
Appeal Decision

Site visit made on 12 July 2017

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 24th July 2017

Appeal Ref: APP/Z0116/D/17/3175157

Trinity House, Kensington Place, Clifton, Bristol, BS8 3AH

- 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 Mrs N Walther against the decision of Bristol City Council.
 - The application Ref 16/06932/H, dated 8 December 2016, was refused by notice dated 10 February 2017.
 - The development proposed is remodelling of the front boundary treatment to form vehicular access.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issues are the effect of the proposal on the character and appearance of the conservation area and on highway safety.

Reasons

3. The appeal property is a three storey dwelling with basement. It is not a listed building but it is at the end of a terrace of similarly sized dwellings which are listed Grade II. The neighbouring property to the south is a two storey Grade II listed dwelling set well back from the road. There is a school on the opposite side of the road. The site lies in a residential area within the Clifton and Hotwells Conservation Area.
4. The site has an extensive planning history, the most relevant parts of which include a recent permission for a rear extension, works to the basement and general refurbishment and conservation area consent relating to various works to the front boundary wall. The Council has subsequently taken enforcement action against the appellant for unauthorised works to the wall. I understand from the Council's questionnaire and the appellant's appeal form submitted in connection with this appeal that there is, at present, no outstanding enforcement or any other appeal, relating to this site.
5. The appeal proposal is for a new driveway/hardstanding in the front garden and the remodelling of the front boundary wall to provide a gap wide enough to allow vehicular access with pedestrian and vehicle gates. The wall would be constructed of natural stone with cast iron railings and gates.
6. I consider that the relevant policies in this case are as follows. Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy 2011 (the

Core Strategy) require new development to be, among other things, of a high quality of urban design, contribute positively to the character of an area and reinforce its local distinctiveness; and where development affects a heritage asset it should safeguard or enhance that asset and the character and setting of areas of acknowledged importance.

7. Policies DM26 and DM31 of the Bristol Local Plan Site Allocations and Development Management Policies 2014 (the local plan) set out more detailed criteria regarding design and the protection of heritage assets. Policy DM23 states, among other things, that development should not give rise to unacceptable traffic conditions.
8. Policy DM31 refers to Planning Advice Note 6 *Off-street Residential Parking in Conservation Areas* (PAN6) which was issued with reference to the previous Bristol Local Plan and which will continue to be used to guide decisions on development proposals. Among other things, this addresses the adverse impact parking in front gardens can have on the setting of listed buildings and the character and appearance of conservation areas, particularly where gardens are small and the traditional means of enclosure are an important part of the visual quality of the area. It sets out detailed recommendations such as the maximum width of a vehicular opening and the maximum proportion of the garden to be used and front wall to be removed.
9. There is a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The Framework states that in the consideration of development proposals weight should be given to the conservation of heritage assets in accordance with the significance of the asset.

Character and appearance

10. I consider that the proposal is unacceptable in respect of its impact on the character and appearance of the area, and of the conservation area in particular, because it would not preserve a consistent feature along the length of the street, namely the front boundary wall.
11. The front walls of the whole terrace form a distinctive element along the frontage of the terrace round to the vehicular accesses serving the semi-detached houses (Nos. 7 and 8) at the northern end of the street and in my view, make a valuable contribution to the visual quality and significance of the conservation area and the listed buildings. They are interrupted only by narrow pedestrian accesses, some with one or more steps up into the front gardens, depending on the slope of the land. They are a strong feature which together with the boundary walls separating the gardens which are of the same natural stone or of brick, create a sense of enclosure of each individual space and an attractive setting to the listed buildings.
12. Most of the gardens along the terrace have been paved with stone slabs and vegetation is to be found mainly in ornamental pots and some hedging and other planting behind the front wall.
13. The existing wall in place at the time of my visit is not the original one. It is constructed of natural stone to match the other boundary walls along the street,

with Bath stone coping. Its width is such that there is a gap wide enough to allow vehicular and pedestrian access to the front area. The front garden has been paved with stone slabs and there are bin and cycle stores and a planter.

14. I consider that the creation of a wider gap in the front wall and the facility to park a vehicle in the front garden would diminish the sense of enclosure provided by the walls along the terrace. It would introduce a form of development which would be out of keeping with the character and appearance of the terrace and the parking of a vehicle in close proximity to the front of the house would harm the setting of the nearby listed buildings. The replacement of a solid wall with a metal gate would also reduce the sense of enclosure and add further harm to the conservation area.
15. The proposal would not meet the recommendations in PAN6 in that the opening would be more than one third of the width of the frontage, although it would be just under 3 metres. Although the parking space, and the vehicle when parked there, would occupy less than half the garden, the garden is small and much of the southern side of it is occupied by the bin and cycle stores and the steps down to the basement, making it appear even smaller.
16. I conclude that the proposal would fail to safeguard or enhance the character and appearance of the conservation area or to protect the setting of the listed buildings. It would therefore cause substantial harm to the significance of those heritage assets and there would not be any public benefit from it sufficient to outweigh that harm. It would be contrary to policies BCS21 and BCS22 of the Core Strategy and DM26 and DM31 of the local plan and the Framework.

Highway safety

17. The proposal would result in the loss of an on-street parking space because of the need to allow access from the road. The site is in a Residential Parking Scheme area, opposite a school, where there is a high demand for on-street parking. The appellant asserts that there is room for a vehicle to be parked clear of the footway with the gate closed. However, the apparent available space is restricted by several elements within the garden, including the front entrance to the house, the railings to the basement steps and the stores and planter.
18. No details have been supplied of the means of opening of the gate other than that it would slide along the wall. On the basis of the information before me, particularly plan No. SLP101, it seems to me that the space from the boundary to the house is only sufficient to hold a small car. Medium to large cars are typically over 4 metres long, and I am not convinced that such a length could be satisfactorily accommodated in the space available with the gate closed.
19. There would therefore be some risk that the gates would be left open and the car overhang and obstruct the footway, forcing pedestrians onto the road with a consequent impact on traffic conditions and an increase in harm to the safety of road users. I do not consider that this situation could be overcome by any reasonable or readily enforceable condition restricting the size of vehicle or requiring the gate to be kept shut.
20. I conclude that the proposal would cause unacceptable harm to highway safety, contrary to local plan policy DM23.

Other considerations

21. I have taken account of the appeal decisions relating to a property in Cotham, where widening a boundary wall and forming a vehicular access was allowed (APP/Z0116/A/13/2203390 and APP/Z0116/E/13/2203393). This is in a different part of the City and relates to a semi-detached Victorian villa rather than the terraced setting of the proposal site. I have also looked at other examples of vehicular accesses and reduced boundary walls in the vicinity of the appeal site. These also differ from the present case in a number of ways, including the scale and setting of the houses themselves. In all cases I do not have enough detail of the circumstances in which they were constructed to draw comparisons with this case and I have determined it in the particular circumstances of the case.
22. I have also taken account of the previous Inspector's decision regarding the removal of a condition controlling works to the front wall at the appeal site (APP/Z0116/E/12/2182489). I agree with that Inspector's view that examples in the area of the demolition of walls are not good examples to follow and that this weakens the unity of the street frontages and diminishes the historical character of the area.
23. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR