

Section 62A Applications Team
The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: PR02789
Date: 22nd December 2025

Sent via e-mail

Dear Sir/Madam,

Town and Country Planning Act 1990

703 Fishponds Road, Bristol BS16 3UH

Rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis)

I write on behalf of my client, Jesey Kaur, to apply for the erection of a rear extension, and the change of use from a takeaway to a bar. I attach the following documents as part of this application:

- Application forms and certificates;
- Existing site location & site plan — drawing no. 672-PLA-001 (REV B)
- Existing floor plans — drawing no. 672-PLA-010 (REV A)
- Existing roof plans — drawing no. 672-PLA-011 (REV A)
- Existing elevations — drawing no. 672-PLA-020
- Existing elevations — drawing no. 672-PLA-021
- Existing section A-A — drawing no. 672-PLA-030
- Proposed site plan — drawing no. 672-PLA-100 (REV B)

- Proposed lower ground and ground floor plans — drawing no. 672-PLA-110 (REV A)
- Proposed first floor and roof plans — drawing no. 672-PLA-111 (REV B)
- Proposed elevations — drawing no. 672-PLA-121 (REV A)
- Proposed section A-A and B-B — drawing no. 672-PLA-140
- BNG exemption statement
- Heritage statement
- Energy statement

Site and planning history

The application site comprises a mid-terraced property with a takeaway use at ground floor level, and a self-contained flat at first floor level. It lies within the Stapleton and Frome Valley Conservation Area, and the primary shopping area of the Fishponds designated Town Centre.

This current application follows a recently dismissed appeal for the same proposal (ref: APP/Z0116/W/25/3371768), which is appended to this letter, and seeks to overcome the single reason for refusal (neighbour amenity). Aside from this, planning history for the site relates to the takeaway use.

Proposal

My client proposes the construction of a rear extension, and change of use from a takeaway to a bar with seating area, small kitchen and an office. The proposed rear extension would extend approximately 9m further than the existing rear extension, which is to be demolished. The extension would be approximately 1m from the boundary with No.701 Fishponds Road. There would be a two-storey element to the proposed extension which is approximately 6.3m in depth and 2.75m in width.

Planning analysis

As noted above, the site has been the subject of a planning application and appeal, and this current application seeks to overcome the reasons for dismissing the appeal (neighbour amenity). The applicant has therefore removed the previously proposed roof terrace from the scheme. No other revisions have been made, and therefore in every other respect, the scheme is as per the previous scheme, which was found to be acceptable in terms of principle, design,

conservation area impact, highways impact, sustainable energy and pollution. It is expected that the LPA will corroborate this as part of its formal response to the proposal. The following analysis therefore addresses neighbour amenity (the reason for dismissing the appeal), and also the impact of residential amenity relating to the loss of the existing first floor roof terrace.

The previous application was also refused due to the failure to provide a BNG exemption statement to demonstrate that the proposal would qualify for the de minimis exemption (though this was not a validation requirement at the time of submission, and details of the exemption were provided on the planning application form). The Inspector concluded that, *"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 'de minimis exemption'."* (§14). Notwithstanding, a completed BNG exemption statement accompanies this application.

