
Appeal Decision

Site visit made on 28 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 24 November 2016

Appeal Ref: APP/Z0116/W/16/3153315

The Old Exchange, Clarence Road, Bristol BS2 0NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Davies (Pitman Building Ltd) against the decision of Bristol City Council.
 - The application Ref 15/03284/F, dated 26 June 2015, was refused by notice dated 13 January 2016.
 - The development proposed is erection of two dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The existing residential building immediately to the north of the appeal site is 'The Old Exchange' but is also referred to in some of the appeal documentation as 'Clarence House'. I will refer to it as 'The Old Exchange' within this decision which is the name used in the Council's decision notice and on the appeal form.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area, with particular reference to the setting of the adjacent Old Market Conservation Area; and,
 - trees and hedges within the site.

Reasons

Character and appearance

4. The appeal site is a car park located to the front of 'The Old Exchange', a three-storey former telephone exchange converted to residential flats. The Old Exchange is predominantly red-brick with large feature aluminium-framed windows, a white render vertical projection enclosing the entrance and stairwell and an impressive external metallic spiral staircase at its western end.
5. Trees and a low wall separate the site from Clarence Road (A420), a busy dual carriageway. To the east is a Royal Mail Delivery Office, an unprepossessing red brick and render building partially screened and softened by trees and hedges. Similar trees populate the grass verge on the other side of the wide road, with three storey residential properties behind. To the west is a red brick

- telephone exchange building with Trinity Church, now a community arts centre, beyond and within the adjacent Old Market Conservation Area (CA). To the north is a business park with a further part of the CA to the east. The appeal site is within a broadly commercial area with some residential development.
6. The two dwellings would be within a single three storey block in the corner of the car park at right angles to The Old Exchange building. Though lower, it would still reach a point just below the second floor windows of The Old Exchange and occupy a significant portion of the car park.
 7. The Old Exchange is identified as a 'character' building in the Old Market Quarter Neighbourhood Development Plan (neighbourhood plan).¹ A character building is defined as a building that makes a positive contribution to the character and sense of place of an area. The appellant refers to a change between draft and final versions of the neighbourhood plan but most documents go through a process of drafting and revision and it is the final version that is relevant.
 8. Set back from the road and behind a line of trees, grassed area and car park, The Old Exchange frontage has a sense of space and openness. The appellant suggests that the new dwellings would create a small community akin to a mews or courtyard development. I am more persuaded by the Council's judgement that inserting a substantial three storey building side-on at this location would obscure views of The Old Exchange to its detriment, disrupt the sense of openness and have a negative impact on the wider street scene.
 9. Though the development would be in front of the Old Exchange, it would not project beyond the building line of adjoining properties and would conceal the unattractive façade of the Royal Mail building to the north. As I saw on my site visit, however, that building is already partly screened by hedges and trees.
 10. The appellant asserts that the orientation of the building with its main elevation looking across the frontage and car park of The Old Exchange would establish a sense of connection between them. Though the Old Exchange has a section of white render, it is predominantly red brick whereas the proposed building would be entirely white render. Whilst the windows would be anthracite grey aluminium, their design would be very different with, for example, full bi-fold doors and railings on the second floor. The ground floor would feature timber garage and entrance doors whereas The Old Exchange has no external timber elements. There would be limited commonality of design between the two buildings and, aside from proximity, there would be little connection between them. Rather, the proposed building would sit awkwardly and incongruously within the street scene.
 11. The stark white render flank offered to Clarence Road, relieved by five relatively small windows and some tree screening, would contrast with the red-brick of the adjoining buildings and make no effective sympathetic references to development in the area, much of which is red brick or brick and stone. Whilst render and aluminium windows are identified as acceptable materials in the neighbourhood plan, it also requires new development to be sympathetic to the design of neighbouring buildings.

