

# Development Control B Committee Agenda



**Date:** Wednesday, 1 September 2021

**Time:** 2.00 pm

**Venue:** The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

## **Distribution:**

**Councillors:** Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Amirah Cole, Tony Dyer, Katja Hornchen (substitute for Zoe Goodman) and Guy Poultney

**Copies to:** Gary Collins, Laurence Fallon, Matthew Cockburn, Jeremy Livitt, Luke Phillips and Stephen Rockey

**Issued by:** Jeremy Livitt, Democratic Services  
City Hall, PO Box 3167, Bristol, BS3 9FS  
E-mail: [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)  
**Date:** Wednesday 1<sup>st</sup> September 2021



# Agenda

- b) Planning Application Number 21/02372/H - 1 Milsom Street (Pages 3 - 14)**



## **21/02372/H – 1 Milsom Street Explanatory Note.**

On Thursday 26<sup>th</sup> August, application 21/02373/H was withdrawn by the Applicant. As Members will know, there were previously two applications associated with 1 Milsom Street which were both due to be determined at Committee this afternoon.

Application 21/02373/H sought retrospective planning permission for the 'reinstatement' of a two storey rear extension to the property measuring 4.5m in depth, 3.0m in width and 6.5m to the ridge. This application was recommended for refusal by virtue that the development was of a scale and massing which failed to respect the built form of the host property, the building line of Milsom Street terrace and the residential amenity of the adjacent occupants. It should be noted that although construction of the extension has commenced, it is not habitable in its current form, as Members will note at this afternoons site visit. This application was withdrawn on Thursday 26<sup>th</sup> August 2021.

In 2019, prior approval (19/01584/HX) was granted for the construction of a 6m rear extension to original dwelling. It should be noted that the Applicant included the footprint of the rear extension application 21/02373/H in the original footprint despite the extension not being present at the time of the application. As such, the ultimate rear of this extension would be 10.5m from the existing habitable property. Although prior approval was given, the Applicant did not construct the extension within the prescribed timeframe and exceeded the depth and height prior approval, as prescribed by Part 1 Class A of the GPDO (legislative). Due to the non-accordance, the prior approval elapsed and does not act as a planning permission, which is a matter of differing opinions between the Applicant and the LPA.

The remaining application which will be determined this afternoon (21/02372/H) seeks planning permission for the construction of a fire escape fabrication and height increase of 0.8m to the elapsed prior approval (19/01584/HX). By virtue that the prior approval has elapsed and the reinstatement works still require planning permission, it is considered that the existing application should be refused. The fire escape fabrication would connect to an unconsented element of development and a 0.8m height increase would be sought to works which do not benefit from planning permission also. As no planning permissions exist on site, additions proposed are considered unacceptable and are recommended for refusal.

At this afternoons site visit I will cover the site context in relation to the context of the proposals and the planning history. Committee will cover application 21/02372/H only. The site visit will present a good opportunity to pose any questions in a closed environment, so please do not hesitate to ask any questions, including those anticipated for committee as we will benefit from the site context.

Kind Regards

Jon Hill

**Update - Equalities Impact Assessment**

At the previous Committee meeting (21 July 2021), Members queried the relevance of the Equalities Act 2010 to the determination of this application. It was confirmed that the public sector equalities duty was relevant to this application and the decision making process. This places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Concerns were raised by Members and Public Forum statements that the determination of this application could unduly impact upon groups with certain characteristics, specifically age and disability.

Concerns raised referenced the disability needs of the Applicant, disruption to the Applicant due to the planning history and the live enforcement case on the grounds that works have commenced without planning permission. The Local Planning Authority acknowledges the presence of groups including protected characteristics at the site in addition to the undue impacts on adjacent neighbours. The applications submitted to the Local Planning Authority seek permission for the construction of a two storey rear extension with a rehabilitation room at ground floor level and first floor fire escape/balcony fabrication. An assessment of the existing/proposed floor plans and the site visit indicated underutilised areas within the existing property, specifically the ground floor living room which could provide living accommodation with ease of escape in the eventuality of an emergency. It is considered that this could have the potential to provide benefits and would not serve to unduly impact on groups with certain characteristics or neighbours associated with excessive scale and unacceptable residential amenity impacts.