Residential amenity of neighbours

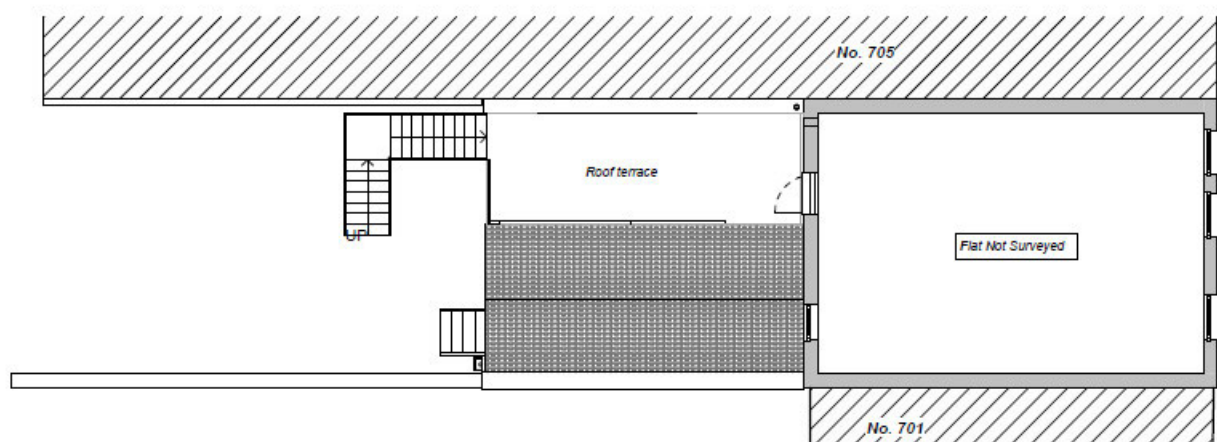
In dismissing the previous appeal, the Inspector was satisfied that the extension would not appear overbearing, and that the roof terrace would not result in additional overlooking, but on the issue of noise and disturbance, noted:

"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." (§9)

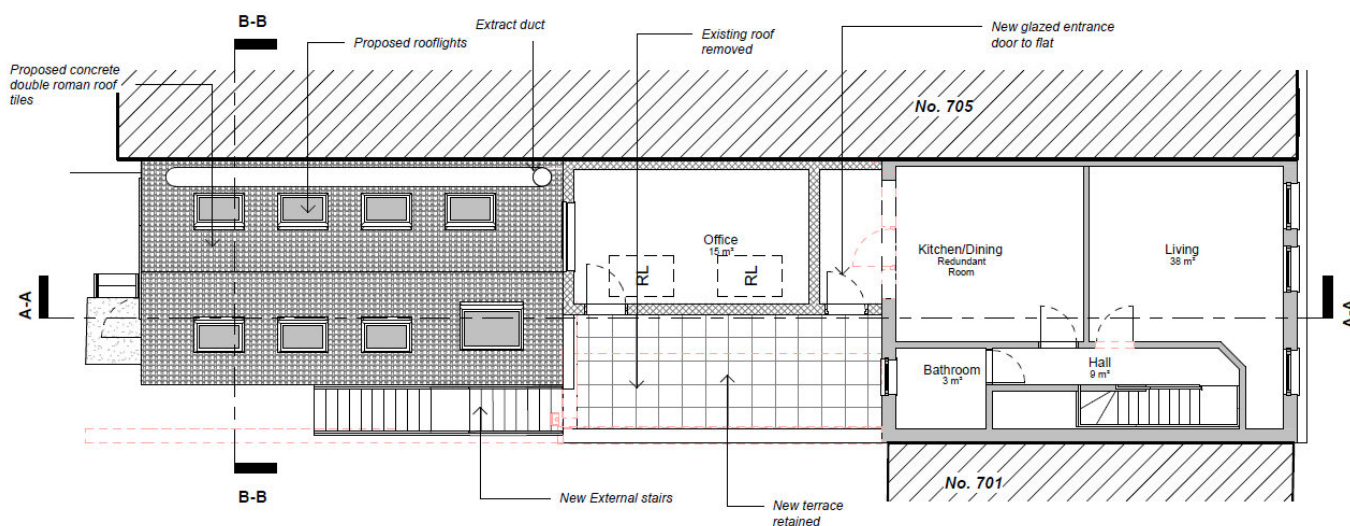
To address this issue, it is proposed to replace the 16sqm first floor roof terrace previously refused, with an 850mm-wide walkway, leading from the external stairs to the entrance to the first floor office, and to the first floor flat. A 1.8m-high obscurely-glazed balustrade would enclose the walkway, to protect amenity both from overlooking (not that this was found to be harmful

previously) and to serve as an acoustic barrier. A sedum roof is proposed to the remainder of the flat roof, to further discourage use of this area as amenity space, whilst at the same time providing on-site biodiversity gain.

