



Appeal Decision

Site visit made on 4 November 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/P0119/W/25/3370101

41 Chiphouse Road, Kingswood, South Gloucestershire BS15 4TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission under section 73 of the Act for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Michael West against the decision of South Gloucestershire Council.
 - The application Ref is P25/00976/RVC.
 - The application sought planning permission for erection of a two storey side extension and a single storey rear extension to provide additional living accommodation. Erection of front porch and relocation of rear outbuilding without complying with a condition attached to planning permission Ref P24/02588/HH, dated 7 February 2025.
 - The condition in dispute is No 4 which states that:
"Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D and E), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority."
 - The reason given for the condition is:
"To manage any future development at the site in the interests of preserving the design and visual amenity of the property and the street scene; and the residential amenity of the application dwelling and neighbouring properties; to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); and Policies PSP8, PSP38 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017); and the provisions of the National Planning Policy Framework."
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Decision

1. The appeal is allowed and planning permission is granted for 'erection of a two storey side extension and a single storey rear extension to provide additional living accommodation. Erection of front porch and relocation of rear outbuilding' at 41 Chiphouse Road, Kingswood, South Gloucestershire BS15 4TR in accordance with the application Ref P25/00976/RVC, without compliance with condition number 4 previously imposed on planning permission Ref P24/02588/HH dated 7 February 2025 and subject to the conditions in the schedule below.

Background and Main Issue

2. I observed that the extensions to the dwelling were under construction but not complete.
3. Disputed condition 4 removed national permitted development (PD) rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that would otherwise have allowed, amongst other things and within certain parameters, the enlargement of the house and erection of outbuildings within its curtilage, without the need for a planning application. This condition does not prevent future extensions to the dwelling or the erection of

outbuildings within its curtilage, but it allows the Council to control them through the planning application process.

4. The appellant seeks the removal of condition 4 on the grounds that it has not been justified, and it is not reasonable or necessary to remove PD rights for the property.
5. The main issue is whether the disputed condition is reasonable or necessary in the interests of the character and appearance of the area and the living conditions of occupiers of No. 43a Chiphouse Road, with particular reference to privacy.

Reasons

6. The National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national PD rights unless there is clear justification to do so¹. The Planning Practice Guidance (PPG) is also clear that conditions restricting the future use of PD rights may not pass the test of reasonableness or necessity. It adds that the scope of such conditions needs to be precisely defined². It is a matter of planning judgement for the decision-maker on the facts of the particular case whether any such conditions are clearly justified.
7. 41 Chiphouse Road is one half of a pair of semi-detached 2-storey houses. Ground levels rise noticeably from east to west and pairs of semi-detached houses are positioned at similar levels to each other. I saw a number of side boundary treatments on top of retaining walls, responding to the changing ground levels between the pairs of properties.
8. A significant degree of harmony exists to the properties along Chiphouse Road in terms of their siting, setback, scale and form, which contribute to the overall character and appearance of the area. The approved extensions at the appeal site reflect other alterations I observed to properties in the locality, including those with side and rear extensions.
9. I understand that the proposed development was previously amended prior to planning permission being granted, to reduce the massing of the extensions and omit a rear-garden terrace. The Council claims that any further increase in the massing of the dwelling and the creation of a garden terrace would be likely to have an unacceptable impact on the living conditions of the occupiers of No. 43a. Be that as it may, there is no guarantee that such works would be carried out or that they would be unacceptable in any way. Moreover, it would be wrong to try and predict any future works any person may wish to undertake while relying on the broad range of PD rights provided by legislation.
10. There is limited information before me demonstrating that the aspects of the initial version of the earlier permission found to be unacceptable by the Council could in fact be implemented without the need for planning permission. Moreover, there is no compelling evidence on how an increase in the massing of the existing dwelling might have an adverse impact upon the living conditions of neighbouring properties, including No. 43a, or the character and appearance of the area.
11. I saw a hedge along the boundary between the areas to the immediate rear of the appeal property and No. 43a where there is a change in ground levels. This

¹ National Planning Policy Framework Paragraph 55

² Planning Practice Guidance 'Use of planning conditions' Paragraph: 017 Reference ID: 21a-017-20190723

current arrangement does leave these areas open to each other and a garden terrace, or similar, on the appeal site may result in a more elevated position with views towards No. 43a. However, the earlier permission shows a 1.8m high close boarded timber fence along this stretch of the boundary. This would result in an appropriate level of screening between these neighbouring private amenity areas that would be on a par with those I saw elsewhere in the area.

12. For the above reasons, it has not been shown that there is clear justification for the removal of PD rights as set out in the Framework. Accordingly, condition 4 is not reasonable or necessary in the interests of the character and appearance of the area and the living conditions of occupiers of No. 43a, with particular reference to privacy. Therefore, the removal of this condition in itself would not be contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy, and Policies PSP8 and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (PSPP). Together these policies seek development of a high-quality design that respects the surrounding area and would not have an unacceptable impact on nearby properties, including loss of privacy and overlooking
13. The Council's Decision Notice refers to Policy PSP43 of the PSPP. As this policy relates to the provision of private amenity space to any new residential units and the proposal relates to an existing dwelling, it is not directly relevant to this main issue.

Conditions

14. The appeal is to be allowed and condition 4 of planning permission Ref 24/02588/HH is to be removed in its entirety, creating a new planning permission. The PPG makes clear that decision notices for the grant of planning permission under section 73 of the Act should also reinstate the conditions imposed on the earlier permission that continue to have effect. I have imposed all those conditions that I consider relevant and in accordance with the Framework and the PPG.
15. No time limit condition has been attached as the development has begun.
16. As the development is under construction, and in the interests of the character and appearance of the area, I have reimposed the matching external materials condition.
17. I have no information before me on the status of the parking facilities condition on the earlier permission. I have reattached the condition in the interests of highway safety, with amended wording where necessary in the interests of clarity. This includes an amended timescale for the submission of the details to reflect that the development has begun. The timescale for the implementation of the approved details remains as before and as the appeal property is an existing dwelling, I have altered it from 'prior to the first occupation of the building' to 'prior to the first occupation of the development hereby permitted'. The retention of these parking facilities remains.

Conclusion

18. For the reasons given above, the appeal should be allowed, subject to the conditions set out below.

P Barton

INSPECTOR

Schedule of Conditions

- 1) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 2) Prior to the first occupation of the development hereby permitted, detailed plans showing the provision of adequate off-street parking facilities; intended hardstanding materiality; confirmation of adequate dropped kerb provisions; and a suitable surface water drainage solution; that are all in accordance with the standards set out in; Policy PSP16 of the Policies (Adopted November 2017), Sites and Places Plan; and the Residential Parking Standards SPD (Adopted December 2013) shall be submitted to and approved in writing by the local planning authority. The parking facilities shall be completed as in accordance with the approved details prior to the first occupation of the development hereby permitted and shall thereafter be retained.
- 3) This development shall be implemented in strict accordance with the following technical drawings;
SGC Map: Application Site Plan - Received 06/11/2024
Drawing No.3050-000_B: Location Plan - Received 19/12/2024
Drawing No.3050-001: Site Survey - Received 06/11/2024
Drawing No.3050-004: Plans and Elevations.....As Existing - Received 06/11/2024
Drawing No.3050-005_B: Plans and Elevations.....As Proposed - Received 18/01/2025
Drawing No.3050-007: Storage Building Elevations - Received 06/11/2024

*****END OF CONDITIONS****