In determining the application, consideration to the acceptability of revisions was discussed with the Applicant on 13 April 2021 and subsequently on 29 July 2021. It was outlined that a single storey wrap around extension to the former 1949 rear building line would be acceptable to accommodate specific disability needs. While suggested revisions were dismissed, no further information has been provided to substantiate the need to warrant such an excessive scheme.

The proposed development would result in a large extension which would provide accommodation to the rear of the property for the disabled applicant. A drawing submitted with the application states: “The retrospective planning application, if found to be required, for the reinstatement / completion of the dwellings original structure within the original footprint to the original house boundary. This is to provide / reuse of the downstairs bathroom and upstairs an adapted walk in wet room and storage area for medical equipment.” The accommodation would be included benefiting persons with disability and advanced age.

The inclusion of a wet room could meet a particular disability or age related need and the additional space to store medical equipment would also likely be of benefit, which would support the occupation of the property by the applicant. It could however be the case that a wet room could be created within another part of the house, and no further information has been provided as to the nature of the equipment and whether this could be stored elsewhere within the property. The benefits from the additional space created by the extensions would

also be available to any future occupiers who might not share these particular protected characteristics, or may have other protected characteristics.

Due regard has been had to potential equalities impacts, and consideration of this has been undertaken on the basis of the level of information provided to support the application. On this basis, the proposed development would be of an excessive scale and would undermine the residential amenity of adjacent neighbours and would warrant a recommendation for refusal. On 10 December 2020, the Planning Inspectorate stated that, in relation to a previous iteration of the scheme, that *'the personal and medical circumstances of the Appellant's family members are noted. I have no doubt that the proposal is of benefit to the Appellant in this respect in providing expanded accommodation and this does carry some weight, however, the development would be likely to remain long after the Appellant's personal circumstances have ceased to exist and this matter does not outweigh the harm I have identified above'*.

By virtue of the scale and nature of residential amenity issues placed on neighbours, it is considered that the proposed development is unacceptable and recommendation for refusal would not unduly impact those with certain characteristics when alternatives have not been suitably assessed. Due regard has been had to potential equalities impacts as required by the public sector equalities duty and all other requirements of the Equalities Act 2010.

### **Background and Summary**

The application was deferred at Planning Committee on 21 July 2021 following a recommendation for refusal. Since the previous deferral, a site visit with Councillors was undertaken on the afternoon of 1 September 2021 to the application site and that of the neighbouring property as well as the inclusion of an Equalities Impact Assessment, as noted above. A preliminary site visit was undertaken on 6 April 2021, for the previous identical applications in Spring 2021.

The application as submitted seeks planning permission for a 0.8m height increase (5.8m in total) and construction of a first floor fire escape fabrication to the side elevation of a rear extension of an elapsed prior approval extension (19/01584/HX) which would facilitate an additional storey. The application was initially submitted concurrent to an application (21/02373/H) which sought retrospective planning permission for a 4.5m two storey rear extension connecting the existing habitable dwelling house to the elapsed prior approval extension, in which the aforementioned fire escape would connect. Application 21/02373/H was withdrawn by the Applicant on Thursday 26 August 2021. By virtue that the proposed development is reliant on works which have been commenced without planning permission, this application has assessed the cumulative total of the works built from the rear habitable elevation of the dwelling known as 1 Milsom Street. The development shall herein be referred to as the 'cumulative proposed development'.

The application as submitted seeks a height increase and fire escape fabrication to the elapsed prior approval extension which would constitute a two storey extension measuring 6.0m in depth, 3.6m in width from the party wall and an eaves and ridge height extending to 5.0m and 5.8m from ground level respectively. The cumulative development, inclusive of the unconsented two storey 'reinstatement' section and elapsed prior approval extension would measure 10.5m in depth from the habitable rear elevation and measure between 3.0m and 3.6m in width from the party wall shared with 2 Milsom Street. The unconsented

'reinstatement' section would extend to a ridge height of 6.5m on the boundary wall, reducing to a 5.8m at the ultimate rear of the cumulative development.

The cumulative proposals would include render walls, interlocking roof tiles and UPVC windows. As demonstrated in the submitted plans, the proposals would include 3no. windows and 1no. door at the ground floor level and 2no. windows and 2no. doors at first floor level. The proposals would include a fire escape/balcony fabrication at first floor level to the rear garden and include 2no. roof lights to the roof space.