¹ Old Market Quarter Neighbourhood Development Plan 2015-2026 - Made part of the development plan in March 2016

12. The appellant refers to the use of render and aluminium windows as references to The Old Exchange but, as already discussed, the render on that building is limited and its windows are larger interesting features on its elevations. Therefore, whilst the appellant wishes to avoid an unconvincing pastiche of historic buildings, the proposal would not offer sufficient recognition of significant buildings, materials and design styles in the area. Consequently, I agree with the Council that it would fail to contribute positively to the character of the area and as a result would be contrary to policies BCS21 of the Bristol Development Framework Core Strategy (CS)² and DM29 of the Site Allocations and Development Management Policies (SADMP)³.
13. The Council refers to the lack of an active frontage onto the street because of the side-on orientation of the proposal. I accept the appellant's argument that, in this particular context, such an orientation would be difficult to achieve given the constraints of the site and not necessarily appropriate.
14. Though the appeal site is outside the CA, it is adjacent to it. The CA Character Appraisal⁴ describes a triangle of early 20th century terraces, bounded by Easton Road and Lawrence Hill, which includes a Pennant Stone warehouse and presents a strong building line most clearly visible in views eastwards up Clarence Road. As I saw on my site visit, a tree-lined vista, unexpected in such an urban semi-commercial locale, leads the eye towards that distinctive triangle of buildings.
15. Statute requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a CA which includes its setting.⁵ As the proposed building would be located on the south eastern edge of the appeal site near the road, it would be in the field of vision looking east along Clarence Road towards the CA. The proposal's white render finish would draw the eye and it would encroach upon views of the CA causing some harm to its setting.
16. As it would affect fairly long views towards the CA and the development would be to the side with some tree cover, I agree with the Council that the harm would be less than substantial. In such circumstances, paragraph 134 of the National Planning Policy Framework states that this harm should be weighed against the public benefits of the proposal.
17. The appellant has not elucidated the public benefits of the development but it would make a limited contribution to the supply of housing and housing choice. There would be some economic benefits during construction and from future occupants and it would use previously developed land. Overall, I consider that the limited public benefits would not outweigh the harm, albeit that it is less than substantial, to the CA.
18. The combination of the above factors leads me to conclude that the development would harm the character and appearance of the area and fail to preserve or enhance the setting of the adjacent CA. Consequently, it would conflict with Policy BCS21 of the CS insofar as it seeks to deliver high quality urban design which contributes positively to an area's character and identity. It would also be contrary to the objectives of Policies DM26, DM27, DM29 and DM31 of the SADMP, which, amongst other things, require that development

² Adopted June 2011

³ Adopted July 2014

⁴ Conservation Area 16 Old Market Character Appraisal July 2008

⁵ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

respects the local pattern and grain of an area, establishes a coherent and consistent building line and setback, uses materials that contribute positively to the character of the area and preserves the setting of a CA.

Trees and hedges

19. The trees lining the front of the site provide relief and cover from the busy main road. The Council is concerned about the proposed removal of a Cherry Laurel hedge that runs along the eastern boundary and a London Plane Tree that is part of the roadside line of trees. Policy BCS9 of the CS states that such green assets should be retained wherever possible. The main value of the hedge is in partially screening the flank of the adjoining Royal Mail building, a function that would also be performed by the development. Therefore, I agree with the appellant that its loss would not be significant.
20. In relation to the mature London Plane Tree, the Council advises that Policy DM17 of the SADMP would require three new trees to compensate whereas only one is being offered. I note the appellant's comments that the London Plane Tree is a non-native species and contributes to asthma and hay fever. There are many such species in the UK which still make a positive environmental contribution.
21. With regard to its alleged negative health effects, the University of Worcester web site to which the appellant refers identifies various common trees and grasses that have similar effects. Therefore, I do not find that it justifies departing from the Council's policy. Nevertheless, the issue could potentially be resolved by means of a suitable landscaping condition.

Other Matters

22. There have been objections and comments from some local people and groups. A range of issues have been raised, in addition to those above, including effects on wildlife, loss of light and privacy, the proximity of a live music venue, loss of parking, increases in traffic, problems with bins, disruption during building works, access over common land and re-surfacing of the car park. The Council has responded to many of those matters in its Officer's Report, which is publicly available, and does not consider them reasons for refusal. I share the Council's view and, in any event, I have dismissed the appeal on other grounds.

Conclusion

23. Though I consider that sufficient mitigation for loss of trees and hedges could be resolved by condition, the harm that I have identified to the character and appearance of the area and the failure to preserve the setting of the CA is decisive. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR