



Appeal Decision

Site visit made on 9 July 2019

by J Gibson BUEP MP

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/Z0116/D/19/3228732

1 Ashton Avenue, Hotwells, Bristol BS1 6XH

- 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 Charles Potter against the decision of Bristol City Council.
 - The application Ref 18/06475/H, dated 11 December 2018, was refused by notice dated 22 February 2019.
 - The development proposed is described as a single storey side linked extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side linked extension at 1 Ashton Avenue, Hotwells, Bristol BS1 6XH in accordance with the terms of the application, Ref 18/06475/H, dated 11 December 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 plans: Location Plan (Dwg No 099 Rev A, dated 17/12/18); Site Block Plan (Dwg No 0100 Rev A, dated 17/12/18); Existing Ground Floor (Dwg 0150 Rev A, dated 17/12/18); Proposed Ground Floor (Dwg No 0200 Rev A, dated 17/12/18); Proposed Roof Plan (Dwg No 0205 Rev B, dated 02/02/19); Existing Elevations Sheet 1 (Dwg 0300 Rev A, dated 17/12/18); Existing Elevations Sheet 2 (Dwg 0301 Rev A, dated 17/12/18); Proposed Elevations Sheet 1 (Dwg No 0320 Rev B, dated 02/02/19); Proposed Elevations Sheet 2 (Dwg No 0321 Rev B, dated 02/02/19).
 - 3) The development hereby permitted shall not be occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in the first planting season following the occupation of the development. Any approved planting within a period of five years from implementation that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matter

2. The description of development in the heading above has been taken from the Council's decision notice as it more accurately reflects the development

proposed. I have therefore used this description within my formal decision above.

Application for Costs

3. An application for costs was made by Mr Charles Potter against Bristol City Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area, including the effect on the City Docks Conservation Area.

Reasons

Character and appearance

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal property falls within the City Docks Conservation Area (CA) which is significant as it represents the long industrial history of the area and the relationship with the Frome and Avon Rivers running through the city centre. More specifically, the appeal property forms part of the Cumberland Basin Character Area which historically served as the entrance to the Floating Harbour. A number of heritage assets surround the appeal property and characterise the area. Of particular significance, Grade II listed buildings A and B Bond Warehouses sit prominently as designated landmark buildings in the background, and opposite the appeal property on Avon Crescent Grade II listed buildings 1A and 1-7 Avon Crescent. As such I have also had regard to the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the setting of these Listed Buildings.
6. The appeal site accommodates a two storey end of terrace dwelling, oriented towards Ashton Avenue. The site is situated on the corner of Ashton Avenue and Avon Crescent and the host dwelling has a sizeable rear garden compared to neighbouring properties. Under CA's Character Appraisal and Management Proposals, this cluster of terrace dwellings is described as a 'character building' offering positive contributions to the overall character and sense of place of the area. Their value is defined by a combination of scale, form, materials or date and how this informs the built backcloth of the area. It was evident during my site visit that these terrace dwellings contributed positively towards the Ashton Avenue street scene. The dwellings comprise the same building materials and achieve a uniform appearance at the street level by nature of their footprint, building line and historical setting. This building line also served to focus views towards the Grade II listed landmark buildings A and B Bond Warehouses.
7. The contributions of the appeal property and terrace dwellings towards Avon Crescent are less pronounced. The street scene along Avon Crescent is dominated by the setting of the Grade II listed buildings 1A and 1-7 Avon Crescent, which defines the edge of the Floating Harbour Character Area. Comparatively, the character along the appeal property side of Avon Crescent is neutral, with the buildings fronting the street presenting a varied alignment and views of the terrace dwellings primarily being limited to the first floor level. During my site visit it was evident that the existing boundary treatment,

comprising a stonewall, landscaping, and wood panelled fencing, served to obscure most predominant views of the ground floor level and rear gardens of the terraces, contributing towards this neutral presentation on this side of Avon Crescent. On-street parking along Avon Crescent further contributed towards this screening effect. It is considered that this neutral presentation helps focus views through to the Grade II listed building A Bond Warehouse.