Site visits undertaken demonstrate that works on site have commenced without planning permission. In April 2019 Prior Approval was given under 19/01584/HX for a 6m rear extension. By virtue that works undertaken were not completed by 31 May 2019, exceeded permitted heights and depths and development was not constructed from the rear elevation of the property at the time of development, the prior approval elapsed and is no longer relevant to the scheme. As such, there are no extant planning permissions on the site and in the absence of such permissions, the cumulative total ('reinstated extension', '6m rear extension' and fire escape fabrications) are the subject of this planning application. As such, the proposed development would constitute a total projection of 10.5m from the existing rear habitable elevation of the property.

In terms of the planning application, 2no. objections were received from neighbouring occupants on the grounds of design and residential amenity issues. The Case Officer responsible for the application has undertaken a site visit and noted that works had commenced without planning permission and were of a scale and massing which is uncharacteristic of the host property and the Milsom Street terrace. Due to the cumulative scale and protrusion, coupled with the elapsed prior approval 6m rear extension, the development protrudes 10.5m from the existing rear elevation, undermining the residential amenity of adjacent occupants. As such, the development would be unacceptable on design and residential amenity grounds.

The Case Officer was responsible for an identical application in Spring 2021. A Councillor referral from Cllr Hibaq Jama was submitted one day after the referral deadline and therefore the application was due to be refused under delegated powers, however, was withdrawn prior to determination. By virtue that the proposals constitute an identical resubmission of the previously unacceptable scheme, concerns have remained unaddressed and remain unacceptable.

The application site is currently subject to enforcement action by Bristol City Council (BCC) Enforcement for the commencement of works deemed unacceptable by BCC Planning and The Planning Inspectorate.

This application has been referred to Development Control Committee B by Cllr Hibaq Jama and Cllr Yassin Mohamud.

The application has been assessed on two occasions by the Case Officer, with concerns being substantiated by City Design Group also. It is considered that the Applicant has failed to address initial concerns, by virtue of the identical application, which remains unacceptable on design and residential amenity grounds.

Refusal is therefore recommended to Members.

## **SITE DESCRIPTION**

This application relates to the dwelling known as 1 Milsom Street in St Judes, east Bristol.

The application site comprises a two-storey end of terrace dwelling upon the north eastern side of Milsom Street, approximately 35m North West of the junction connecting to Stapleton Road (A432).

The host dwelling demonstrates a continuous flat eaves/parapet line to the front elevation along the terrace and 'butterfly-effect roof form to the rear. Properties on Milsom Street exhibit a small two-storey rear protrusion to the rear, with some benefiting from a further single storey lean-to which forms part of the original building structure.

A site visit was undertaken by the Case Officer on the previous identical applications on 6 April 2021 where it was evident that a two-storey rear extension to the existing property had been commenced. The partial construction, in addition to the elapsed prior approval extension, extended the entire depth of the rear garden cumulatively.

Due to the tight knit built form of Milsom Street and properties to the rear at Webb Street and Stapleton Road, the degree of overbearing and overshadowing on the rear curtilage and adjacent neighbours was apparent.

The application site is not within a conservation area.

## **APPLICATION**

This application, as submitted, seeks planning permission for a fire escape fabrication installation, height increase of approximately 0.8m to the elapsed prior approval and 2no. roof lights. As outlined, by virtue that the development is dependent upon an unconsented two storey 4.5m deep rear extension, this application has sought to assess the cumulative whole of the development.

In April 2019 Prior Approval was given under 19/01584/HX for a 6m rear extension. By virtue that works undertaken were not completed by 31 May 2019, exceeded permitted heights and depths and development was not constructed from the rear elevation of the property at the time of development, the prior approval elapsed and is no longer relevant to the scheme. As such, there are no extant planning permissions on the site.

The application as submitted seeks a height increase and fire escape fabrication to the elapsed prior approval extension which would constitute a two storey extension measuring 6.0m in depth, 3.6m in width from the party wall and an eaves and ridge height extending to 5.0m and 5.8m from ground level. The cumulative development, inclusive of the unconsented two storey 'reinstatement section and elapsed prior approval extension would measure 10.5m in depth from the habitable rear elevation and measure between 3.0m and 3.6m in width from the party wall shared with 2 Milsom Street. The unconsented 'reinstatement' section would extend to a ridge height of 6.5m on the boundary wall, reducing to a 5.8m at the ultimate rear of the cumulative development.

The cumulative proposals would include render walls, interlocking roof tiles and UPVC windows. As demonstrated in the submitted plans, the proposals would include 3no. windows and 1no. door at the ground floor level and 2no. windows and 2no. doors at first floor level. The proposals would include a fire escape/balcony fabrication at first floor level to the rear garden and include 2no. roof lights to the roof space.

This application considers the proposals outlined in the submitted application in addition to the unconsented 'reinstatement' works and the elapsed prior approval (19/01584/HX). All works undertaken to date have been done so without planning permission.

For further information, please see documentation appurtenant to the application.

## **PLANNING HISTORY**

19/01584/HX Notification of prior approval for the erection of a single storey rear extension that would extend beyond the rear wall of the original house by 6m, have a maximum height of 4 metres and have eaves that are 3m high. Prior Approval Not Required

20/01228/H First floor extension to rear, with external staircase and light well to front. Refused

\*Application 20/01228/H was appealed by the Applicant following the refusal by the LPA; however, the appeal was dismissed by the Planning Inspectorate under appeal reference 20/20127/REF. The appeal was dismissed on the grounds of unacceptable design, living conditions of intended/future occupants and residential amenity impacts on adjacent occupants.

21/00983/H Retrospective planning for raising of roof. Application Withdrawn

21/01014/H Rear height increase to rear extension and fire escape fabrication with external stair installation to first floor. Application Withdrawn.

21/02373/H Retrospective planning for reinstatement of section of original house structure. Application Withdrawn.

In terms of planning enforcement, a case was opened on 17 April 2020 to consider multiple reports of works to the rear without planning permission. The planning enforcement team attempted to contact the property owner in order to view the development that summer, when it was noted that an Appeal against the refusal was being considered by the Planning Inspectorate the case was put on hold until the appeal decision was received on 10 December 2020. Shortly after that a site visit was conducted and a further visit undertaken in February 2021. The outcome of that was that a Planning Enforcement Notice was served requiring complete demolition of the extension on 17 March 2021. That is currently subject to an Appeal which will be heard by way of a Hearing in the next 3-6 months.

## **RESPONSE TO PUBLICITY AND CONSULTATION**

Bristol City Council City Design Group (Objection – 10 June 2021)

“This application seeks retrospective planning approval for a two storey extension. This extension would be incongruous to the rest of the terrace introducing a two storey element beyond the building line of the other two storey extensions properties along this street. This approach will;

- Set the precedent for a back building line for 2 storey extensions beyond the existing allowing for the undermining of the back land garden character. The gardens acts as mitigation of the contributing factors of climate change;
- Impact the daylight/sunlight of the adjacent property and would potentially impinge on their right to light;
- Create overshadowing of the adjacent garden affecting it’s amenity value;
- Create overlooking and privacy issues for two properties along Stapleton Road due to the separation distances, which is below the national accepted 21m from window to window;
- Raise concerns that the removal of earth to achieve a lower ground level would impact the boundaries of all the properties bordering the site.

In summary, the proposals are incongruous, detrimental to the back land garden character, and would affect the amenity of the neighbouring properties. Accordingly as the above issues demonstrate this application represents over development. Therefore, it is recommended this application be refused”.

Neighbour notification letters were sent to owners/occupiers of properties abutting the application site. In total, 2no. objections were received from neighbouring properties at 2 and 13 Milsom Street relating to both applications. In regard to application ref. 21/02372/H, the following comments were raised:

- Previous works built have not been built in accordance with the approved plans or with the General Permitted Development Order (GPDO);
- Concerns raised that the ridge and eaves lines of the elements already built and those portrayed on submitted plans are inconsistent and would be much greater than portrayed in application;
- Ground heights between 1 and Milsom Street are not as shown in the submitted plans, resulting in differing design and residential amenity impacts;
- Trees considered to screen the development are not as depicted in the submitted plans; and,
- Concerns raised that the resubmission does not rectify the issues underpinning the appeal dismissal of the Planning Inspectorate.

