
Appeal Decisions

Site visit made on 2 July 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31st July 2019

Appeal A: Ref APP/Z0116/W/19/3224639

Land to the rear of 81 Whiteladies Road, Bristol BS8 2NT

- 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 81 Whiteladies Road Ltd against the decision of Bristol City Council.
 - The application Ref 18/03850/F, dated 17 July 2018, was refused by notice dated 13 September 2018.
 - The development proposed is described as demolition of existing single storey office building and erection of replacement building accommodating ground floor office, 2 no. units of shared accommodation each comprising four bed spaces, secure cycle parking and refuse and recycling store.
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Appeal B: Ref APP/Z0116/Y/19/3224641

Land to the rear of 81 Whiteladies Road, Bristol BS8 2NT

- 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 81 Whiteladies Road Ltd against the decision of Bristol City Council.
 - The application Ref 18/03851/LA, dated 17 July 2018, was refused by notice dated 13 September 2018.
 - The works proposed are described as demolition of existing single storey office building and erection of replacement building accommodating ground floor office, 2 no. units of shared accommodation each comprising four bed spaces, secure cycle parking and refuse and recycling store.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issue in both appeals is whether the proposal would preserve the listed building or its setting and would preserve or enhance the character or appearance of the conservation area.
 4. Other main issues in Appeal A are the proposal's effect on the potential future development of the adjoining plot, and whether it would make adequate provision for the storage and collection of refuse.
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Reasons

5. Whiteladies Road forms a main route north from Bristol city centre and is lined on both sides by shops, bars and restaurants. A length of the main road and the commercial and residential streets to each side have been designated as the Whiteladies Road Conservation Area.
6. The east side of the road has an imposing frontage of three-storey and four-storey houses, many of whose ground floors have been converted to shops that project forward to the street edge. No.81 is a three-storey over basement house whose ground floor is occupied by a restaurant and upper floors by offices. It forms a matching pair with No.79, as part of a series of attached pairs. The houses are listed Grade II with the neighbouring pair, Nos.75 and 77. Other neighbouring houses are also listed.
7. To the rear the houses open onto the service street, Hampton Lane. The former rear gardens have been developed over time with a variety of extensions and outbuildings, as well as open car parking. No.81 has been extended to the rear with a two-storey office/service wing and much of the remainder of the plot, almost to the Hampton Lane boundary, is occupied by a further single-storey building, also in office use.
8. Planning permission and listed building consent are now sought to demolish the single storey unit and to replace it with a three-storey building to contain office space on the ground floor and two residential units above, intended for occupation by students. Each unit would have four bedrooms and a communal kitchen/living room.

Listed buildings and conservation area

9. In considering a proposal for development affecting a listed building, statutory duty¹ requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar duty applies in respect of the preservation or enhancement of the character or appearance of a conservation area². National policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'designated heritage assets' such as listed buildings and conservation areas³. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁴. Any harm should require clear and convincing justification⁵.

Significance of designated heritage assets

10. The applications were informed by a Heritage Statement and the appeals are supported by a Heritage Appeal Statement. It is not disputed that the primary interest of the listed building lies in the original terrace fronting Whiteladies Road. Its architectural interest derives from its ambitious scale, fine proportions and quality of detail, which remain clearly legible despite the later alterations at street level. It has historic value as an illustration of the nineteenth century urban development of the city.

¹ Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ NPPF paragraph 193

⁴ NPPF paragraphs 189, 190

⁵ NPPF paragraph 194

11. The list entry makes no reference to the rear of the terrace or of the former gardens. Analysis of the historic evolution of the plots shows a pattern of development by ancillary buildings, which may include the origins of the existing buildings on the appeal site. However, it appears that these, in particular the single-storey element, are probably of relatively recent construction. I agree that they make little or no contribution to the special interest of the listed building. But the survival of a long length of what is likely to be the original boundary wall between Nos.81 and 83 is of historic value.
12. Both statements acknowledge that this, and other surviving garden walls, are an important part of the setting of the principal buildings of the listed terraces, illustrating the original plot division that actually predates the laying out of Hampton Lane. The ad-hoc character of the buildings on Hampton Lane, including the single-storey building on the appeal site, also form part of the setting of the principal buildings that contributes to their significance, as it gives some evidence of the evolution of the 'backland' area as service space to the rear of the terraces. The single-storey building is simple in its treatment, with its porthole window and glass block panels fitting well with its functional character. However, its prominently visible metal roof and clustered roof lights introduce a discordant element that detracts slightly from the historic setting.
13. The factors that are important to the setting of the listed buildings also make a positive contribution to the character and appearance of the conservation area, which is predominantly defined by the more formal frontages and spaces of the main commercial and residential streets. The contrast between the service nature of Hampton Lane and the scale and formality of Whiteladies Road adds to the area's heritage value. This is reinforced by the lack of consistency in the treatment of buildings along Hampton Lane, with a somewhat more domestic character along the east side and more commercial opposite. But there is some consistency in scale, with the majority of the buildings of one or two storeys, emphasising the street's mews-like identity. Only at the northern end does the scale tend to increase to two tall commercial floors or three domestic storeys. This has been reinforced by the addition of the three-storey student accommodation to the rear of 91-93 Whiteladies Road. The single-storey building on the appeal site plays its small part in this context, but its roof detracts slightly from the area's character and appearance.

Effect of proposed development: listed building fabric

14. The proposed building would fill the width of the site, from close to the Hampton Lane boundary almost back to the two-storey rear wing, to which it would be linked by a flat-roofed bin store reached by a covered passage. The building would have a stone-faced ground floor, including re-used stone from the existing side boundary wall, and would have smooth render upper floors with panels of vertical boarding to the front and in a recessed lightwell to the side. The shallow-pitched roof would be hidden behind a parapet.
15. The Council raise no objection to the demolition of the existing building. I agree that its removal would not in itself have a harmful impact on the significance of the listed building or of the conservation area. However, the loss of the boundary wall's historic identity as a free-standing feature would detract from the special interest of the listed building. The effect would not be mitigated by the re-use of the stone to face the side wall of the building, where it would no longer be legible and would appear from both sides as part of the new

construction. The appellants see a slight benefit in the removal of red brick from the wall, but this appears to be minimal in extent and does not greatly detract from the character of the wall. Its elimination would not outweigh the loss of the wall as an identifiable historic feature.

16. The works to the listed building would cause less than substantial harm to its significance.

Effect of proposed development: listed building setting and conservation area

17. The existing building is modest in scale, with its main roof span offset to one side and with a low eaves height. This is echoed by the two-storey wing behind. By filling the entire width of the site and by rising to a full three storeys the building would be considerably greater in scale. The effect of additional width would not be mitigated by the retention of a through passageway. While some other plots are already built across their full width, this does not provide a good case for similar harm at the appeal site. The building's height would be accentuated by the use of the proposed parapet, which would also contribute to a rather bulky, boxy appearance. The building footprint would fill more than half of the depth of the site between Hampton Lane and the back wall of the frontage building. Although the two-storey wing would continue to provide a lower intervening structure, I agree with the Council that because of its scale and height the building would appear too close to the frontage terrace and not sufficiently subservient to it.
18. The building would also be taller and bulkier than the low buildings close by and opposite. As a result, it would appear obtrusive in its immediate surroundings and too large for the mews-like character of this lower section of Hampton Lane. This effect would not be mitigated by the building's bland design, despite the proposed stone-faced plinth, with large areas of render to the upper levels contrasted by the rather arbitrarily placed panel of boarding on the front elevation. The appellants state that use of timber boarding is common in the area, but the only obvious example in the immediate vicinity appears to be at No.17 Hampton Lane, where its use to clad a modern infill unit is not entirely successful in the context of more traditional materials nearby.
19. I acknowledge that a contemporary design, particularly one incorporating traditional materials, can often provide a successful intervention in a historic context. The main issue here is about size and scale, rather than the details of treatment, some of which could be refined by later evolution controlled by planning conditions. In some respects, the proposal would appear better finished than the existing building, but for the reasons outlined it would not result in an enhancement over the existing position.
20. The appellants' view that the building at the rear of 91-93 Whiteladies Road provides a strong precedent in support of the appeal proposal is contested by the Council, which now find the completed building to be too large for its context and incongruous in relation to its surroundings. It is somewhat surprising to find a planning authority reach such a contrary view on a development granted permission relatively recently, but clearly there were some factors that supported the approval. The buildings at the north end of Hampton Lane, including the side of the listed Pitville Place, are typically of three storeys. The building is the same height as the very unsympathetic adjoining two-storey block, which it screens in views from the south. However, the Council has now had the benefit of seeing the development in reality rather

