consistent with the National Planning Policy Framework (the Framework) in ensuring that development is sympathetic to local character and in the creation of high standard of amenity for existing and future users. As a result, I find that there is conflict with the development plan as a whole.
18. The Council has confirmed that they have a deliverable housing supply of 4.08 years. Consequently paragraph 11 of the Framework is engaged. Paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to securing well-designed places.
19. The proposed development would make a positive contribution by adding a one bed dwelling, with level pedestrian access, to the housing supply that would be located within an established residential area, where the Council identify that there is a slight deficit of one bed homes. The appeal site is located where future occupants would have access to local services, facilities and public transport links. It is asserted that the house would be constructed to a highly insulated standard, suitable for Air Source Heat Pump technology and miniature high voltage installation, utilise triple glazing and designed to reduce air loss. There would also be the removal of the garage and its access off Hamilton Road, which would allow the space to be used for an additional on-street parking space.
20. The limited scale of the development means that I afford the provision of a new dwelling within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development.
21. It is asserted that there would be no harm to heritage assets or protected trees, that sufficient external space for waste and cycle storage would be provided and that the proposal would not result in unacceptable noise pollution. A lack of harm or policy compliance in these respects would be a neutral consideration.
22. On the other side of the balance, there would be harm to the character and appearance of the surrounding area as well as to the living conditions of neighbouring occupiers and future occupants, which would be contrary to paragraph 135 of the Framework. Given the long lasting effects on both the character and appearance of the area and the living conditions of residents, I attribute significant weight to this conflict.
23. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

24. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR