



Appeal Decision

Site visit made on 11 August 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/Z0116/D/25/3368537

40 Gores Marsh Road, Bristol BS3 2PF

- 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 T McDaid against the decision of Bristol City Council.
 - The application Ref. is 25/10408/H.
 - The development proposed is a double and single storey extension to the rear.
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Decision

1. The appeal is allowed, and planning permission is granted for a double and single storey extension to the rear at 40 Gores Marsh Road, Bristol in accordance with the terms of the application, Ref. 25/10408/H and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with a schedule of approved plans in Drawing No. Series Z-858 to be first agreed in writing with the Local Planning Authority prior to the commencement of the development.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions for adjoining occupiers as regards outlook and light.

Reasons

3. The appeal dwelling is a semi-detached dwelling paired with No. 38 on its north easterly boundary. The appeal scheme proposes an extension to a depth of 3.5m with the part of the building adjoining No. 38 of single storey height and the remainder two storey. The Council's objection is that the proposal conflicts with its SPD2: 'A Guide for Designing House Alterations and Extensions' in that the single storey extension would fail the '45-degree rule' taken from the centre of the nearest ground floor habitable room window at No. 38, and that the depth of the two-storey element would exceed the recommended maximum of 2.75m by 0.75m.

4. As part of my visit, I was given permission by the occupiers of No. 38 to assess the impact of the appeal proposal from their garden. From this vantage point I saw that the habitable room window is a full height pair of patio doors and that in terms of both enclosure and light, the existing aspect from these is significantly restricted by the boundary treatment comprising of decorative concrete panels and high-density planting of a substantial height from a point about 2m away from the dwelling.
5. In these circumstances I do not consider that the proposed single storey extension with its 2.4m high eaves and 3.7m ridge would make any material difference to the existing situation. The first-floor extension would be set almost 2.5m from the boundary with No. 38. And given the existing boundary treatment I similarly consider that the aforementioned 0.75m depth over and above that permitted in SPD2 would not materially increase the loss of outlook and light to the patio doors and rear garden of this neighbour.
6. I acknowledge that although the existing planting significantly reduces the outlook and light, it does not have the permanence of built form. However, the occupiers of No. 38 have made no objection to the appeal scheme and whilst not in itself determinative, the absence of this facilitates the potential for alternative proposals under the Prior Approval procedure that as a fallback position would have a greater impact on No. 38 than the current scheme.
7. On balance, I find that the proposal would not have an unacceptably harmful effect on the outlook and light for the occupiers of No. 38 contrary to Policy BCS21 of the Bristol Development Framework Core Strategy 2011; Policies DM27 & DM30 of the Council's Site Allocations and Development Management Policies Local Plan 2014, and paragraph 135f) of Government policy in the National Planning Policy Framework, revised December 2004.
8. I shall therefore allow the appeal. A condition requiring matching external materials will preserve visual amenity, whilst a condition stipulating that the development is carried out in accordance with the approved plans is necessary for the avoidance of doubt and is in the interests of proper planning. As regards the latter, there are some discrepancies between the plans' numbering submitted in this appeal and the list in the Officer's Report to which the Appeal Questionnaire refers. I have therefore amended the standard condition to require agreement between the Council and the appellant as to the correct plans before the commencement of the development.

Martin Andrews

INSPECTOR