than on plans, and is not bound to maintain its previous appraisal. I agree that seen in the round, the building does appear too large for its context, particularly in terms of its relationship with the frontage terrace. The relationship now proposed at the appeal site would be similar, but more harmful in that the proposal would fill the entire width of the site for its full height, unlike the earlier building, which is set in at its upper floors. The existing building also benefits from a gabled roof form, and more traditional materials for its roof and front wall. For all of these reasons, I find that it does not provide a compelling precedent.

21. Since submitting the appeal the appellants have also drawn attention to proposed student accommodation to the rear of 103 Whiteladies Road⁶, in the mistaken belief that this was only recently permitted. The Council has confirmed that the permission was granted in 2018 and was taken into account in assessing the current applications. The plans provided by the Council support its reasoning that the proposal, with a third storey built into a gabled roof, would be of appropriate scale for its context at the northern end of Hampton Lane and would potentially enhance the appearance of the conservation area. Given these differences, I agree that the permitted scheme would not support approval of the appeal proposal.
22. For the reasons set out above, I find that the appeal proposal would detract from the setting of the principal building whose curtilage includes the appeal site and of its listed neighbours. It would also detract from the character and appearance of the conservation area. However, the Council's conclusion that the proposal would cause 'substantial harm' in each instance cannot be sustained. The setting to the rear of the listed terrace makes a minor contribution to its overall significance, and its predominant intrinsic interest would be preserved by the proposal. Similarly, Hampton Lane forms one very small part of the conservation area, whose overall character and appearance would not be significantly altered. Therefore, the harm to the significance of the designated heritage assets would be less than substantial, towards the lower end of that broad range.

Heritage balance

23. Reflecting the statutory duties, the NPPF advises that harm to heritage significance should be weighed against the proposal's public benefits. Contrary to the appellants' assessment, I have found that there would be no net public benefit from the removal of red brick from the boundary wall or from the replacement of the existing building on the site.
24. The appellants argue that the provision of student housing should be taken as a public benefit, referring to an earlier pair of appeals elsewhere in Bristol⁷. I accept that any addition to the housing supply, particularly one targeted at the needs of this particular group, can be taken as a public benefit, as can the associated investment in construction and subsequent spending by potential residents. But the very modest amount of accommodation provided would mean that these benefits would be limited in this instance. Similarly, the provision of new purpose-built office space, even of reduced size from the existing, would amount to a public benefit, but of very little impact.

⁶ Planning permission Ref 18/00508/F and listed building consent Ref 18/00509/LA

⁷ Appeals Ref APP/Z0116/W/18/3211343; APP/Z0116/Y/18/3211344

25. I conclude that these benefits would not outweigh the harm to the significance of designated heritage assets, whose conservation is a matter of great weight. The proposal's adverse impact on the setting of the listed buildings and on the character and appearance of the conservation area would be directly contrary to Policy BCS22 of the Bristol Development Framework Core Strategy ('CS') adopted in 2011, and to Policy DM31 of the Site Allocations and Development Management Policies Local Plan ('LP'), adopted in 2014. Its inappropriate scale and design would also conflict with CS Policy BCS21, as elaborated by LP Policies DM26 and DM29, which collectively require new development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

Development of adjoining plot

26. The proposed building would have a recessed lightwell mid-way along its northern elevation. Three of the proposed four bedrooms on each floor would have their only window looking into the lightwell, together with a secondary window to the shared living room. The windows of two bedrooms on each floor would look directly across the currently open rear garden/yard of No.83 Whiteladies Road, approximately 1.5m from the common boundary.
27. The Council's concern about this arrangement is fully justified. The appeal proposal would rely on the adjoining plot for light and outlook. The fact that there have not been previous proposals to develop the land does not rule out interest in the future, especially given the history of other applications and permissions along the street. It would not be justified to constrain any such future development to ensure that residents of the appeal site would continue to have acceptable living conditions. The appellants argue that the adjoining plot is large enough to accommodate different forms of development, but it would not be reasonable to expect a future building to be set back sufficiently to be clear of the proposed lightwell. The Council's is correct to expect that any future development should contribute to a coherent built form along Hampton Lane, in order to respond to the character of the service street.
28. The Council acknowledges the approval of side-facing windows in the block to the rear of Nos.91-93 Whiteladies Road, but now criticises their sterilising effect on the adjoining plot to the south. I agree that the windows have a harmful effect, and therefore do not provide a compelling precedent for similar harm to be approved at the appeal site. The plans for the more recent permission to the rear of No.105 Whiteladies Road show that only two very small secondary windows to bedrooms would face towards the adjoining site, and these would not constrain future development.
29. Concern on this issue would not prevent any development close to a site boundary, as now claimed by the appellants, but would require buildings to be sited and designed to exploit the potential of their own site and of the public realm, rather than that of their neighbours' land.
30. The proposal would be contrary to LP Policy DM27, which requires proposals not to prejudice the future development potential of adjoining sites or the potential for the area to achieve a coherent built form.

Waste management

31. The covered passage to the side of the ground floor would provide access to a shared bin store for future residents, and also bin storage for the restaurant that fronts Whiteladies Road. The Council's primary objection is that the passage and its door to Hampton Lane would not be wide enough to allow bins to be moved, with the consequent risk that they would be left on the street front.
32. The passage would be considerably wider than the existing passage to the side of the single-storey building, and therefore appears to be successfully used for collection of the restaurant's waste. The Council does not allege that bins are currently left out, and none was there at the time of my visit, although many were in evidence on nearby sites. The appellants' evidence on bin sizes approved by the Council suggests that the passage should be wide enough.
33. The ground floor of the proposed building would be set back slightly from the street edge. Therefore, the Council's concern about lack of space to leave bins at collection times would not be justified. Furthermore, the appellants state that collection would be by a private contractor. Therefore, the arrangements could potentially include retrieval of bins from within the site. The details of storage and collection arrangements could be subject to a waste management plan to be approved by a condition.
34. Concern raised by other interested parties about the waste issue appears to be based more on poor experiences encountered at other student housing rather than on the specifics of the current proposal, which would be reasonable, and subject to adequate enforcement if necessary.
35. The proposal would not conflict in this respect with the servicing and management requirements of LP Policy DM27.

Other matters

36. The Council raises no concern on the minor reduction in office space, the principle of the proposed use for student housing or the quality of the accommodation provided. Despite some objection by interested parties on these matters, I have not found adequate grounds to take a different view.

Conclusion

37. I have found that the proposal would not preserve the special interest of the listed building or its setting and would not preserve or enhance the character or appearance of the conservation area. It would also prejudice the development potential of the adjoining land. The benefits offered by the proposed development would not overcome the statutory duty or outweigh the conflict with the development plan.
38. I therefore conclude that both appeals should be dismissed.

Brendan Lyons

INSPECTOR