## **WARD MEMBERS**

Planning Application 21/02372/H was referred to Planning Committee by Cllr Yassin Mohamud on 3 June 2021. While Cllr Mohamud outlined a neutral stance on the submitted applications, the proposals were referred to Planning Committee for additional scrutiny due to the complex planning history of the site.

An additional referral was submitted by Councillor Hibaq Jama on 17 June 2021 outlining that the applications should be determined by Planning Committee should the application be recommended for refusal.

## **RELEVANT POLICIES**

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development 2016 and Lawrence Weston Neighbourhood Development Plan 2017.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

## **KEY ISSUES**

### **A. IS THE DESIGN AND SCALE/CONTEXT ACCEPTABLE?**

Policy BCS21 states that new development should be of a high quality and should contribute positively to an area's character and identity.

Policy DM26 sets out that development should respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes; and respecting, building upon or restoring the local pattern and grain of development.

Policy DM27 states that developments should respect the layout, form, pattern and arrangement of buildings, structures and spaces to contribute quality urban design.

Policy DM30 sets out that new development will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene.

SPD2 'A Guide for Designing House Alterations and Extensions' states that proposed extensions should not protrude further than 2.75 metres and should maintain visual subservience to the existing dwelling.

The cumulative development in situ extends approximately 10.5m from the existing habitable two storey extension and measures 3.0m and 3.6m in width to the party wall shared with 2 Milsom Street. Based on the information in the plans provided with the application, the cumulative extensions would extend to 6.5m and 5.8m along the party wall shared with 2 Milsom Street, representing single pitch roof structures. The development far exceeds to the rear building line of 1 Milsom Street and the adjacent terrace and would visually be at odds with the existing built form. It is therefore considered that the development in situ fails to respect the built form of the property and the local area. The works provided far exceed policy guidance set out in SPD2, extending well beyond the 2.75m considered appropriate for two-storey extensions. Furthermore the provision of a 5.8m tall two-storey extension to the rear of the existing protrusion is uncharacteristic and would appear visually incongruous to the local built form. Based on the submitted information and site visits, it is considered the proposals are uninformed by the established character of the site.

Notwithstanding the above assessment, the first floor element would provide a utility room and a further wet room, connecting to a loft space in addition to two existing/proposed toilet/bathrooms. By virtue that the proposed fire escape would not be required to facilitate ease of escape for the Applicant in the ground floor rehabilitation room, it is considered that this element of the development would be superfluous in meeting the needs of the Applicant. It is considered that the proposed balcony/fire escape fabrication would be visually incongruous and would be unwarranted. Based on the information provided, it is considered the additional bulk/massing caused by the proposed development is unjustified and a fire escape installation is not warranted while causing additional design and amenity issues.

In addition to the concerns raised above, the development would be of a depth which exceeds 2.75m, exceeding SPD2 guidance and failing to maintain visual subservience to the host dwelling. While the development is partially visible from the public realm upon the corner of Milsom Street and Stapleton Road, the development does not significantly undermine the character of public areas. However, the sheer scale (including an additional 0.8m height to the elapsed prior approval extension (total height 5.8m at the terminus of development) and total 10.5m cumulative projection from the existing rear elevation undermines the visual subservience of the development and fails to safeguard the character of the host dwelling or the character of the terrace. As outlined in Paragraph 130 of the National Planning Policy Framework (NPPF), planning decisions are expected to ensure that developments are sympathetic to the local character and history, including the surrounding building environment. It is considered that the development is unsympathetic of the existing area and would not be visually attractive as outlined under Paragraph 130 (c) of the NPPF. The development evidences a disregard for the character and form of the host dwelling, constituting overdevelopment of the host rear curtilage. Owing to the above assessment, it is considered that the development fails to accord with Policies BCS21, DM26, DM30 and SPD2 guidance and is unacceptable.