8. Having regard to the onsite context, the most prominent views of the proposal would likely be from Avon Crescent. Views from Ashton Avenue would be well screened by existing landscaping, whilst views from the pedestrian and cycle path to the rear of the site would be obscured by the boundary wall. The roofline would sit above the current height of the boundary screening towards Avon Crescent. Although the proposal would be visible from Avon Crescent, in my judgement it would not harm the character and appearance of the host property or the surrounding area. Nor would the extension detrimentally obscure existing views of the terrace dwellings or surrounding heritage assets. The combination of proposed materials and landscape screening appear to take inspiration from the existing boundary treatment, and as such go a long way to maintaining the existing appearance along Avon Crescent, and preserving views of designated landmark buildings. I therefore consider the effect of the proposed extension to be neutral with regards to the setting of the CA and context of surrounding heritage assets.
9. Concerns regarding the size and prominence of the extension in relation to the form and function of the host dwelling are noted. However, the design and materials selected help achieve a subordinate appearance and function in relation to the existing dwelling. The combination of a glazed partition connecting the extension to the primary dwelling, and the simple modern finishes of the extension, would visually delineate the two buildings by preserving the visual bulk of the end of terrace dwelling and enhancing its historical context. The physical footprint and orientation of the extension are proportionate, having regard to the Avon Crescent frontage length, spaciousness of the rear garden, and the primary dwelling having a larger building footprint. The use of a flat sedum roof would also reduce the visual prominence of the extension and soften the overall appearance. I therefore consider the proposed extension to have a neutral effect upon the host dwelling and surrounding area, preserving the positive contribution of the terrace dwellings to the CA.
10. A Certificate of Lawfulness¹ obtained by the appellant, following the Council's refusal of planning permission subject to this appeal, confirms a 'permitted development' fallback position for development on the site. The fallback allows for the erection of a building within the curtilage of the site for a games room and water closet. The fallback occupies a similar location within the rear garden and building height to that proposed under this appeal, but would have a larger footprint and be detached. Comparatively, the described fallback would appear less subordinate than the appeal proposal, and would erode the principle form and function of the host dwelling. Limited weight has been given to the presence of this fallback, and likelihood to be carried out, in considering the appropriateness of the extension proposed under this appeal. It is important to note that the certificate of lawfulness was applied for after the subject development application was refused by Bristol City Council. Given

¹ Decision reference 19/00933/CP granted 24 April 2019

that the appellant wants an extension to the dwelling, the outbuilding would not be directly comparable. As such this limited the weight I have attached to it as a fallback position.

11. Accordingly, the proposal is considered to have a neutral effect and therefore preserves the character and appearance of the host dwelling and the surrounding area, including the City Docks Conservation Area. The proposal would therefore not conflict with the following Council policies: Core Strategy Policies (2011) BCS2, BCS21, and BCS22; Site Allocations and Development Management Policies (2014) DM26, DM27, DM28, DM30 and DM31; and Bristol Central Area Plan (2015) Policy BCAP30. Collectively these policies seek, amongst other things, to ensure development is designed to a high quality and positively respond to the character and identity of areas, preserve local distinctiveness of heritage assets and conservation areas.

Conditions

12. In allowing the proposed development I have imposed the Council's recommended standard time limit for implementation and approved plan conditions to provide certainty. In addition to these, I have included a condition requiring a detailed soft landscaping scheme be submitted to the Council for approval prior to occupation of the development. The purpose of this condition is to ensure that appropriate planting is selected and implemented along the Avon Crescent boundary for clarity and consistency with the approved plans. Both parties have had the opportunity to provide their comments on the conditions and I am satisfied that the conditions accord with the tests set out in the National Planning Policy Framework and the Planning Practice Guidance.

Conclusion

13. For the reasons given above I conclude that the appeal, subject to the conditions, should be allowed.

J Gibson

INSPECTOR