
Appeal Decisions

Site visit made on 31 January 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 6th March 2017

Appeal No.1: Appeal Ref: APP/Z0116/Y/16/3163569
4&5 Dover Place Cottages, Clifton, Bristol BS8 1AN

- 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 A Caci Property Lettings & Management against the decision of Bristol City Council.
 - The application Ref 16/01620/LA, dated 18 March 2016, was refused by notice dated 30 June 2016.
 - The works proposed are Conversion of a basement/storage area into 2 no. studio flats and associated external and internal works.
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Appeal No.2: Appeal Ref: APP/Z0116/W/16/3163562
4&5 Dover Place Cottages, Clifton, Bristol BS8 1AN

- 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 A Caci Property Lettings & Management against the decision of Bristol City Council.
 - The application Ref 16/01619/F, dated 18 March 2016, was refused by notice dated 30 June 2016.
 - The development proposed is Conversion of a basement/storage area into 2 no. studio flats and associated external and internal works.
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Decisions

Appeal No.1: Appeal Ref: APP/Z0116/Y/16/3163569

1. The appeal is allowed and listed building consent is granted for conversion of a basement/storage area into 2 no. studio flats and associated external and internal works at 4&5 Dover Place Cottages, Clifton, Bristol BS8 1AN in accordance with the terms of the application Ref 16/01620/LA dated 18 March 2016 and the plans submitted with it subject to the conditions set out in the first schedule at the end of this decision.

Appeal No.2: Appeal Ref: APP/Z0116/W/16/3163562

2. The appeal is allowed and planning permission is granted for conversion of a basement/storage area into 2 no. studio flats and associated external and internal works at 4&5 Dover Place Cottages, Clifton, Bristol BS8 1AN in accordance with the terms of the application, Ref 16/01619/F, dated 18 March 2016, subject to the conditions set out in the second schedule at the end of this decision.

Procedural matters

3. The site address on the planning and listed building consent forms refers to 4 Dover Place, whilst the Council's documentation and indeed the appeal forms refer to 4 & 5 Dover Place Cottages. As the latter more accurately records the address of the site of the works and development and is more consistent with that of the list description, I have used it in the formal decisions above.
4. Subsequent to the determination the applications now the subject of these appeals, the Council has granted planning permission and listed building consent for the conversion of both the lower basement areas of Nos 4 and 5 Dover Place Cottages to a single unit of residential accommodation in October 2016¹. As the range of main issues set out below was pertinent to both the consented works and development and to those before me now I have taken them into account as a material consideration of significant weight in the decision.

Main Issues

5. These are in respect of both appeals whether the proposed works and development would preserve the Grade II listed buildings known as 4 & 5 Dover Place (listed as Dover Cottages Numbers 1-11 (consecutive) and attached basement railings) or any features of special architectural interest that they possess.
6. In respect of appeal No.2 these are a) whether the proposed development would contribute to a harmful concentration of residential subdivisions within the locality resulting in further harm to conditions associated with on street refuse storage, b) whether the proposed works and development would result in harm to the character and appearance of the conservation area with respect to on-street refuse storage, c) whether the proposals provide appropriate cycle storage facilities on the site, thus facilitating and encouraging non car-borne transport modes, d) whether the proposed units would provide an adequate quality of residential accommodation sufficient to safeguard the living conditions of future occupiers and e) whether sufficient information has been provided to assure appropriate mitigation of the effects of the development on climate change.

Reasons

Significance

7. The special architectural interest of Nos 4 and 5 Dover Place Cottages is most readily expressed in their three storey street-facing Gothicised Neo-Classical elevation (a typical piece of Bristol Mannerism). Interest is also to be found however in the rear elevation, comprised a towering six storeys, as the builders of terrace sought to exploit the precipitate topography of a former quarry face to maximise the accommodation within the terrace. Both elevations in their very different ways contribute strongly to the character and appearance of the conservation area.
8. The lower basement areas are formed of expose rubble with a central transverse spine wall and chimney openings to both front and rear spaces.

¹ Bristol City Council Ref: Planning permission (ref: 16/04301/F) and Listed Building consent (ref: 16/04302/LA)

Although there is evidence of limewash on some of the internal surfaces, there is little evidence of historic residential occupation. Door and window openings presently accommodate modern fixtures of no interest.

The proposals

9. The proposals seek the creation of two separate studio units through the removal of the central spine walls in both and the refenestration of the front elevation. The rear spaces would accommodate the kitchen and shower areas whilst the fronts would form the living and sleeping area. A modest terrace is proposed outside each, also accommodating cycle storage. The access steps and railings are also proposed for replacement.

Effect on special interest of the building

10. Whilst it may be argued the remodelling of the rear elevation implies an architectural status above that anticipated for such a basement elevation, it is easily accepted that it is a considerable improvement on the existing arrangement. Moreover, given the degree of domestic annexation to other basement areas in the terrace, and the approval of the amended scheme, to resist such an approach would be unreasonable.
11. The key element to the alteration of the interior of both areas is the removal of the greater part of the spine wall. This would undeniably erode the existing plan form of this floor to a significant degree. However, wall nibs and a downstand would be retained as a register of the former division and the twin chimney openings would still signify the former cellular nature of the former arrangement. Again, given that this principle has been accepted in the revised application, in addition to the lateral connection between the units, this too would prove difficult to resist. The lining of the interiors would result in the loss of the utilitarian character of these spaces however, although this would be perceived a discernable change, it would not amount to material harm in this particular case.
12. The proposed works and development would therefore preserve the special architectural interest of the building in accordance with the expectations of the Act, paragraph 132 of the National Planning Policy Framework (the Framework) and local development plan policy that seeks to underpin these national statutory and policy objectives.

Increase in on-street refuse storage and cycle storage provision

13. It is the case that two additional units of accommodation would incrementally result in an increased requirement for on-street refuse storage. However, the Council has accepted one additional unit in the revised approved applications, now suggesting one additional bin would result in harm sufficient to merit the dismissal of the appeal. Such an argument is in my view difficult to justify. Whilst cumulatively the presence of such waste management facilities can result in a degree of visual harm, here the bins are modulated by the length of the terrace and one additional unit would not add to the cumulative visual presence so as to justify the refusal of the scheme, especially when judged against the benefit it would bring as a whole (see below).
14. The units are indeed modest in scale but there is nothing in their layout to suggest that they are so deficient as to demonstrate there is insufficient space available to accommodate what would be proportionately a modest amount of

daily refuse. The concerns expressed by the Council in the officer report in relation to the intermediate handling of refuse could be appropriately dealt with through a condition attached to the planning permission, and I address this below.

15. Much of the Council's concern's in relation to the concentration of such units in the area expressed in the officer report are largely resolved in the reasoning in relation to the amended scheme. Herein it is acknowledged that the use of these units as part of the existing residential accommodation could also result in a comparable intensification of human activity, without the need for planning permission. I readily agree that this is a material consideration here of considerable weight, and explains the Council's subsequent acceptance of the single unit scheme. Nevertheless the same argument holds true for the current proposals. Each unit could be lawfully (subject to listed building consent) annexed into the respective units of accommodation above, with the same effect. Thus whilst there may be an incremental intensification of use, this would be within the reasonable parameters of what could occur without the need for planning permission.
16. With this taken into account there would be no material intensification of the residential use and thus no material concomitant deleterious effects, either in respect of the mix of housing types within the area or the outputs of refuse and recycling. Moreover, any such outputs could be managed within the units and transferred to appropriate means of storage/disposal through the auspices of a refuse management plan.
17. It is the case that as both units would be accessed off steps from the street, an elevated walkway and a further flight of steps, this does not represent the most ergonomic means of using or storing a bike when living within. However, the storage offered is off the street and secure. Moreover, the benefits to cycle ownership in Bristol are such that such a modest challenge of access would not prove a barrier to cycle users.
18. There would therefore be no conflict with policies BCS10, BCS18, BCS20, BCS21 and policies DM2, DM23, DM30 and DM32 of the development plan, all of which seek inter alia to encourage sustainable forms of development, mixed communities, efficient use of land, high quality design, a mix of housing types and appropriate living conditions.

Effect on living conditions of future occupiers

19. Both units are of undisputedly modest proportions, most evidently expressed in the combined living and sleeping area to the front of each. However, each having a respective floor area of 42.7m² and 40.8m², this is above (by approximately 3m²) the minimum space standard for one person dwellings set out in the National Space Standards set out in the Technical Housing Standards – nationally described space standard published by the Government in 2015. As the Council now apply these standards to underpin the requirements of residential development within the ambit of the policies set out in paragraph 18 above, the proposals are therefore compliant with them in this regard. Moreover, the flats would have reasonable generous south east-facing outdoor private amenity space which in clement weather could work practically as an adjunct to the indoor accommodation. There would therefore be no material harm to the living conditions of future occupiers in respect of accommodation space, and so no conflict with policies BCS10, BCS18, BCS20, BCS21 and

policies DM2, DM14, DM23, DM30 and DM32 of the development plan, which again inter alia seek to minimise the risks to health.

Mitigation of effects on climate change

20. Again the reasoning in relation to the amended scheme assists with an understanding of the Council's position here. Whilst technically in breach of policies BSC13-15 of the development plan through a failure to mitigate carbon emissions, as the most feasible option would be a PV solar panel judged harmful to the setting of the listed building, this objection was forgone. I see no reason to take a different view in respect of these proposals.

Conditions

21. The appeals being allowed, in respect of both I attach conditions requiring the submission of detailed drawings of new carpentry, interior linings, structural steel insertions, samples of materials, details of landscaping, method statements for render mix and for the demolition of the internal spine walls, all to safeguard the special architectural interest of the listed building.
22. In respect of appeal no. 2 I also attach a condition requiring that the development be carried out in accordance with the approved drawing, for certainty. I also attach conditions requiring the prior installation of the cycle storage facility and the submission of a refuse management plan, the former to ensure the proper provision of such facilities and the latter to safeguard the living conditions of future occupiers and the character and appearance of the area.

Conclusion

23. The proposals would avoid harm to the listed building and to the conservation area, thus preserving both in accordance with the expectations of the Act, the Framework and development plan policy. Neither would there be harm to living conditions of future occupiers, nor indeed any other identified harm in respect of other matters. Moreover, the proposals would provide two (one accounting for the approved scheme) units of accommodation modestly contributing to the housing stock of the City, which weighs again moderately in favour of the proposals. For the reasons given above and having considered all matters raised, I conclude that both the appeals should be allowed.

David Morgan

Inspector

Schedules of conditions

Schedule 1

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to commencement of works the following detailed drawings at the below stated scales shall be submitted to the Local planning Authority and approved in writing:
 - a) Sections of proposed sash windows at 1:5 showing proposed materials, frame and glazing bar profiles, single glazing with any secondary glazing elements, cills, jambs and window heads.
 - b) Sections of proposed new external door and replacement window in door opening at 1:5 showing proposed materials, frame and glazing bar profiles, single glazing with any secondary glazing elements, cills, jambs and window heads.
 - c) Detailed section of the proposed dry-lining and new acoustic ceiling to a scale of 1:5, including evidence of satisfactory acoustic mitigation to adjoining residential premises.
 - d) Details of the proposed new balcony and stair railing at a scale of 1:10 and 1:5 showing the design, materials, and all new fixings into existing fabric.
 - e) Details of the proposed new stair at 1:10 showing materials and proposed construction.
 - f) Section details of the proposed new terrace and steps at a scale of 1:5 showing the proposed materials and construction
 - g) Detailed sections and internal elevations of proposed new steel structure replacing spine wall to 1:5 and 1:10 scale as appropriate
 - h) The development shall be completed in accordance with the approved details.
- 3) Prior to commencement of external works material samples for the proposed hard surfaces, and proposed terrace walls shall be made available to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved materials.
- 4) Prior to work commencing a method statement detailing the proposed render mix, method of application, finish, and colour shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved method statement.
- 5) Prior to commencement a method statement detailing the process of demolition of the spine walls, all temporary works, and erection of new support structure shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved Method statement.

Schedule 2

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan:16/005/01A.
- 3) Prior to commencement of works the following detailed drawings at the below stated scales shall be submitted to the Local Planning Authority and approved in writing:
 - a) Sections of proposed sash windows at 1:5 showing proposed materials, frame and glazing bar profiles, single glazing with any secondary glazing elements, cills, jambs and window heads.
 - b) Sections of proposed new external door and replacement window in door opening at 1:5 showing proposed materials, frame and glazing bar profiles, single glazing with any secondary glazing elements, cills, jambs and window heads.
 - c) Detailed section of the proposed dry-lining and new acoustic ceiling to a scale of 1:5, including evidence of satisfactory acoustic mitigation to adjoining residential premises.
 - d) Details of the proposed new balcony and stair railing at a scale of 1:10 and 1:5 showing the design, materials, and all new fixings into existing fabric.
 - e) Details of the proposed new stair at 1:10 showing materials and proposed construction.
 - f) Section details of the proposed new terrace and steps at a scale of 1:5 showing the proposed materials and construction
 - g) Detailed sections and internal elevations of proposed new steel structure replacing spine wall to 1:5 and 1:10 scale as appropriate
 - h) The development shall be completed in accordance with the approved details.
- 4) Prior to commencement of external works material samples for the proposed hard surfaces, and proposed terrace walls shall be made available to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved materials.
- 5) Prior to work commencing on the element a method statement detailing the proposed render mix, method of application, finish, and colour shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved method statement.
- 6) Prior to commencement a method statement detailing the process of demolition of the spine walls, all temporary works, and erection of new support structure shall be submitted to the Local Authority and approved in writing. The development shall be completed in accordance with the approved Method statement.

- 7) No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision to the rear terrace shown on the approved plans has been completed and thereafter, be kept free of obstruction and available for the parking of cycles only in perpetuity. No cycles associated with the dwelling hereby approved shall be stored in any other location on or adjoining the site.
- 8) No building or use hereby permitted shall be occupied or the use commenced until a Refuse Management Strategy has been provided for the development, demonstrating that wheelie bin receptacles associated with the development can be accommodated within the curtilage of the site on Dover Place (and not on the public adopted highway) and that recycling receptacles are stored within the dwelling hereby approved.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.