
Appeal Decisions

Site visit made on 14 November 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 01 March 2017

Appeal Ref: APP/Z0116/W/16/3156245

Garden Flat, 19 Royal York Crescent, Bristol BS8 4JY

- 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 Colm O'Rourke against the decision of Bristol City Council.
 - The application Ref 16/00477/F, dated 31 January 2016, was refused by notice dated 4 April 2016.
 - The development proposed is described as "Alterations to existing two storey rear extension to the Grade II* listed property including: an addition to the existing single storey element; fabric performance upgrades including external wall insulation and associated works to existing eaves, sill and windows reveals, and installation of double glazed lights and doors; and associated internal structural and refurbishment works".
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Appeal Ref: APP/Z0116/Y/16/3158599

Garden Flat, 19 Royal York Crescent, Bristol BS8 4JY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Colm O'Rourke against the decision of Bristol City Council.
 - The application Ref 16/00478/LA, dated 31 January 2016, was refused by notice dated 4 April 2016.
 - The works proposed are described as "Addition to the existing single-storey extension: external wall insulation and associated works to existing eaves: sill and window reveals and installation of double-glazed lights and doors; and associated internal structural and refurbishment works".
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Decisions

1. The appeals are dismissed.

Main Issues

2. In respect of both appeals these are:
 - i) Whether the proposals would preserve the listed building known as 19 Royal York Crescent, and its setting including the listed terrace of which it forms part and any features of special architectural or historic interest it possesses; and
 - ii) Whether the proposals would preserve or enhance the character or appearance of the Hotwells and Clifton Conservation Area.

Reasons

Whether the proposal would preserve the listed building

3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the same Act imposes a similar duty with regard to considering whether to grant planning permission.
4. Paragraph 132 of the National Planning Policy Framework (Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The terrace, of which the appeal property forms part, is listed Grade II* as "Numbers 1 to 12, 12A and 14 to 46 and attached front basement area, terrace railings and gates". As a Grade II* listed building the terrace is of particular importance and of more than special interest and is also listed for its group value. The listing description refers to it being a very long shallow crescent with straight three-house end sections and the middle pair broken forward. The listing description also refers to various architectural features on the front elevation of the terrace, the form of the buildings which are of three storeys plus attic and basement and to some internal features. However the listing description, first drawn up in 1959 and amended in 1994, does not necessarily refer to all features of interest and the protection afforded by the listing extends to the whole property and listed terrace.
6. Whilst the listing description makes no specific reference to the rear of Royal York Crescent, this does not mean that the rear elevation lacks architectural or historic interest. The front elevations provide a strong degree of unity to create a single architectural form. The rear elevations exhibit more variety but nonetheless include several features of interest and the rear elevation of the appeal property is an inherent and physically significant element of the listed asset.

Proposed extension

7. No 19 is divided into a number of flats. The proposals relate to the hall floor flat. The flat includes a part two storey and part single storey extension at the rear of the property with flat roofs over both elements and which the evidence indicates was rebuilt in 1986. The proposed single storey extension would project further into the garden of the property than the existing extension. The historic map evidence of 1855 provided by the appellant indicates the former presence of a wing extending from the rear of the property along the eastern side of the garden. The 1855 plan also shows projections of similar length in three other properties to the west side of No 19 although there is no evidence that extensions of this length now remain. Properties to the east of No 19 are shown as having much shorter projecting rear wings. Whilst the appellant also refers to an Ashmead map of 1874, a copy of this is not provided.
8. The principle of extending No 19 on the eastern side of the garden at single storey height could be considered as drawing on the historic map evidence. Unlike the simple rectangular form of rear wing indicated on the historic map, the proposed extension would be irregular in shape with full width glazed doors set in a diagonal elevation and would project north westward beyond the line of the existing extensions. Whilst this would maximise accessibility to and views of the garden, the plan and massing of the extension would be at odds with the

more regular form of rear extensions which may be expected in the context of a formal terrace. As such, the proposed extension would fail to integrate harmoniously with the existing architectural vocabulary of the main building.

9. I have taken into account that the rear elevations of the terrace include various alterations and extensions and that there is no one apparent single building line which would be applicable to rear wing extensions. The extensive views which can be experienced of the front of the terrace do not apply to the rear. Some views are available from the rear of properties on Princess Victoria Street, and from neighbouring rear gardens on the crescent. However, public views are not a determining factor in whether the proposed works would affect the special interest of the listed building. I find that the form of the extension proposed would result in an incongruous addition to the appeal property.

