
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: 10 July 2025

Appeal Ref: APP/Z0116/W/25/3363175

22 Begbrook Lane, Stapleton, Bristol BS16 1HP

- 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 Mohammad Yaseen against the decision of Bristol City Council.
 - The application Ref is 24/04708/F.
 - The development proposed is described as “To complete a double story side extension and a single story rear extension. Along with a loft conversion that falls under permitted development. Also, a change of use from dwelling house to HMO. In addition to some Interior alteration to enhance the space overall”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description given in the application form suggests that the loft conversion would comply with the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). It is not for me, under a Section 78 appeal, to determine whether the loft conversion, including a hip to gable roof extension, would comply with the GPDO. I have determined the appeal on the basis of the proposed plans before me.

Main Issues

3. The main issues are the effect of the proposed development on;
 - the character and appearance of the host building and the surrounding area; and
 - the living conditions of the occupants of 20 Begbrook Lane, with particular regard to daylight and outlook.

Reasons

Character and appearance

4. 22 Begbrook Lane is one of a pair of 2-storey, semi-detached dwellings, which sit within a row of similar style and age properties along the western side of Begbrook Lane. I observed alterations to many of these properties, including 2-storey side extensions. However, where roofs have been altered or extended, this has typically been undertaken with flat or hipped roofs. The latter remain the predominant roof form, and therefore allow a degree of coherence across the row

of houses and provide separation between the various semi-detached properties at roof level.

5. 24 Begbrook Lane has a 2-storey side extension with a hip roof which is not set back from the front elevation or set down from the ridge line. This has already impacted upon the symmetry of this house and the attached appeal property. The ridge line to the proposed side extension would be set down, offering it a degree of subservience. However, the gable end would result in additional scale to the roof, creating a harmful top-heavy imbalance to the pair of properties in a manner that is not present elsewhere in the street scene.
6. I observed the storage of bins within the frontages along Begbrook Lane, but there was nothing of the size and height of the proposed cycle and refuse stores standing forward of the building line. These would sit significantly higher than the existing low brick front boundary wall and would subsequently stand out as prominent and incongruous features in the street scene.
7. I understand that the size of the cycle and refuse stores has been influenced by comments from the Council's Transport Development Management. The appellant suggests that the depth of the waste store could be reduced by a third if the number of container sets required were to be rounded down.
8. I also note the example at 25 Brockworth Crescent where cycle and refuse stores had been approved by the Council. However, I find harm with the proposed storage arrangement to the street scene of Begbrook Lane. Given the absence of similar structures within Begbrook Lane, I am not convinced that a reduction in the size of the refuse store would sufficiently mitigate my concern, and I am therefore not satisfied that this matter could be addressed by the use of conditions.
9. The parking of cars to the frontage of properties is an established part of the character and appearance of the area. Whilst they may be parked for long periods of the day, they are not permanent structures like the proposed refuse and cycle stores, and so have a very different effect on the existing street scene.
10. An appeal decision has been put before me, where the Inspector recognised some tension between 'A Guide for Designing House Alterations and Extensions – Planning Document Number 2' (DHAESPD) and what is permitted development (PD) under the GPDO. This example is materially different to the scheme before me as that development was a hip to gable alteration, rather than a two storey side extension, and was PD certified by a lawful development certificate. As such, this comparison is of limited relevance, and I have considered the appeal on its individual planning merits. Given its vintage, the DHAESPD has had little influence on my reasoning in any event.
11. Moreover, whilst hip-to-gable alterations can fall under PD in other circumstances, that is not to say that this scheme should automatically be found acceptable in design terms, or that all development constructed under PD is sympathetic to local character. Notwithstanding PD rights, the Government has clearly expressed through national policy an emphasis on high quality design, which would not be achieved here, and that development that is not well designed should be refused. The existence of PD rights is not therefore a compelling justification for the proposal subject to this appeal.

12. For the above reasons, the proposal would have an unacceptable effect on the character and appearance of the host building and the surrounding area. It would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (BDFCS), Policies DM2 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (BLPSADMP) and the DHAPSPD. Taken together they seek high quality design that, amongst other things, respects the design and character of the host building, its curtilage and the broader street scene with regard to siting, scale and form.

Living conditions

13. To the side elevation of No. 20 are 2 windows. The ground floor window is to a kitchen and dining area, which also has a smaller window to the front elevation. The first floor window is to a bedroom and is the only window to that room. These windows currently face the side elevation of No. 22 with a separation distance of the width of 2 single driveways. I observed on my site visit that these 2 side windows do contribute to the living conditions of the occupants of No. 20 by reason of outlook and daylight they provide to these rooms. I do not share the appellant's view that the kitchen dining area is sparsely used and largely for the preparation of food. I observed it to be a well used part of the house. The proposal would significantly reduce the separation distance between these 2 side windows and the side elevation of the appeal property. The close proximity of the proposed side extension to these windows would significantly harm the amount of daylight and outlook for occupiers of No. 20.
14. It is argued that a single storey side extension could be constructed at the appeal property, or a 2m high fence erected, along the boundary with No. 20 without the need for planning permission. These options would not be as high as the proposed 2-storey side extension before me and would have a lesser impact on the living conditions of the occupiers of No. 20.
15. I observed a recreation vehicle parked on the driveway to the side of No. 20, which I understand is often parked there. This is a vehicle that can move and as such I give little weight to the impact it may have in relation to the ground floor side window.
16. Therefore, I conclude that the proposed side extension would have an unacceptable effect on the living conditions of the occupants of No. 20, with particular regard to daylight and outlook. This would conflict with Policy BCS21 of the BLPCS and Policies DM2 and DM30 of the BLPSADMP, the aims of which include safeguarding the amenity of neighbouring occupiers.

Planning Balance

17. The Council has stated that it has a deliverable housing land supply of 4.14 years, whilst the appellant has referenced a 2.2 to 2.4 years housing land supply position. In either scenario, the Council is unable to demonstrate a 5 year supply of deliverable housing sites. In these circumstances, paragraph 11 d) ii) 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 National Planning Policy Framework (the Framework) taken as a whole, having particular regard to certain key policies.

18. The proposal would add to the housing supply in the form of HMO rooms within an established residential area where there is a clear, evidenced shortfall of rented accommodation. There would also be associated social and economic benefits during the period of construction and once the proposal is occupied.
19. Applying the appellant's lower housing land supply figures for the sake of my assessment, I afford the provision of the proposed residential accommodation moderate weight in favour of the proposed development.
20. On the other side of the balance, there would be harm to the character and appearance of the host building and the surrounding area, and the living conditions of the occupiers of No. 20. The scheme would provide new accommodation but at the expense of the quality of existing accommodation next door. I am mindful that the Framework requires decision makers to ensure that development is sympathetic to local character and create places which promote health and well-being, with a high standard of amenity for both existing and future users.
21. 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

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

P Barton

INSPECTOR