

Appeal Decision

Site visit made on 19 October 2016

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 November 2016

Appeal Ref: APP/Z0116/C/16/3154212
6 Northumberland Road, Bristol BS6 7AU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Simon Macsorely of Milestones Trust against an enforcement notice issued by Bristol City Council.
 - The enforcement notice was issued on 9 June 2016.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission, the removal of a 1.2 metre wide section of the front boundary wall at 6 Northumberland Road, Bristol BS6 7AU.
 - The requirement of the notice is to reinstate the removed 1.2 metre section of the front boundary wall in materials to match the existing wall.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matter

2. During 2015, planning permission was refused by the Council for two schemes which included works to the front wall at the property. For the avoidance of any doubt, although I am considering an appeal that planning permission should be granted, that is for the development alleged in the enforcement notice and not for any other development.
3. Although there has been an extension to the hardstanding at the property by the laying of grasscrete adjacent to a concrete driveway, the allegation and requirements of the notice do not directly address that matter. For these reasons, although I have been invited by the appellant to consider schemes for the frontage, I shall restrict my determination of the appeal to consideration of matters relating to the wall. The deemed planning application is in respect of the matters stated in the notice as constituting the breach.

Main Issue

4. The main issue in respect of the ground (a) appeal is whether the development preserves or enhances the character or appearance of the Cotham and Redland Conservation Area (CA).
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Reasons

Ground (a) appeal

5. Bristol Development Framework Core Strategy adopted June 2011 (CS) policy BCS21 promotes high quality urban design which will be expected, amongst other matters, to contribute to an area's character and identity, creating or reinforcing local distinctiveness. Furthermore, CS policy BCS22 requires development to safeguard or enhance heritage assets including CAs.
6. Bristol Local Plan Site Allocations and Development Management Policies adopted July 2014 (SADMP) policy DM26 sets general principles for the design of development proposals including responding appropriately to and including existing historic assets and features. Criterion (viii) of the policy expects development to reflect amongst other things, boundary treatments in the area.
7. The appeal property lies within the CA, where Cotham and Redland Character Appraisal and Management Proposals (September 2011) (CACAMP) identifies that railings and boundary walls contribute significantly to the character of the CA. Many railings were lost during the Second World War for munitions. More recently, new drives and off street parking have seen the subsequent removal of boundary treatments, to detrimental effect.
8. The Council is seeking to preserve, restore or reinstate such features and has an Article 4 Direction which removes permitted development rights for the demolition of front walls and the formation of hardstandings. The access through the low stone front boundary wall at No 6 has been extended by some 1.2m by the removal of a section of wall to allow for direct access to two parking spaces rather than one on the frontage of the property. This removal of a section of wall, whilst small, is important because it further erodes a feature which, along with others, is of significance to the character and appearance of the CA.
9. The appellant argues that some seven out of thirteen properties, including the appeal property, have off road parking which has involved the removal of sections of walls. Whilst I note that there are some wide drives within the vicinity of No 6, I saw that on the same side of the road to the south east, Nos 1, 2, 4 and 5 have traditional walls on the frontage without wide gaps. Directly to the north-west, No 7 has a narrower gap than now created at the appeal site. Also No 9 still has a wall. Although it is alleged that openings in frontages were created before the Article 4 direction came into effect, there is no documentary evidence of this nor the status of any of the openings to clarify that they are lawful.
10. Whilst there is a difference in some in the heights of walls and whether or not walls have pillars, this does not detract from the harm of the loss of this section of wall. Furthermore, whilst I saw that No 3 has a brick wall at the frontage, stone is the predominant material used in the construction of the walls. Stone walls are prevalent along this section of frontage and on the opposite side of the road there are high stone walls.
11. I acknowledge that a planning appeal was allowed in respect of a proposal at 39 Hampton Park.¹ However, that property was within Whiteladies Road Conservation Area where I do not know the characteristics that are of

¹ APP/Z0116/W/15/3136643

significance. Furthermore, the Inspector identified that the original character of the street had been degraded to an extent whereby it was no longer the norm for either no vehicular access or relatively narrow openings. Also I note that a traditional pillar design was to be reinstated in that scheme unlike the development in the allegation. All of these matters differentiate it from the appeal development.

12. The appellant argues that there are differences in the materials, height and design used in front walls in the road which means that the frontage is similarly incomplete, but I saw that stone was the dominant material and that the frontage differs from that in Hampton park because No 6 lies within a section of frontage where there are significant stretches of front walls.
13. The National Planning Policy Framework (the Framework) indicates that great weight should be given to the conservation of the assets significance. Whilst because of the small scale of the development there is less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the development, including securing its optimum viable use.
14. The premises is owned by a charity and according to the appellant its use falls within Class C2 providing housing and support for vulnerable people. The parking within the immediate area is mainly restricted to residents parking. The removal of part of the wall has allowed for two parking spaces to be easily accessed rather than one parking space at the property. This could be used by carers or other support visitors.
15. I acknowledge that there is a benefit for visitors to be able to park at the property, which could amount to a public benefit, but this argument could be repeated often in the CA to the further harm of features that contribute to its significance. The requirements of the notice would not remove parking at the property. There is no evidence submitted to suggest that any shuffling of cars would have a harmful effect on highway safety. Furthermore, the particular circumstances of the appellant may not always exist. I conclude that the public benefit is minimal and does not outweigh the harm to the significance of the CA.
16. I conclude that the development fails to preserve or enhance the character or appearance of the CA contrary to the provisions of the development plan and the Framework.

Ground (f) appeal

17. The appeal is made on the grounds that the step is excessive and that lesser steps would overcome the objections. The step requires the reinstatement of the removed 1.2m section of boundary wall in materials to match the existing wall. The purpose of the step is to remedy the breach of control. Therefore the notice would not be excessive in its requirements.
18. The appellant invites me to consider varying the requirement to complying with drawing AD(0)110 submitted in support of planning application 15/04885/F. This was for the removal of surfacing materials to front driveway and repairs to the existing front wall and construction of a new parking area and new wall pillar. That scheme does not have the benefit of planning permission and so it is not an obvious alternative.

19. As a further proposal, the appellant asks me to consider the works on the drawing AD(0)110 without a new wall pillar. As the notice does not address any hardstanding, it would not be appropriate for me to consider that matter.
20. For all these reasons, I conclude that the appeal on ground (f) should not succeed.

Conclusion

21. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Julia Gregory

Inspector