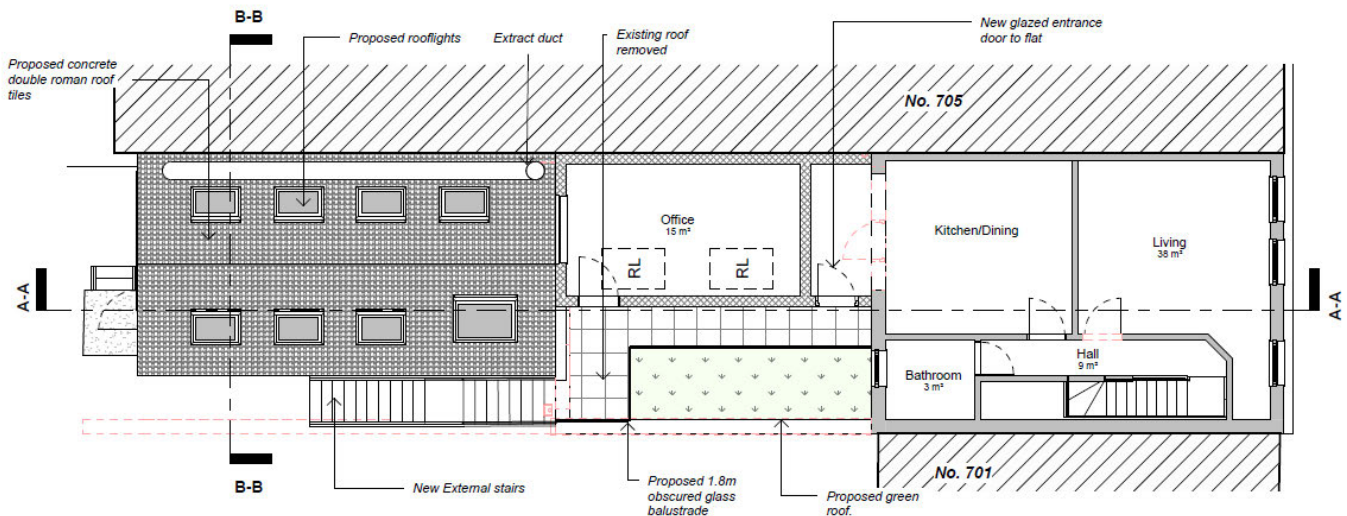
The walkway would be stepped back from the boundary with 701 Fishponds Road by 2 metres (the existing roof terrace is stepped back 3.5 metres, by way of comparison). Whilst the walkway would be closer than the existing terrace to the boundary, that it will in effect be provided with an acoustic (and visual) screen, and will not be designed as formal amenity space, would result in an overall improvement in neighbour amenity, and the proposal would overcome the previous reason for dismissing the appeal.



Existing first floor



Refused first floor



Proposed first floor

Amenity of future occupants

It is acknowledged that the revisions would have an impact on the amenity of the occupants of the first floor flat (though noting that this is part of the application site). In assessing the first application, the LPA were satisfied that, as it would not have had a detrimental effect on the living condition of existing occupiers on the flat above the takeaway, as their outdoor amenity space was to be retained through a relocated balcony area. However, it was also acknowledged that first floor roof terraces can also increase the level of general noise and disturbance.

The decision-maker therefore needs to balance the gains to the amenity of 701 Fishponds Road, against the loss of amenity to 703 Fishponds Rad, though noting that a balcony such as this would not likely have been approved by the LPA if permission had been sought.

The site is within walking distance (150 metres) of Fishponds Park, a designated Important Open Space, which includes a children's play area. Further designated Important Open Space can be found at Oldbury Court Estate, 800 metres/10 minutes' walk to the north. As such, future occupants would have convenient access to high quality outdoor space, and in the context of the urban, built up, nature of the area, and the type of accommodation provided, this access to outdoor space would be acceptable and not contradict the overarching policy aims of the Local Plan.

Conclusion

This letter demonstrates how the previous reason for dismissing the appeal has been addressed. The amenity of occupiers of 701 Fishponds Road would be enhanced by the proposal when compared with both the current layout, and the previous scheme, and whilst the loss of amenity space for the first floor flat is regrettable, given the proximity of high quality outdoor space, and the issues with first floor roof terraces in terms of noise and disturbance, when viewed in the round, overall the proposal represents an improvement to residential amenity.

The fee will be paid on request. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

Stokes Morgan Planning Ltd