Paragraph 130 of the NPPF further advocates that development should create places which promote health and well-being with a high standard of amenity for existing and future users. As further supported by Policy DM27 and DM30, development should provide and or retain sufficient usable external amenity space for occupants of the property. The development in situ extends 10.5m in depth and fire escape fabrications would further encroach into the retained garden space, resulting in an oppressive and enclosed segment of the garden for leisure and domestic purposes. Due to the scale and protrusion, the rear garden would remain overshadowed and or a configuration which is not conducive to promote the health and well-being of intended and future occupants. Owing to the above assessment, it is considered that the proposed development would be contrary to Paragraph 130 of the NPPF and Policies DM27 and DM30 and is unacceptable.

The development in situ would use materials including render walls, interlocking concrete roof tiles and white UPVC windows and doors. It is considered that the materials would be entirely consistent with those of the existing dwelling and similar to those of the host terrace and immediate area. As such, the development, in regard to materials only, would be acceptable and would safeguard the existing character and appearance of the local area. The proposals would be acceptable in terms of materials only and would accord with Policies BCS21, DM26 and DM30.

Based on the information provided, it is considered that the cumulative development would be of a scale and projection which is unacceptable and harmful to the built form and existing rear building lines of Milsom and Webb Street. A two storey extension measuring 5.8m in height at the proposed depth would exacerbate the scale and massing and fire escape fabrications are considered to be unwarranted and detrimental to retained amenity space to the rear of the property. In conclusion, the development is unacceptable in terms of design and contrary to Paragraph 130 of the NPPF, Policies BCS21, DM26, DM27 and DM30 and SPD2 guidance and is unacceptable.

## **B. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY OF FUTURE OR ADJACENT OCCUPIERS?**

Policy BCS21 states that new development should safeguard the amenity of existing development.

Policy DM30 states that proposals should not prejudice the existing and future development potential of adjoining sites.

SPD2 'A Guide for Designing House Alterations and Extensions' states that rear extensions should not cross a 45° line drawn from the extension to the mid-point of the nearest adjacent habitable window perpendicular to the proposed development as to not cause overlooking, overbearing or overshadowing on adjacent occupiers.

The cumulative proposed development would extend 10.5m from the rear habitable elevation of the host property, with stepped down ridge heights of 6.5m and 5.8m along the party wall shared with 2 Milsom Street. Photographs provided by the adjacent occupant and an inspection of the adjacent garden undertaken during the site visits further evidenced the unacceptable scale and stark nature of the party wall along the rear curtilage of 2 Milsom Street. It is considered that the proposed development gives rise to an unacceptable degree of enclosure and sense of overbearing which would be contrary to Policies BCS21 and DM30. Concerns in this regard were also expressed by the Planning Inspectorate in the previous appeal which has not been adequately addressed by the Applicant for the resubmission. As such, the current application is considered to give rise to an unacceptable degree of overbearing and sense of enclosure, thus failing to accord with Policies BCS21, DM30 and SPD2.

Due to the excessive height and 10.5m projection of the development and tall party walls, the side elevation crosses a 45° line drawn from the nearest habitable windows of 2 Milsom Street perpendicular to the development, on both plan and elevation. As such, it is considered that the development results in unacceptable overshadowing impacts which undermines both habitable rooms and the use of the rear garden. Concerns in this regard were raised by Bristol City Council City Design Group and the Planning Inspectorate and are considered to remain unaddressed during the subsequent resubmissions in 2021. Based on the site visit, photographs provided and assessment of the unacceptably large extension, it is considered that the development results in unacceptable residential amenity impacts on 2 Milsom Street in relation to overshadowing and loss of sunlight. As such, the development is considered to be contrary to Policies BCS21, DM30 and SPD2 guidance and is unacceptable.

Notwithstanding the unacceptable residential amenity issues endured on the occupants of 2 Milsom Street, the proposed development would include a first floor fire escape/balcony

fabrication which would serve a loft and utility area. The external fabrication would extend to approximately 2.9m and 2.5m in height, affording current and future occupants to overlook the rear elevations and private gardens of properties fronting Stapleton Road. Due to the tight-knit form of the local area, the sheer projection and height would result in a sense of overbearing on adjacent neighbours and elevated balcony structures would exacerbate overlooking.

Paragraph 23 of the Planning Inspectorates dismissal of application 20/01228/H stated that '*I note that there is an external fire escape to a property on Stapleton Road offering views into the appeal site. However, this does not justify similar additional harm to privacy as is proposed*'. Floor plans provided indicates that the fire escape would serve first floor rooms such as a loft area, utility and wet room. By virtue that the development would not serve disability needs provided at ground floor level and would give rise to unacceptable residential amenity issues on adjacent neighbours, it is considered that the development is unacceptable and unwarranted. The proposed development would result in a loss of privacy and overlooking which would undermine the residential amenity of current and future occupants which would be contrary to Policies BCS21, DM30 and SPD2 guidance and is unacceptable.

As outlined in the design section, it is considered that the development constitutes the over-development of the rear curtilage, resulting in compromised living conditions for intended/future occupants. The site visit, undertaken on 6 April 2021, indicated that the retained garden area endures a sense of enclosure/overbearing and loss of light due to the scale of the in situ development. Inclusion of a fire escape fabrication would further exacerbate the area of retained garden space and therefore undermine its use for current and future occupants. It is considered that the development would not be conducive of quality functional outdoor space which would promote healthy lifestyles as promoted under Paragraph 130 of the National Planning Policy Framework (NPPF). As such, the remaining garden provides minimal functional space for domestic and leisure activities, thus failing to accord with Paragraph 130 of the NPPF and Policies BCS21, DM26, DM27 and DM30 and is therefore considered to be unacceptable.

The in-situ development and planned additions would further detriment the residential amenity of adjacent and intended occupants and would fail to accord with policies BCS21, DM30 and SPD2. As such, the development is unacceptable in terms of residential amenity impacts.

## CONCLUSION

Based on the information provided to the Local Planning Authority for the resubmitted application and site conditions observed during the Case Officers site visit on 6 April 2021, it is apparent that the development in situ is of a scale and form which is unsympathetic to the constraints of the site and the character of the area. Furthermore, due to the scale of development, significant residential amenity impacts would be endured by occupants of 2 Milsom Street and 58-72 Stapleton Road which remain unaddressed following the previous refusal. The proposals outlined in this application would further exacerbate issues already deemed unacceptable and would therefore detriment design and residential amenity concerns further. As such, the application is recommended for refusal on the grounds of unacceptable design and residential amenity impacts.

RECOMMENDED    REFUSAL

## REASONS:

### **Unacceptable and Unsympathetic Design**

The proposed development would be of a height and projection which fails to respect the established rear building line and built form of the host dwelling and the Milsom Street terrace. The proposed development constitutes overdevelopment of the rear curtilage, with fire escape/balcony structures further encroaching into the limited retained area. Based on the information provided to the Local Planning Authority, it is considered that the development fails to accord with Paragraph 130 of the National Planning Policy Framework (adopted July 2021), Policy BCS21 – High Quality Design of the Bristol City Council Core Strategy (adopted June 2011), Policy DM26 – Local Character and Distinctiveness, Policy DM27 – Layout and Form and Policy DM30 – Alterations to Existing Buildings of the Site Allocations and Development Management Policies Document (adopted July 2014) and Supplementary Planning Document 2: A Guide for Designing House Alterations and Extensions (adopted October 2005). As such, the development is considered to be unacceptable.

### **Unacceptable Residential Amenity Impacts (Intended, Future and Adjacent Occupants)**

The proposed development would give rise to an unacceptable degree of overlooking, overshadowing and overbearing upon the residential occupants of 2 Milsom Street and 58-72 Stapleton Road. Due to the projection of the rear extensions, the proposals would create a stark and imposing party wall and balcony structures would allow current and future occupants to overlook rear gardens and habitable windows from a close and elevated location. The development would retain an unacceptable degree of external space and would therefore fail to contribute towards positive well-being. Based on the information provided to the Local Planning Authority and the site visit undertaken, it is considered that the development fails to accord with Paragraph 130 of the National Planning Policy Framework (adopted July 2021), Policy BCS21 – High Quality Design of the Bristol City Council Core Strategy (adopted June 2011), Policy DM26 – Local Character and Distinctiveness, Policy DM27 – Layout and Form and Policy DM30 – Alterations to Existing Buildings of the Bristol City Council Site Allocations and Development Management Planning Policies Document (adopted July 2014) and Supplementary Planning Document 2: A Guide for Designing House Alterations and Extensions (adopted October 2005) and is unacceptable.