

WARD: Lawrence Hill

SITE ADDRESS: 1 Milsom Street Bristol BS5 0SS

APPLICATION NO: 1. 21/02372/H Full Planning (Householders)
2. 21/02373/H

DETERMINATION DEADLINE: 24 June 2021

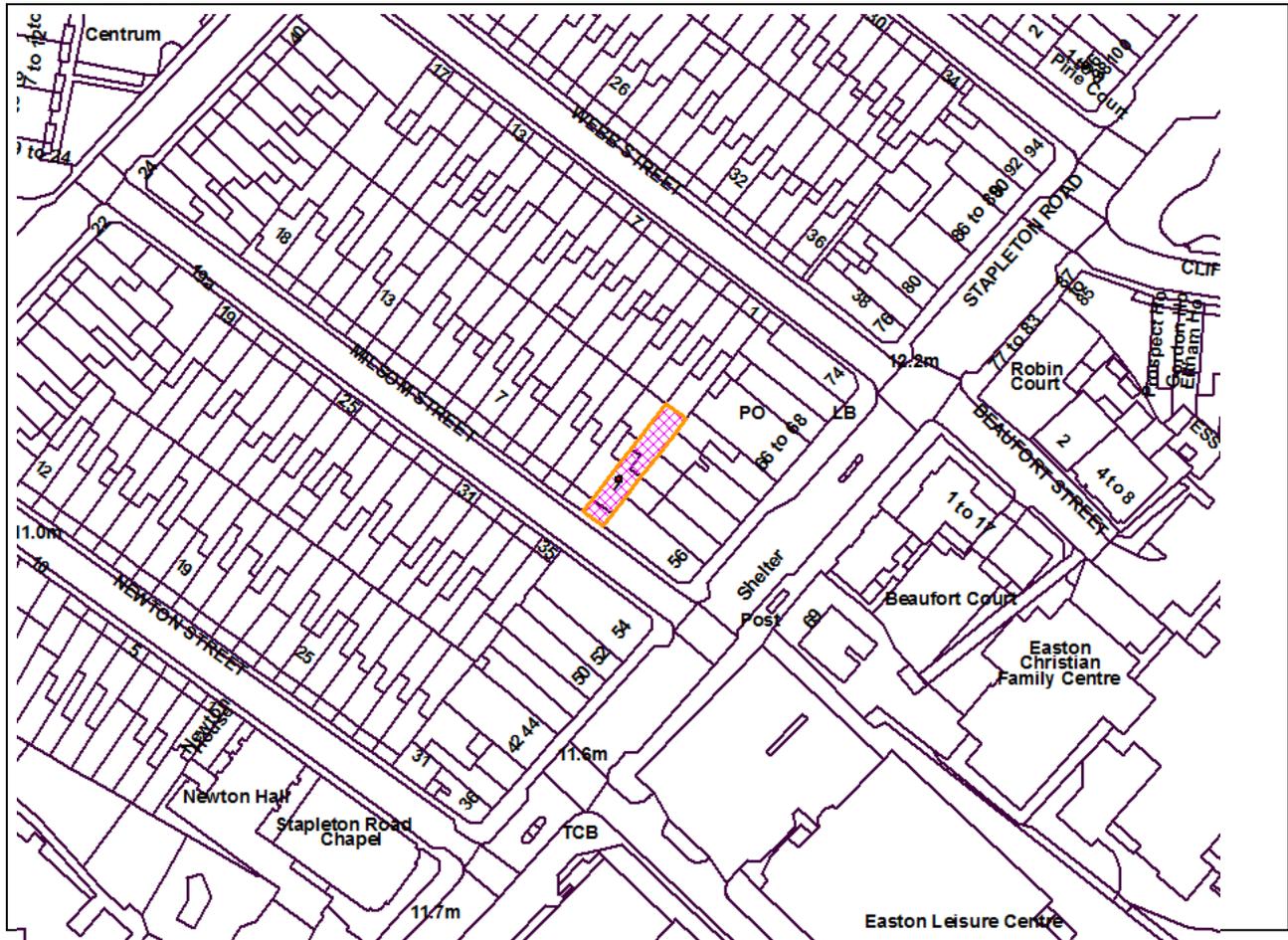
- 1. Height increase to rear extension and fire escape fabrication installations. &
- 2. Retrospective planning for reinstatement of section of original house structure.

RECOMMENDATION: Refuse

APPLICANT: Mrs Zafar
1 Milsom Street
Bristol
BS5 0SS

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 21 July 2021
Application No. 21/02372/H & 21/02373/H: 1 Milsom Street Bristol BS5 0SS

21/02372/H – 1 Milsom Street, Bristol, BS5 0SS

BACKGROUND AND SUMMARY

This planning application seeks planning permission for the installation of a fire escape/balcony to a rear extension constructed without planning permission. The proposals further seek a 0.8m height increase to facilitate a first floor extension to works not built in accordance with approved plans. This planning application is dependent on the grant of planning permission for application ref. 21/02373/H.

In terms of the planning application, 1no. objection was received from a neighbouring occupant on the grounds of design and residential amenity issues. The Case Officer responsible for the application has undertaken a site visit and has noted that the proposed development would further exacerbate the existing scale and massing through an additional 0.8m height increase to the 6.0m rear extension. Notwithstanding the above concerns, the proposed fire escape structure would afford occupants increased opportunity to overlook the rear elevations and amenity space of Stapleton Road and as well as exacerbating the residential amenity of 2 Milsom Street through additional overbearing and overshadowing.

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after the referral deadline and therefore the application was due to be refused under delegated powers, however, was withdrawn prior to determination.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

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commenced. The partial construction, in addition to previously consented works, 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 seeks full planning permission for the erection of a fire escape/balcony fabrication to the side elevation of an extension sought under planning application 21/02373/H and a further height increase to a partially constructed extension consented under application 19/01584/HX with minor alterations including one additional door and 2no. roof lights.

As outlined above, the proposed development is reliant on retrospective planning permission sought under 21/02373/H to facilitate the retention of a two-storey rear extension to the existing dwelling. Notwithstanding the above interdependence on unconsented works, the proposed development seeks to amend works partially undertaken under prior approval. The partially constructed prior approval extension has not been fully constructed, nor was it built from the rear building line of the dwelling at the time of consent. As such, the works undertaken do not accord with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the approved plans. As such, alterations would serve to alter works undertaken unlawfully.

The proposed development would provide a fire escape/balcony fabrication to the side elevation of the two storey rear extension sought under 21/02373/H and the prior approval extension. The external fabrication would range in height from 2.5m to 2.9m at the base and would extend 4.7m in length along the side elevation. The works would be constructed of metal railings and a spiral staircase down to the fully enclosed rear garden.

As outlined, the proposed development would seek to increase the height of the single storey prior approval extension to 4.5m at the eaves and 5.1m at the ridge to facilitate a first floor extension. The development would constitute a height increase of 0.8m and would include a single door at first floor level and two roof lights.

The proposed development would include render walls, interlocking roof tiles, metal railings and UPVC windows/doors to match the existing appearance of 1 Milsom Street.

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

As noted, the Case Officer undertook a site visit for the previous identical application and its companion on 6 April 2021 to understand the site context and undertake a photographic record of works undertaken to date.

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

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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.

As stated, the development hereby applied for contains a first floor door which is reliant on the delivery of a fire escape/balcony fabrication applied for under a concurrent planning permission (21/02372/H) which will be determined concurrently to this application.

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, 1no. objection was received from the adjacent neighbour (2 Milsom Street) relating to both applications. In regard to application ref. 21/02373/H, the following comments were raised:

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- 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 Applications 21/02372/H and 21/02373/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 2018

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.

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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.

As outlined in the Application, the proposed development (cumulatively) would measure approximately 10.7m in depth constituting a two-storey extension. While the retention of the two-storey infill extension and prior approval extension do not form part of this application, provisions of this application are reliant on the grant of full planning permission under 21/02372/H. The proposed 0.8m increase in height to the rear extension would further exacerbate the unsympathetic nature of the cumulative extension and would result in a built form which is incongruous to the existing area. The proposals would result in a stark side elevation visible from 2 Milsom Street and other properties situated upon the eastern side of Milsom Street and the western side of Webb Street. It is considered that cumulative depth and unacceptable height demonstrates the uninformed design of the proposals which indicates minimal regard to the prevailing aesthetic and residential amenity of adjacent neighbours. As such, the proposed development fails to accord with policies BCS21, DM26, DM30 and SPD2 guidance.

The proposed development would provide an external fire escape fabrication to the side elevation of the rear protrusion to the fully enclosed rear garden below. The development would be situated to the rear of the main property and would not be visible from the public realm, however, visible from properties at Stapleton Road. While the design and visual appearance of an external staircase is not unacceptable, the development would afford current and future occupants the opportunity to overlook adjacent properties which are in close proximity to the application site, undermining levels of privacy, as discussed in Section B of this report. The Local Planning Authority are aware of the justification for development, however, the residential amenity concerns stemming from a raised balcony would mean that the placement of such fabrications would not be acceptable in this circumstance. As such, the proposed development would fail to accord with policies BCS21, DM26, DM30 and SPD2 guidance.

Based on the information provided to the Local Planning Authority, it is considered that the proposed development would be unacceptable in terms of design. As stated, the proposals would be wholly reliant on the grant of planning permission under 21/02372/H which is deemed unacceptable and further amendments would exacerbate issues further. As such, it is considered that both applications are 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.

As outlined in the Case Officer report appurtenant to application 21/02373/H, the retention of the two storey infill rear extension and prior approval protrusion would give rise to significant overbearing and overshadowing upon the adjacent neighbours of 2 Milsom Street, as evidenced by

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photographs provided in the respective objection. The proposed development would further increase the roof height of the prior approval extension to 4.5m to the eaves and 5.1m to the ridge to facilitate a first floor extension. The proposals would further exacerbate residential amenity issues through further enclosure and overbearing on 2 Milsom Street. Due to the provision of a 10.7m two-storey protrusion (cumulative) to the rear of the property, it is considered that the development would undermine the residential amenity of adjacent occupants and would therefore be contrary to policies BCS21, DM30 and SPD2 guidance and is unacceptable.

Due to the scale and projection of the development, the side elevation upon the party wall of the extension crosses a 45° line drawn from the nearest habitable window perpendicular to the development, on both plan and elevation. As such, it is considered that the development results in unacceptable overshadowing impacts which undermine both internal living rooms and the use of the rear garden. Concerns in this regard were raised by 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 height increase to the rear extension, the proposed development would include a first floor fire escape/balcony fabrication to the side elevation of the rear infill extension. The external fabrication would extend to 2.9m in height at the infill section and 2.5m at the proposed first floor of the prior approval extension, 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 which would be further exacerbated by the erection of the external fabrications. 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 remaining garden area endures a sense of enclosure/overbearing and loss of light due to the scale of the in situ development. As such, the remaining garden provides minimal functional space for domestic and leisure activities, thus failing to accord with 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 concerns further. As such, the application is recommended for refusal on the grounds of unacceptable design and residential amenity impacts.

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RECOMMENDED REFUSAL

REASONS:

Unacceptable and Unsympathetic Design

Due to the depth of projection of the development out from the existing rear elevation of 1 Milsom Street and due to its further unacceptable height increase to facilitate an additional storey, the proposals fail to demonstrate a sympathetic design or visual subservience to the host property, thus failing to accord with Paragraph 127 of the National Planning Policy Framework. Notwithstanding the above assessment, the development fails to demonstrate regard for the existing rear building line of the Milsom Street terrace and would significantly undermine the tight-knit built form of the surrounding area. Due to the scale of development the proposals would constitute the overdevelopment of the rear curtilage and undermine the residential amenity of an intended/future and adjacent occupants as a result. The provision of a further fire escape/balcony structure to the side elevation would further encroach into the rear curtilage, exacerbating the functional space which could be used by the current or future occupants. Based on the information provided to the Local Planning Authority, it is considered that the development fails to accord with 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 development in situ demonstrates disregard for the residential amenity of adjacent residential occupants, most notably 2 Milsom Street and the occupants of 58-72 Stapleton Road. The projection and 0.8m height increase of the development would exacerbate the stark party wall which has resulted in a sense of overbearing and oppression within the rear garden of 2 Milsom Street. As a result of the unacceptably large rear extension, the neighbouring property endures restricted natural light and a compromised use of the rear garden which is considered to be at the detriment of the adjacent occupants. In regard to the residential amenity of occupants located at 58-72 Stapleton Road, the development would provide additional windows to the side elevation at an elevated position, affording the host occupants to overlook adjacent properties. It is considered that the development would undermine the privacy of adjacent occupants due to overlooking due to the elevated balcony structure which would be used by current and future occupants. Notwithstanding the above, the development would retain an unacceptable degree of space for domestic and leisure activities of the intended/future occupants and would therefore fail to contribute towards positive well-being, as required under Paragraph 127 of the National Planning Policy Framework. 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 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.

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BACKGROUND AND SUMMARY

This planning application seeks retrospective planning permission for the 'reinstatement' of a lean-to extension. The works would extend 4.5m in depth, exceeding the previous depth by approximately 1-1.5m and include a first floor extension.

In terms of the planning application, 1no. objection was received from a neighbouring occupant on the grounds of design and residential amenity issues. The Case Officer responsible for the application has undertaken a site visit and note that works had commenced and were of a scale and massing which were uncharacteristic of the host property and the Milsom Street terrace. The works would exceed the definition of 'reinstatement' by virtue of the additional depth and first floor extension which would not be in keeping with the built form and well-established rear building line. Due to the scale and protrusion, coupled with a prior approval 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 previously consented works, extended the entire depth of the rear garden cumulatively.

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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 planning application seeks full retrospective planning permission for the construction of a two-storey extension to the rear of the property, connecting the original dwelling with a prior approval extension consented by Bristol City Council in 2019 under reference 19/01584/HX). The planning authority contends that this has now lapsed/has not been built in accordance with the General Permitted Development Order (GPDO) and cannot be relied upon as condition 3 of that prior approval required that the development to be completed on or before 30 May 2019.

The development in situ measures 3.0m in width and 4.5m in depth, connecting to the 6m prior approval extension at the rear. Although works to the roof form have not been commenced, submitted plans demonstrate the intention to provide a mono-pitch roof form measuring 5.2m and 6.5m to the eaves and ridge respectively. The development would include a window at ground floor level and 2no. windows and a door at first floor level.

The works would be finished with render walls, interlocking roof tiles and PVC windows and doors to the side elevation overlooking properties at Stapleton Road.

A concurrent application has been submitted under application reference 21/02372/H to provide a fire escape/balcony structure to the side elevation for the occupant's use which would overlook the rear elevations and gardens of properties situated on Stapleton Road.

It is noted that a prior approval extension consented under application reference 19/01584/HX has been partially constructed within the rear curtilage. Based on submitted plans and observations undertaken during the site visit, the rear extension does not extend from the rear elevation at the time of the applications submission and heights exceed those outlined in the planning submission. Moreover a requirement of the prior approval was that it was completed on or before 30 May 2019. As such, it is of the Local Planning Authorities (LPAs) contention that development provided on site has been unlawfully constructed.

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

As noted, the Case Officer undertook a site visit for the previous identical application and its companion on 6 April 2021 to understand the site context and undertake a photographic record of works undertaken to date.

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.

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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.

As stated, the development hereby applied for contains a first floor door which is reliant on the delivery of a fire escape/balcony fabrication applied for under a concurrent planning permission (21/02372/H) which will be determined concurrently to this application.

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, 1no. objection was received from the adjacent neighbour (2 Milsom Street) relating to both applications. In regard to application ref. 21/02373/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,

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- Concerns raised that the resubmission does not rectify the issues underpinning the appeal dismissal of the Planning Inspectorate.

WARD MEMBERS

Planning Applications 21/02372/H and 21/02373/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 2018

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.

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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 development in situ extends approximately 4.5m from the existing rear protrusion and demonstrates a width of 3.0m to the party wall shared with 2 Milsom Street. Cumulatively, the development, in combination with the prior approval extension protrudes 10.7m in depth within the rear garden. The development would demonstrate a mono-pitch roof form measuring 5.2m to the eaves and 6.5m to the ridge, representing a step change from the existing protrusion. The development far exceeds to the rear building line of 1 Milsom Street and those of adjacent

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properties on the terrace. It is 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 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 information provided to the Local Planning Authority, it is considered that the development would fail to constitute high quality urban design and is not informed by its immediate surroundings/tight knit built form. As such, the proposals are unacceptable and contrary to policies BCS21, DM26, DM30 and SPD2.

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 public areas. However, the sheer scale and 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 127 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 127 (b) 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 127 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 4.5m in depth and the entire length of the rear garden cumulatively, providing 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 127 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 to the Local Planning Authority and the observations of the Case Officer during the site visit, it is considered that the development is of a scale and massing which is inconsistent and detrimental to the built form of the host dwelling and terrace. Notwithstanding the above assessment, the development would give rise to significant residential amenity implications, as set out below. In conclusion, the development is unacceptable in terms of design and would warrant a recommendation for refusal.

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.

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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.

As stated, the development hereby applied for measures 4.5m in depth (10.7m cumulatively), far exceeding the 2.75m guidance set out in SPD2. Due to the two storey nature of the development, it is considered that the development gives rise to a significant overbearing and overshadowing impact on the adjacent neighbours at 2 Milsom Street. Photographs provided by the adjacent occupant and an inspection of the adjacent garden undertaken during the site visit further evidenced the unacceptable scale and stark nature of the party wall or the rear extension. 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 scale and projection of the development, the side elevation upon the party wall of the extension crosses a 45° line drawn from the nearest habitable window perpendicular to the development, on both plan and elevation. As such, it is considered that the development results in unacceptable overshadowing impacts which undermine both internal living rooms and the use of the rear garden. Concerns in this regard were raised by 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.

