

Appeal Decision

DCS Ref: 100-076-362

Written reps

Year of Decision: 2012

Inspector: G GRINDEY

County: AVON

Summary of Decision: ALLOWED

Description:

Removal of condition on planning permission for larger replacement dwelling in suburban residential area of detached 2 storey houses on spacious plots regarding removal of householder permitted development rights for visual amenity , and area character and appearance reasons . Notes restriction to apply in exceptional circumstances however area , although pleasant , of no distinctive quality for condition to have been applied . Decides condition unnecessary and contrary to C 11 / 95 .

Abstract:

A condition which had been imposed on a planning permission for a replacement dwelling near Bristol which removed permitted development rights was judged to be unnecessary to protect the character of the area and local amenity. The disputed condition removed permitted development rights under classes A, B, D, and G of Part 1 and Classes A and B of Part 2 to Schedule 2 of the GPDO 2008. The council claimed that it was necessary to ensure that the replacement dwelling retained a satisfactory appearance in the interests of the visual amenity of the area and to protect the amenity of neighbouring occupiers. In particular it was concerned that further extensions to the permitted dwelling would lead to an overdevelopment of the site which would be compounded if large outbuildings and fences were also erected. The inspector noted national advice in circular 11/95 on the use of planning conditions which stated that permitted development rights should normally only be removed in exceptional circumstances. The proposed dwelling would be set within a relatively generous plot and while wider than the existing house which would be replaced would ensure adequate separation distance from adjoining properties. The street scene was not particularly remarkable or special to justify the restrictions and no adverse impact on the amenity of neighbouring residents was likely if the condition were removed.

COMPASS Index Terms

Issue Codes

- 330** Streetscene where proposal would appear incongruous, out of keeping or out of character in urban area
- 510** Scale or mass
- 72** Visual amenity
- 753** Overbearing

Development Codes

- 503** Replacement dwellings; justified as replacement for existing