



Appeal Decisions

Site visit made on 21 March 2018

by Neil Pope BA (Hons) MRTPI

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

Decision date: 26 March 2018

Appeal A Ref: APP/Z0116/W/17/3181636

Former access lane between Two Mile Hill Road and the former Wesleyan Chapel, Kingswood, Bristol, BS15 1AQ.

- 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 InSpace Design Ltd against the decision of Bristol City Council.
 - The application Ref. 16/05919/F, dated 1/11/16, was refused by notice dated 31/5/17.
 - The development proposed is two dwelling houses with vehicular access through the approved former Wesleyan Chapel car park, together with associated landscaping.
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Appeal B Ref: APP/Z0116/Y/17/3181638

Former access lane between Two Mile Hill Road and the former Wesleyan Chapel, Kingswood, Bristol, BS15 1AQ.

- 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 InSpace Design Ltd against the decision of Bristol City Council.
 - The application Ref. 16/05920/LA, dated 1/11/16, was refused by notice dated 31/5/17.
 - The works proposed are described as two dwelling houses with vehicle access through the approved former Wesleyan Chapel car park, together with associated landscaping.
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Decisions

1. The appeals are allowed. Planning permission is granted for two dwelling houses with vehicular access through the approved former Wesleyan Chapel car park, together with associated landscaping at the former access lane between Two Mile Hill Road and the former Wesleyan Chapel, Kingswood, Bristol, BS15 1AQ. The permission is granted in accordance with the terms of the application Ref. 16/05919/F, dated 1/11/16 subject to the conditions in Schedule A below. Listed building consent is granted for works to the entrance gate piers and boundary walls at the former access lane between Two Mile Hill Road and the former Wesleyan Chapel, Kingswood, Bristol, BS15 1AQ. The consent is granted in accordance with the terms of the application Ref. 16/05920/LA, dated 1/11/16 subject to the conditions in Schedule B below.

Preliminary Matters

2. The planning history of the site includes permission for two detached houses (ref. 99/03403/F) and a very recent planning permission and listed building consent ('the approval') for a single dwelling (refs. 17/03536/F and 17/03537/LA). 'The approval' is for a dwelling set back but facing onto Two Mile Hill Road and is the same as 'House 1' in appeal A. I have no reason to doubt that this approved development would proceed if these appeals were to fail. This is a fall-back position available to the appellant.

3. South Gloucestershire Council, as an adjoining planning authority, has granted planning permission and listed building consent for the conversion/adaptation of the neighbouring grade II listed former Wesleyan Chapel into fifteen self-contained flats. I also note that permission exists for the redevelopment of 353-359 Two Mile Hill Road (on the opposite side of the road to 'House 1') into seven dwellings and a shop (ref. 16/01591/F).
4. Listed building consent has been sought for the proposed works to the entrance gate piers and boundary walls. I have determined appeal B accordingly.

Main Issues

5. The two main issues are: firstly, the effect upon the character and appearance of the area (appeal A only) and; secondly, whether the proposal would preserve the setting of the neighbouring grade II listed former Wesleyan Methodist Chapel at Blackhorse Road (appeals A and B).

Reasons

6. The development plan includes the Bristol Development Framework Core Strategy (CS) adopted in 2011 and the Site Allocations and Development Management Policies Local Plan (LP) adopted in 2014. The most relevant policies to the determination of these appeals are: CS policies BCS21 (urban design), BCS22 (historic environment) and; LP policies DM26 (local character and distinctiveness), DM29 (design) and DM31 (heritage assets).

Character and Appearance (Appeal A)

7. This 0.06 ha site comprises a narrow 'L' shaped parcel of land. It lies to the north of the grade II listed Wesleyan Chapel which is currently being converted into residential use. The area is mainly residential and includes buildings of various sizes, styles and designs. Whilst there is space around some of the buildings the numerous terraced properties create a compact urban form.
8. I note the Council's concerns that the design of the proposed development would not relate to or enhance the surrounding urban form and local context. Given 'the approval' for a house on the northern part of the site, it is reasonable to assume that these concerns are limited to proposed 'House 2'.
9. 'House 2' would be set back from Blackhorse Road. It would be a similar size and design to the 'the approval', would also occupy the full width of this former access road/path and would be adjacent to existing buildings. The design and siting would be no more contrived or isolated than 'the approval'.
10. Unlike neighbouring properties, 'House 2' would not front onto the street. However, this would not detract from the existing pattern of development or harm any distinctive qualities of the local environment. There would be garden spaces on three sides of this new building and it would be set back approximately twenty two metres from the northern flank wall of the former chapel. It would not appear cramped.
11. The height, massing and finish of the proposed houses would match neighbouring dwellings and there would be some photovoltaic panels on the roofs. The proposal also includes the retention and repair of the attractive rubble stone boundary walls and entrance piers onto Two Mile Hill Road.