As outlined in the design section of this Case Officer report, the development would include several first floor side windows overlooking the rear elevation and gardens at Stapleton Road. Two windows and a door would be provided at first floor level which would be served by a fire exit/balcony fabrication applied for under the a concurrent application 21/02372/H. Due to the elevated nature of the windows and a limited degree of separation from the boundary wall shared with properties at Stapleton Road, it is considered that the development would give rise to an unacceptable degree of overlooking and loss of privacy. Notwithstanding the above assessment, the sheer projection of the cumulative development would undermine the rear exterior amenity space of adjacent occupants and would give rise to an unacceptable sense of overbearing and overshadowing. Specifically, it is considered that residential occupants situated at 58-72 Stapleton Road would endure a significant impact on their residential amenity which would be contrary to policies BCS21, DM30 and SPD2 guidance.

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 remaining garden area endures a sense of enclosure/overbearing and loss of light due to the scale of the in situ development. As such, the remaining garden provides minimal functional space for domestic and leisure activities, thus failing to accord with policies BCS21, DM26, DM27 and DM30 and is therefore considered to be unacceptable.

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The in-situ development is considered to be detrimental to 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 in the form of the resubmitted application and the 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. 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**

Due to the depth of projection of the development out from the existing rear elevation of 1 Milsom Street and due to its height both to eaves and to ridge it is considered to fail to demonstrate a sympathetic design or visual subservience to the host property, thus failing to accord with Paragraph 127 of the National Planning Policy Framework. Notwithstanding the above assessment, the development fails to demonstrate regard for the existing rear building line of the Milsom Street terrace and would significantly undermine the tight-knit built form of the surrounding area. Due to the scale of development the proposals would constitute the overdevelopment of the rear curtilage and undermine the residential amenity of an intended/future and adjacent occupants as a result. Based on the information provided to the Local Planning Authority, it is considered that the development fails to accord with 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 development in situ demonstrates disregard for the residential amenity of adjacent residential occupants, most notably 2 Milsom Street and the occupants of 58-72 Stapleton Road. The projection and height of the development creates a stark party wall which has resulted in a sense of overbearing and oppression within the rear garden of 2 Milsom Street. As a result of the unacceptably large rear extension, the neighbouring property endures restricted natural light and a compromised use of the rear garden which is considered to be at the detriment of the adjacent occupants. In regard to the residential amenity of occupants located at 58-72 Stapleton Road, the development would provide additional windows to the side elevation at an elevated position, affording the host occupants to overlook adjacent properties. It is considered that the development would undermine the privacy of adjacent occupants due to overlooking which is unacceptable. Notwithstanding the above, the development would retain an unacceptable degree of space for domestic and leisure activities of the intended/future occupants and would therefore fail to contribute towards positive well-being, as required under Paragraph 127 of the National Planning Policy Framework. 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 Policy BCS21 – High Quality Design of the Bristol City Council Core Strategy (adopted June 2011), Policy DM26 – Local

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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.

Supporting Documents

1. 1 Milsom Street

1. BCC City Design Group Objection

From: [Antonia Whatmore](#)
To: [Jon Hill](#)
Subject: 21/02372/H and 21/02373/H - 1 Milsom Street
Date: 10 June 2021 08:45:34

Hi Jon,

See below comments on 21/02373/H - 1 Milsom Street

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 backland 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.

It should be noted that the trees shown on the proposed drawings will not be feasibility in the limited space of the remaining garden area.

See below comments on 21/02372/H - 1 Milsom Street

This application seeks approval for a further single storey extension beyond the building line of the two storey retrospective application at the backs of the properties along 1 Milsom Street. The height, although described as single storey, is more akin to a two storey element in terms of massing. These proposals further exacerbates all the issues raised on the previous application and will;

- Almost entirely fill the garden allow for no green area within the garden that forms the back land character of this urban block;
- 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;
- Be overbearing to No 2 Milsom Street;
- Create overlooking and privacy issues for two properties along Stapleton Road due to the separation distance, which is below the national accepted 21m from window to window;
- Necessitate the inclusion of an unsightly fire escape that will dominate the façade from

the backs of the properties along the A432;

- Concerns are raised that the removal of earth to achieve a lower ground level would impact the boundaries of all the properties bordering the site. The application provides no information how the boundaries will be retained.

Accordingly, the proposals are wholly inappropriate, 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.

It should be noted that the trees shown in the proposed will not be feasibility in the limited space of the remaining garden area.

Hope the above is a help. Let me know if there are any elements I have missed.

Thanks.

Antonia Whatmore

Urban Designer

City Design Group

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