



Appeal Decision

Site visit made on 28 October 2025

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/Z0116/W/25/3371768

703 Fishponds Road, Fishponds, Bristol BS16 3UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Jesey Kaur against the decision of Bristol City Council.
- The application Ref is 24/01813/F.
- The development proposed is rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's submission sets out that the proposed use sought (bar) falls under the sui generis use class, and not class E as referenced in the original application and decision. Based on the information before me I see no reason to find otherwise. As this does not alter the nature of the proposal, I do not consider that any party would be disadvantaged by this, and I have amended the description accordingly in the banner heading above.
3. The existing plans show a roof terrace which spans the eastern part of the building closest to 705 Fishponds Road. The existing plans show the remainder of the rear extension has a pitched roof. At my site visit I observed that this pitched roof had been replaced with a flat roof and a railing installed around a roof terrace, which spans the entire width of the building. In the interests of clarity, I have determined the proposal on the basis of the plans before me.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 701 Fishponds Road with particular regard to overlooking, noise disturbance and outlook; and
 - whether the proposal makes adequate provision for Biodiversity Net Gain (BNG).

Reasons

Living conditions

5. The site comprises a terraced property which was last used as a takeaway with a residential unit to the upper floors. The site is bordered to the west by No 701

Fishponds Road, which, it is stated, is in use as a hair and beauty shop to the ground floor and a flat to the first and second floors, with rear access via an external staircase. To the rear of No 701 there is a garden which is enclosed by low level boundary treatment which I observed is overlooked from the eastern part of the existing balcony and neighbouring properties. There are also clear views of this amenity space from the rear access and parking area and rear yard to the appeal site.

6. The appeal relates to the change of use of the building to a bar and erection of a rear extension. The extension would project approximately 9 metres beyond the existing rear extension. The extension would be 2-storeys in height, the rear part of which would be sunken into the ground. The proposal includes a roof terrace for use by the occupants of the first floor flat and the office, which would be accessed via an external rear staircase.
7. The extension would project most the length of the garden to No 701. Nonetheless, it would be stepped in from the site boundary, sunken into the ground with a pitched roof which would incline away from the garden. These aspects would minimise the visual impact of the proposal when viewed from the rear garden, which would retain its open aspect to the western side and rear. Given this, the proposal would not appear overbearing in views from the rear garden.
8. The proposal would bring the roof terrace closer to the western site boundary shared with No 701. Nonetheless, based on the evidence before me, overlooking of the garden to No 701 would be no greater than existing levels. Whilst the proposal would bring the roof terrace closer to the window opening in the first-floor rear elevation of No 701, there is, however, no indication that this would enable additional views into No 701, noting the oblique angle of the window in views from the terrace and the existing levels of overlooking of this window from the balcony to No 699. Given this, the proposal would not result in harm to the living conditions of the occupiers of No 701 through a loss of privacy.
9. Nonetheless, whilst the roof terrace would be of a similar size to that shown on the existing plans, it would be closer to the boundary shared with No 701 and would be sited very close to openings to this property. The roof terrace would provide access to the first floor flat and the office and thus, whilst occupation of the flat would not increase, it would likely see an increase in its use compared to the existing roof terrace. The proposal is not supported by a noise assessment and does not include any details of how transfer of noise would be minimised. Given the close proximity of the terrace to No 701 and its increase in use, occupiers of this flat may be exposed to an unacceptable level of noise when the roof terrace is in use. This would go beyond existing and reasonable noise levels, and I have no evidence that the occupiers of this property would be protected from such disturbance.
10. My attention has been drawn to an appeal decision at 705 Fishponds Road¹ for a rear extension in which the Inspector found that the proposal would have an acceptable impact on the living conditions of neighbouring residential occupants. It is not evident, on the basis of the limited information before me, if that proposal included a new or relocated roof terrace. In any case, the Inspector commented that the first-floor spaces would be considerably separated from any neighbouring

¹ APP/Z0116/W/23/3322804

windows. Given this, the decision to which I have been directed differs from the case before me. I therefore afford it limited weight in this decision.

11. Drawing on the above the proposal would not result in overlooking of No 701 or its rear garden and would not appear overbearing in views from the rear garden. However, the development would have a harmful effect on the living conditions of the occupants of No 701 Fishponds Road through noise disturbance. Therefore, it is contrary to those aims of Core Strategy (2011) Policy BCS21 and Policy DM30 of the Site Allocation and Development Management Policies (2014) (SADMP) which seek to ensure that development safeguard the amenity of neighbouring occupiers.
12. Whilst referred to by the Council I find no conflict with SADMP Policy DM14 which relates to the health impacts of development.

BNG

13. BNG is required under Schedule 7A of the Town and Country Planning Act 1990 (the act) which sets out an objective for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The Planning Practice Guidance sets out that there are exemptions from BNG for certain types of development. One such exemption is 'de minimis development' - development that does not impact a priority habitat and impacts less than 25m² of onsite habitat.
14. There is no indication that the development would impact a priority habitat. The submission states that the extension would be erected on an area of hardstanding and impacts less than 25m². Given this, the proposal would be exempt from the BNG requirements under the act as it would fall under the 'deminimis exemption'.
15. Given the above, the proposal would make adequate provision for BNG. Therefore, I find no conflict with SADMP Policy DM19 which requires that where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Other Matters

16. The proposal would bring the building back into use. This, along with the economic benefits associated with the active use of the building including job creation, are positive factors in favour of the proposal. However, these matters do not overcome the harm identified above in relation to the first main issue.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

N Robinson

INSPECTOR