Proposed changes to fenestration

10. The existing two storey extension includes small paned single glazed windows in somewhat crude timber frames which lack the fineness and detailed profile of other windows in the rear elevation of No 19. The fenestration is proposed to be altered in the existing extension to double glazed units set in timber frames and without sub-dividing glazing bars. The fenestration pattern would therefore not reflect the fenestration of the rear elevation of No 19 when considered as a whole. Although the appellant's objective is to distinguish between the historic building and later extensions in an understated and contemporary manner, the proposed fenestration would create a somewhat 'blank' appearance. No details are provided of the profile of the proposed window frames. However, taken together with the introduction of double glazed units, the fenestration alterations would harm the special architectural interest of the building and the setting of neighbouring properties.

Proposed roof lantern

11. A roof lantern is proposed to be set within the flat roof of the existing two storey extension. This roof lantern would be sited outside the lower of two arch-headed windows to the main stairway. The lower window is glazed with coloured and patterned glass. The pattern of two arch-headed staircase windows is a feature of some of the neighbouring properties in the terrace. Views of the lower staircase window from the rear garden of the appeal property are already partially obscured by the existing extension. However, the proposed rooflight would obscure more of these views. The Council observes that such roof lanterns are not a characteristic feature of the terrace and this was confirmed from what I was able to see during my site visit. Accordingly, the proposed roof lantern would be out of character and would harm the architectural interest of the building and the setting of the wider terrace.

External insulation

12. The existing extension is stated to have poor thermal insulation and the proposal includes external wall insulation to the west side wall and rear wall of the two storey extension. Generic drawings are provided of a number of details of how the insulation is fixed to a wall including treatment around doors and windows. The total depth of the external insulation proposed would be 7.5 cm.

13. Improving the thermal efficiency of existing buildings including listed buildings is, in principle, something which could be considered a wider public benefit. The scale of the drawings submitted is not sufficient to confirm the exact effect on the external appearance of the existing extension including the resulting depth of door and replacement window reveals. I note that the proposed plans indicate the insulation would stop short of the historic rear façade of the building and so avoid the existing rain water pipe. It is not clear how the external insulation would address the drip beads in the render above the window and door openings. However, given the relatively modest area over which the insulation would be provided, and the shortcomings in the insulation qualities of the modern rear extension, any further information requirements could have been dealt with by condition had the proposals been acceptable in other respects.

Overall assessment

14. The appellant indicates a willingness to modify the scheme in respect of the roof lantern at second floor level and the design of the fenestration to the existing two storey extension. However, the appeal process is not intended as a negotiation and I have determined the appeal on the proposals which are before me. In any event, even if these matters could have been addressed by condition, this would not overcome the issues I have identified with regard to the proposed extension.
15. I find that the scheme as a whole would harm the special architectural and historic interest of No 19 thereby diminishing its significance. The proposals would therefore fail to preserve the listed building and the wider terrace of which it forms part.

Whether the proposal would preserve or enhance the character or appearance of the conservation area

16. Royal York Crescent lies within the Clifton and Hotwells Conservation Area. The Character Appraisal¹ subdivides the area into various character areas of which the Clifton Spa terraces relates to the crescent.
17. The effect of the proposals on the appearance of the conservation area would be minor, when considered in the context of the conservation area as a whole. However, Royal York Crescent is one of the key architectural compositions within the area and I have found the proposals would fail to preserve the special interest of No 19 and the terrace of which it forms part. Consequently, there would be some harm to the character of the conservation area and therefore proposals would fail to preserve the character of the area.

Other matters

18. I have been provided with copies of correspondence relating to a pre-application process between the appellant and the Council. Whilst this shows that the proposals were amended as a consequence of this process, I have determined the appeals on the basis of the proposals which are before me.

¹ Clifton and Hotwells Character Appraisal and Management Proposals 2010

Conclusions

19. The proposals would fail to preserve the special architectural and historic interest of the listed building. They would also fail to preserve and therefore would not enhance the character of the conservation area. When considered in the context of the Framework, the harm to the significance of designated heritage assets would be less than substantial. However, the Framework requires that great weight be given to the conservation of heritage assets. In this case the limited public benefits of the proposals would not outweigh the harm to heritage assets and the proposals would not comply with the Framework.
20. For these reasons the proposals would fail to comply with Policy BCS22 of the Council's Core Strategy² (CS) which requires proposals will safeguard or enhance heritage assets. There would also be a degree of conflict with CS Policy BCS21 which, amongst other matters, requires development to contribute positively to an area's character and identity, reinforcing local distinctiveness. The proposals would also fail to comply with Policy DM26 of the Bristol Local Plan Development Management Policies³ to the extent that the proposals would fail to take opportunities to improve local character and with DM31 and in particular the expectation that alterations to listed buildings should have no adverse impact on the significance of such buildings.
21. For the reasons given above, and having taken into account all matters raised, I conclude that the appeals should be dismissed.

J E Tempest

INSPECTOR

² Bristol Development Framework Core Strategy – Adopted June 2011

³ Bristol Local Plan – Site Allocations and Development Management Policies Adopted July 2014