12. The development would be designed to a high standard and would enhance the appearance of a site that has fallen into decline and attracted anti-social activity in recent years. It would accord with the provisions of CS policy BCS21 and LP policies DM26 and DM29.
13. I conclude on the first main issue that the proposal would not harm the character or appearance of the area.

Setting of former Wesleyan Methodist Chapel (Appeals A and B)

14. The significance of the grade II listed mid-19th century former chapel is derived primarily from its historic interest, associated with the growth of Methodism in this part of Bristol, and its architectural qualities, which include its imposing rendered walls with windows on two levels and low-pitched gable end roof.
15. This designated heritage asset, which closed as chapel in 1978, is now in the process of conversion following a period of neglect and decay. Neighbouring mid-19th century listed buildings associated with the chapel have previously been converted into residential use. Over time, other development has also taken place in the vicinity of this group of listed buildings.
16. The appeal site comprises the main historic access/approach lane to the former chapel and forms part of the surroundings in which this designated heritage asset is experienced. I concur with the Council's conservation officer that this access lane would have influenced or been influenced by the design and layout of the chapel, with the entrance to the listed building facing north along this lane towards Two Mile Hill Road. The entrance piers and stone boundary walls would have directed worshippers along this main approach to the chapel. These features reflect the chapel's status as an important building.
17. The lane has not been used for some time, is blocked at either end by metal fencing and, as noted above, has been subject to anti-social activity in the past. I also note that it was not included as part of the approvals to convert/adapt the chapel. Nevertheless, this access lane contributes to the special interest of the listed building.
18. The proposed development would permanently block off the historic pedestrian approach to the former chapel from Two Mile Hill Road. 'House 1' would fill the space between the buildings on this side of the street and erode an understanding of the function of the lane and the ability to appreciate this important building from Two Mile Hill Road. This would detract from the setting (historic interest) of the listed building. In contrast, the works to the gate piers and boundary walls would preserve the setting of the chapel.
19. The approach to the former chapel from Blackhorse Road would be unaffected by 'House 2'. This new house would neither intrude into any important views of the former chapel nor be of a size or scale to mar the setting of this listed building. Moreover, once 'House 1' is built and the historic access from Two Mile Hill Road is permanently closed/lost, no additional harm to the significance of the listed building would arise from the construction of 'House 2'.
20. In the context of the National Planning Policy Framework the proposed dwellings would result in less than substantial harm to the significance of this designated heritage asset. To a limited extent this would be offset by the public benefits to be derived from repairing the historic boundary walls and gate piers, as well as increasing the choice and supply of housing, support for

the construction industry (economic benefit) and securing the more efficient use of urban land in preference to development on greenfield sites.

21. When the above are weighed together I find, on balance, that whilst listed building consent should not be withheld for the works to the gate piers and boundary walls, the proposed development would fail to preserve the setting of the grade II listed former chapel and would conflict with the provisions of CS policy BCS22 and LP policy DM31. This weighs against granting permission.

Other Matters

22. The proposed dwellings would be designed to avoid harmful overlooking of neighbouring properties or any significant loss of light. The proposal would also be unlikely to result in serious noise disturbance for neighbouring residents. I note the representations made in support of the appeal scheme.

Planning Conditions

23. If the appeals were allowed conditions requiring development/works to commence within the 'standard' three year period would be necessary. In the interests of certainty, conditions would also be necessary specifying the approved plans.
24. In respect of appeal A, 'condition precedents' would be necessary in respect of: land contamination, in order to safeguard the living conditions of occupiers of the building; boundary treatment, to safeguard the setting of the former chapel and; protective fencing to safeguard neighbouring trees that are to be retained.
25. Other conditions would be necessary in respect of appeal A to ensure: cycle parking was provided for occupiers of the proposed dwellings, so as to encourage travel by sustainable modes of transport; adequate refuse storage and recycling facilities; the installation of the photovoltaic panels, so as to support renewable energy generation; a scheme of landscaping, to safeguard the character and appearance of the area and; the repair of the gate piers and boundary walls, to safeguard the setting of the listed chapel. Finally, a condition removing some permitted development rights would be necessary to safeguard the living conditions of neighbouring residents.
26. In respect of appeal B, a condition would be necessary requiring the use of matching materials in the repair of the gate piers and boundary walls in order to safeguard the setting of the listed former chapel.
27. Conditions to the above effect would accord with the provisions of paragraph 206 of the Framework.

Planning Balance / Overall Conclusion

28. My findings above lead me to conclude that appeal B should be allowed. In respect of appeal A, I have found in the appellant's favour on the first main issue but in the Council's on the second main issue. As I am required to have special regard to the desirability of preserving the setting of the listed building I would ordinarily be inclined to dismiss this planning appeal. However, the fall-back position must be taken into account in the overall planning balance.
29. In this regard, 'the approval' would entail the permanent closure/blocking off the access lane from Two Mile Hill Road. This is an important material consideration and would result in the same harm to the significance of the

designated heritage asset that I have found in respect of the second main issue above and with slightly less public benefit (one dwelling to the stock of housing and less support to the construction industry). In the circumstances, it would be unsound to withhold planning permission.

30. Given all of the above, I conclude that both appeals should succeed.

Neil Pope

Inspector

SCHEDULE A - LIST OF PLANNING CONDITIONS (Appeal A)

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The development shall be undertaken in accordance with the details shown on the following approved plans: CMR3244.51 – site location plan; CMR3244.52B – Block plan as proposed; CMR3244.53C – House 1 floor plans as proposed; CMR3244.54C – House 1 elevations and sections as proposed; CMR3244.55B – House 2 floor plans as proposed; CMR3244.56B – House 2 elevations and sections proposed; CMR3244.57A – House 2 elevations proposed; CMR3244.58 – House 1 and 2 bin store details.
3. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority (LPA):
 - i) an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced). If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the LPA within 28 days of the report being completed and approved in writing by the LPA.
 - ii) protective fences for trees to be retained immediately adjacent to the site during the construction phase, with the LPA given no less than two weeks prior written notice by the developer of the commencement of works on site;
 - iii) the proposed boundary treatment adjacent to the listed former Wesleyan Chapel.The development shall be undertaken in accordance with the approved details.
4. Neither dwelling shall be occupied until the following have been provided / undertaken:

- i) cycle parking provision within the site;
 - ii) refuse storage and recycling facilities;
 - iii) installation of photovoltaic panels on the roofs of the buildings;
 - iv) a scheme of hard and soft landscaping and a timetable for implementation, in accordance with details previously submitted to and approved in writing by the Local Planning Authority;
 - v) the repair works to the boundary walls and stone entrance pillars.
- The development shall be undertaken in accordance with the approved details and the approved cycle parking, refuse storage/recycling facilities, photovoltaic panels and landscaping shall be retained thereafter.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs), or any new windows or external openings (other than those shown on the approved plans) shall be made to the dwellings hereby permitted, or any detached building erected without the express permission in writing of the Local Planning Authority.

SCHEDULE B – LIST OF CONDITIONS (Appeal B)

1. The works hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the details shown on the following approved plans, insofar as they relate to works to the entrance gate piers and boundary walls: CMR3244.51 – site location plan; CMR3244.52B – block plan as proposed; CMR3244.53C – House 1 floor plans as proposed; CMR3244.54C – House 1 elevations and sections as proposed; CMR3244.55B – House 2 floor plans as proposed; CMR3244.56B – House 2 elevations and sections proposed and; CMR3244.57A – House 2 elevations proposed.
3. All new works to the eastern and western boundary walls and the stone piers fronting onto Two Mile Hill Road, and repair works, shall match the existing original fabric of the wall and piers in respect of using materials of a matching form, composition, consistency, detailed execution and finished appearance, except where indicated otherwise on the approved drawings.