



Appeal Decision

Site visit made on 6 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND July 2025

Appeal Ref: APP/F0114/W/25/3358706

15 Albert Avenue, Peasedown St. John, Bath BA2 8JB

- 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 S Harvey against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/03840/FUL.
 - The development proposed is infill development comprising erection of 1no. residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties having regard to light, outlook, and privacy.

Reasons

Character and appearance

3. The appeal site is an area of hardstanding to the side of 15 Albert Avenue (No 15) and to the rear of 17 Albert Avenue (No 17), that is currently used to provide off-road parking. Those houses are both at one end of their respective terraced rows that front on to Albert Avenue. The numerous terraced rows of housing on this side of the road have a variance in their length and distance from the pavement but a clear and distinct part of the street scene's character is formed by the consistent pattern and style of terraced development. The other residential development on Albert Avenue also predominantly consists of terraced housing with some semi-detached dwellings. On the adjoining Frederick Avenue there are more examples of semi-detached housing.
4. The proposed detached dwelling would be constructed on the area of hardstanding. A detached dwelling in this location would interrupt the clear pattern of development referred to above. Its prominent position on the inside of a corner of the road would mean that its incongruity in the street scene would be particularly evident. Furthermore, the proposed new dwelling would largely fill the tapering site, which currently positively contributes to the spacious character of residential development in the area.

5. Therefore, whilst the proposed dwelling's two storey form, materials and certain design features, its position being consistent with the adjacent terrace's building line, and the parking being located at the front of the site would all be reflective of the surrounding residential development, the harmful impacts mentioned above would result in development that would undermine the character and appearance of the area.
6. The appellant has referred to an appeal at 52 Albert Avenue¹, which was for the erection of an end terraced house and was dismissed in June 2015. However, that appeal was for a different type of dwelling and had a different built context. As such, that proposed development is not directly comparable to the proposal before me and does not materially alter my judgement of the appeal, which I have considered on its own individual merits.
7. My attention has also been drawn to other residential properties in the local area, including on Sunnyside View. There is a significant variation in housing styles in the wider area, but no examples of detached dwellings have been provided and the crux of the issue is the detached nature of the proposal. Furthermore, those properties have different locational contexts and surrounding built form that are not directly comparable to the appeal proposal before me. As such, the presence of those dwellings in the wider local area also does not alter my judgement.
8. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area. Consequently, the proposal would conflict with Policies CP6, D1, D2, D3, D4 and D5 of the Bath and North East Somerset Local Plan: Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (adopted January 2023) (LP), insofar as they seek for development to contribute positively to local distinctiveness and identity, respond positively to local context and relate positively to the street.

Living conditions

9. The proposed dwelling would be erected to the side of No 15, which is the elevation of the neighbouring dwelling where the front door and numerous windows are located. The evidence indicates that the ground floor windows serve a utility room, and the first-floor windows serve a bedroom, the landing, and a bathroom.
10. The distance from the dwelling to the windows serving the utility room, bathroom and landing would be small. The effect on the outlook from those rooms would, therefore, not be insignificant. However, those rooms are non-habitable rooms, and I consider that only limited weight should be given to the outlook from a non-habitable room. As such, the loss of outlook from those windows would not lead to significant harm to the living conditions of No 15. The separation between the bedroom window and the proposed dwelling would be sufficient to maintain an acceptable level of outlook and avoid a sense of enclosing.
11. Given the position and separation of the proposed dwelling in relation to No 15, it would not materially affect the light entering the bedroom window on the first floor of the neighbouring dwelling. In terms of the other windows, a lower standard of amenity can be accepted for a non-habitable room than would be the case for a

¹ Appeal reference APP/F0114/W/15/3002251

habitable room. As such, some loss of light to the ground floor windows would therefore not be unacceptable.

12. The proposed dwelling would have a bathroom window in the rear elevation that would face over the rear garden of No 17 and have an acute angled view towards the rear elevation of No 17. The appellant has confirmed that the window would be obscured glazed, and this could be secured by an appropriately worded planning condition. I acknowledge that the effectiveness of the obscure glazing could be reduced by the window being openable. However, it would not be unreasonable to impose a further planning condition that would ensure that the window remains closed. The bathroom window would therefore not materially overlook No 17.
13. Given that shadows or outlines of people in the bathroom could be seen from the garden of No 17, there could be a perception of overlooking. However, such effects would be likely to be relatively short in duration in a non-habitable room, such as a bathroom. As such, I am satisfied that the potential perception of overlooking from the bathroom window would not cause a meaningful loss of privacy for the occupiers of No 17.
14. A bedroom window in the rear elevation of the proposed dwelling would face in the same direction as the bathroom window. It would be positioned further away from No 17 and further towards the rear of the site than the window serving the bathroom. It would still look over the bottom of the garden at No 17, but this area of the neighbouring garden is currently occupied by outbuildings. The useable area of the garden appears to be nearer the neighbouring dwelling itself. The angle of view from the bedroom window of that part of the garden and the dwelling at No 17 would be acute enough to prevent intrusive views into the neighbouring property. On this basis, the view from the bedroom window would not materially harm the privacy of the occupiers of No 17.
15. A small proportion of the proposed dwelling would be close to the boundary with No 17. Most of the proposal would be sited a sufficient distance from the dwelling and garden at No 17 to avoid the proposed dwelling becoming a dominant and oppressive building in the outlook from the neighbouring property. Whilst there would be some loss of light to No 17 in the early morning, it would be a relatively short period of the day when that impact would occur and there would, therefore, not be a level of harm to the living conditions of the neighbouring occupiers that would be unacceptable.
16. For these reasons, the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of neighbouring properties having regard to light, outlook and privacy. Consequently, the proposal would comply with Policy D6 of the LP, which seeks, in part, for development to not cause significant harm to the amenities of existing occupiers of residential premises by reason of loss of light or outlook.

Planning Balance

17. The proposal would result in the provision of one dwelling with reasonable access to facilities and services. It would therefore contribute towards the Council's housing delivery and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. However, even though small sized sites can make an important contribution to meeting the housing requirement of an area, one additional unit would not make a noticeable difference to the housing

supply situation across the Council's area. It is thus a benefit that attracts limited weight. The proposal would also create jobs during the construction phase and provide support to the local economy and the vitality of the local community once occupied. These benefits attract minor weight in lieu of the scale of development being considered.

18. Weighing against the benefits is the conclusion that the proposed development would result in unacceptable harm to the character and appearance of the area. The proposal may comply with certain policies contained in the LP, but given the harm that I have identified, the proposal conflicts with the development plan when taken as a whole. According to the Framework, development should be sympathetic to local character, including the surrounding built form. Given that the policies that I have identified conflict with are consistent with the Framework, I apportion significant weight to the policy conflicts and associated harm that would be caused by the proposed development.
19. Overall, I find that the adverse effect of the proposed development on the character and appearance of the area would outweigh the limited weight that can be attributed to the scheme's benefits.

Conclusion

20. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR