



Appeal Decision

Site visit made on 17 November 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/Z0116/D/25/3374019

12 Rodbourne Road, Horfield, Bristol BS10 5AS

- 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 Reynolds against the decision of Bristol City Council.
 - The application Ref is 25/10571/H.
 - The development proposed is a single storey rear extension and raised deck to replace existing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I am aware that the appellant submitted revised plans during the application seeking to overcome the Council's concerns. For the avoidance of doubt, I have assessed this appeal using the revised plans as opposed to those originally submitted.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbouring property No 14 Rodbourne Road.

Reasons

4. The appeal property is a semi-detached dwelling. There is an existing common boundary wall between the appeal property and No 14 Rodbourne Road, which has a height of around 1.8m.
5. The appeal proposal comprises the erection of a rear extension and the replacement of the existing decked area at the property with one that is positioned further back into the plot and at a lower level. The rear extension would have a staggered footprint with the shorter dimension being adjacent to No 14 and extending to around 3.3m in depth. The section of the existing boundary wall where the extension would be located would be replaced by its new side wall. This would result in the proposed extension being brought back in the plot by around 30 cm away from No 14.
6. Policy DM27 of the Site Allocations and Development Management Policies 2014 (SADMP) states that development will, amongst other matters, be expected to achieve appropriate levels of privacy, outlook and daylight. Policy DM30 of the

SADMP similarly states that extensions to existing buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers. Further guidance to assess the impact of development on the living conditions of neighbours is set out in the Council's A Guide for Designing House Alterations and Extensions Supplementary Planning Document 2005 (SPD), which whilst not part of the development plan provides guidance to assist decision making.

7. The SPD states that the Council will use as a rule of thumb the 45 degree rule to assess rear extension proposals such as that subject of this appeal. From the information before me, I find that the proposal would not meet the 45 degree rule when assessed horizontally on plan to No 14's rear dining room and kitchen window. I understand from the information before me that this window provides the only source of natural light to No 14's dining room.
8. The appellant states that they consider the proposal would meet the 45 degree rule when applied to the elevations. However, the plans before me appear to show that there would in fact be a slight breach of the 45 degree rule on the elevations due to the height of the proposed parapet wall. I am, therefore, not satisfied from the information before me that the proposal adequately satisfies either part of the 45 degree rule as set out in the SPD.
9. While I acknowledge the appellant contends the Council's report overstates the height of the proposed extension, it is clear from the submitted plans that the proposal would significantly increase the height of built form along the common boundary when compared with the existing boundary wall. When this is considered with the depth of the proposal, there would be a significant increase in built form on the common boundary. This height and depth would be prominently visible resulting in an oppressive and overbearing impact to No 14's rear kitchen and dining room window.
10. Moreover, the proposal not meeting the 45 degree rule would also mean that the extension would be likely to impact on the levels of daylight / sunlight to No 14's rear kitchen and dining room window. In this respect, I have considered the additional information provided by the appellant that identifies there would not be a material impact in terms of overshadowing during the hours 9am to 3pm. However, this information is not conclusive in terms of the impact on the levels of daylight / sunlight to No 14's kitchen / dining room, which is a different consideration to overshadowing. Without any evidence to the contrary I am, therefore, unable to conclude that the proposal would have an acceptable impact on daylight / sunlight to No 14's rear window.
11. I am aware the SPD allows for some flexibility that could justify a relaxation of the 45 degree rule where there are existing permanent features between properties such as a boundary wall. However, as the existing boundary wall between the properties is substantially lower than the proposed new flank wall it is not comparable to the anticipated impacts identified that would arise from the proposed extension. Therefore, the presence of the existing boundary wall does not provide any justification for a relaxation of the 45 degree rule in this case.
12. Regarding the replacement raised deck, it would extend further into the plot with most of the new structure being stepped down below the common boundary wall that would be retained. This would ensure that there would not be any adverse impacts on privacy to No 14 from the main part of the decking. The Council's

concern is, therefore, only focused on the impact on privacy to No 14 from people standing on the top step of the new decking structure and who would be able to see over the retained boundary wall. However, people using the deck would mostly only be on the top step for a fleeting moment as they walk down to the main decked area below. I also acknowledge that the doors from the extension would provide a form of screening to people on the top step when they are open. As such I find that any loss of privacy to No 14 would be infrequent and inconsequential in practice and not sufficient to justify refusing planning permission on this issue alone. However, finding no harm in this respect does not justify the harm identified to No 14's living conditions from the height and depth of the rear extension.

13. I also acknowledge that it is unfortunate that the appellant was told at one stage the proposed revisions to the extension were acceptable. However, I afford this limited weight in my decision as I am required to come to my own conclusions when assessing the proposal against the requirements of the development plan and any material considerations, which I have set out in this decision.
14. To conclude, the proposed rear extension's depth when combined with the height and proximity to the boundary would have a harmful overbearing impact and cause light restriction to the rear kitchen and dining room window as a primary habitable room of 14 Rodbourne Road. Accordingly, the proposal does not accord with the requirements of Policy BCS1 of the Bristol Core Strategy 2011 and Policies DM27 and DM30 of the SADMP that seek to safeguard neighbouring amenity. The proposal would also conflict with the guidance in the Council's SPD and the requirements of Paragraph 135 of the National Planning Policy Framework, which requires development to have a high standard of amenity for existing and future users.

Conclusion

15. For the reasons given above and considering all matters raised, I conclude that the development does not accord with the development plan and the appeal is dismissed.

N Perrins

INSPECTOR