
Appeal Decision

Site visit made on 18 June 2019

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/Z0116/W/19/3221403

Raj Mahal City, Clarence Road, Redcliff, Bristol BS1 6RP

- 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 Adam Phelps, Jupiter Ventures Ltd against the decision of Bristol City Council.
 - The application Ref 18/02789/F, dated 22 May 2018, was refused by notice dated 27 September 2018.
 - The development proposed is resubmission of application Ref 17/05223/F – demolition of existing building and erection of a building containing 68no. student bedspaces, communal space and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was a revised scheme following the dismissal of an earlier proposal at appeal in November 2018¹ (the previous appeal). I do not have full details of the previous appeal proposal although I have been provided with a number of relevant plans and drawings. I have had regard to that decision, so far as it is relevant to the case before me.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area with particular regard to non-designated heritage assets; and
 - the living conditions of occupiers of Spencer House and Patterson House with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site is currently occupied by a single-storey restaurant building, with a central three-storey section, on the north bank of the River Avon. It is sited between the twelve-storey Spencer House and the St Mary Redcliffe and Temple Secondary School, on Clarence Road and forms part of the Redcliff Estate (the estate).

¹ APP/Z0116/W/18/3204599

5. The estate land was first acquired by the City Council in the early 1950s in order to remodel an area which had suffered extensive bomb damage. In deference to the Grade I listed St Mary Redcliffe Church to the north, the evidence shows the scheme was masterplanned to radiate outwards in an arc from the north.
6. The Council describes the estate as an exemplar of early large-scale post-war social housing developments in the UK. The scale of the main blocks of Spencer House and conjoined Norton House, together with Patterson House and others, together with the substantial spaces between them, give the area a strong architectural identity.
7. Furthermore, Spencer House is an imposing structure with strong vertical and horizontal detailing with balconies and access galleries. It also features a distinctive full-height glazed staircase facing towards the appeal site at the southern end of the building.
8. In recognition of their historic and architectural significance, both Spencer House and the wider estate as a group were identified as non-designated heritage assets in February 2019² through the local listing process.
9. The National Planning Policy Framework (the Framework) explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In determining applications, account should be taken of, amongst other considerations, the desirability of new development making a positive contribution to local character and distinctiveness. Specifically in relation to non-designated heritage assets, the Framework states that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
10. The integrity of the estate has been compromised over time, with green spaces between the buildings having been given over to car parking and other hard development and, in particular, with the construction of the school complex to the east. That development is fairly low-rise where it adjoins the appeal site and increases to four storeys on its eastern parts. Whilst I saw that some of the geometric architectural detailing on its eastern elevation appears to take its cue from Spencer House, it is finished in distinctive blue cladding, incorporates several elements of built form, some of which lack fenestration or other relief, and is of a distinctly different character to the post-war estate development. Despite this prominent modern development, however, the estate in my judgement retains its essential character broadly as originally conceived and this is reflected in its listing as a non-designated heritage asset.
11. The proposed development would comprise three distinct blocks with an eight-storey section adjacent to Spencer House, stepping down to a setback seven-storeys with a five-storey frontage section.
12. It would therefore be smaller in scale than Spencer House but would comprise varying roof heights and would be located close to its southern projecting stairwell. Consequently, Spencer House would no longer be viewed in its spacious setting when viewed from Clarence Road, from across the river to the south and from longer range vantage points. This effect would also be evident from certain viewpoints around Somerset Square to the north.

² The Bristol Local List February 2019 – Fourth Edition - ID 491.

13. I recognise that in certain settings, the grouping of tall buildings close together can be appropriate. However, in this instance the proximity to Spencer House would undermine one of its recognised heritage qualities, namely its relative isolation. Moreover, the distinctive and architecturally significant curtain-glazed stairwell on the southern part of the building would, from some perspectives, be partially obscured. In this regard, therefore, I do not concur with the appellant's contention that the appeal site has a minimal visual relationship to the Redcliff Estate. In my judgement, whilst it is clearly seen in the street scene alongside the adjoining school, it also forms a sensitive part of the planned post-war estate.
14. Whilst the appellant's Heritage Statement describes the effect of the development as facilitating an appropriately 'stepped' roofline flow, this to my mind gives insufficient recognition to the significance of the historic spacing between the tall building blocks. I saw no other examples in the estate where a substantial modern building has been developed close to one of the blocks dating from the original development.
15. I therefore find that the proposal would be uncomfortably close to Spencer House and by reason of its scale, massing, design and siting, would be harmful to the overall character of that building and the wider locally listed Redcliff Estate.
16. In terms of detailing, the proposed materials would show some consistency with the adjacent school building in the use of blue bricks. It would also feature red brick which is found on Spencer House, Patterson House and others in the estate. However, the proposed western and southern elevations would feature a busy pattern of irregularly spaced windows which would be wholly at odds with the simple uniformity of the detailing on Spencer House and other buildings within the estate.
17. I accept that the existing building does not currently contribute positively to the setting of Spencer House or the other locally listed buildings in the group. Furthermore, the Framework states that planning decisions should not prevent or discourage appropriate innovation or change. Nevertheless, the Framework also requires that developments should be sympathetic to local character and history. For the above reasons, the replacement of the existing building with a tall, modern structure in close proximity to Spencer House would be harmful to the setting of the building and the character and appearance of the area. This is a matter to which I attach substantial weight.
18. Turning to designated heritage assets, I am mindful of my statutory duties with respect to the significance of conservation areas and the setting of listed buildings. I saw on my site visit that views of the Grade I listed St Mary Redcliffe Church are very fleetingly gained from Clarence Road in the vicinity of the appeal site. Whilst the evidence shows there are historical connections between that building and the layout of the Redcliff Estate, no important views would be interrupted as a result of the development. Given this, and the fact that the appeal development would be seen in an urban context where significant building has already taken place, I find that no harm to the setting of the church would arise as a result of the development.
19. Similarly, whilst there is some inter-visibility between the appeal site and the neighbouring conservation areas of Bedminster to the south and Redcliffe to the north west, I have no substantive evidence to show that the proposal

would be harmful to their significance. I note in this regard the Council did not refuse the planning application on that basis and I see no reason to disagree.

20. Overall, therefore, I find that no harm would arise to the significance of any designated heritage assets. However, the proposal would, by reason of its siting, scale, massing, design and architectural detailing, be unacceptably harmful to the character and appearance of the area, including the setting of non-designated heritage assets.
21. It would therefore conflict with the adopted Bristol Development Framework: Core Strategy (June 2011) (Core Strategy) Policies BCS20, BCS21 and BCS22, Policies DM26, DM27, DM29 and DM31 of the adopted Bristol Development Plan: Site Allocations and Development Management Policies (2014) (the SADMP). These policies require the density of development on previously developed land to be informed by the characteristics of the site and local context, and that development should contribute positively to the area's character, identity and distinctiveness. They also require that layout, form, pattern and development blocks should make efficient use of land but that the height, scale and massing of development should be appropriate to the immediate context. They further require development to conserve locally important heritage assets having regard to their significance and the degree of any harm.
22. The refusal reasons also refer to Core Strategy Policy BCS13 and Policy BCAP47 of the Bristol Development Plan: Central Area Plan (2015). However, it has not been explained how the proposal would conflict with those Policies and I have found no such conflict.

Living conditions

23. Whilst the Council's reason for refusal refers to loss of daylight to existing occupiers of Spencer House, it is clear from the submitted evidence that the concern relates more specifically to a loss of direct sunlight. I see no reason to disagree and am satisfied that no unacceptable loss of overall levels of daylight would occur.
24. Turning to sunlight, the appellant's evidence shows that the entire eastern side of Spencer House is already in shade from around midday throughout the year. Nevertheless, as a result of the height and proximity of the proposed building, a number of existing flats of the building would be deprived of morning sunshine throughout the year but particularly in the darker months.
25. Whilst, in making efficient use of land, lower sunlight levels may be expected in certain circumstances such as city centres where tall buildings predominate, I consider the effect on the living conditions of existing occupiers in this case would be unacceptably harmful.
26. The open land immediately to the north of the appeal site would also be overshadowed at times. However, in the absence of any firm proposal for the re-use of that land I am not aware of any harm that would arise from the proposed development.
27. As regards outlook, I took the opportunity to view the appeal site from a south-facing flat at Patterson House on my site visit. I also visited upper floor access decks on Spencer House, although that building was shrouded in semi-transparent maintenance sheeting at the time of my visit.

28. Patterson House lies to the north of the appeal site and is orientated roughly at right angles to it. However, it is located some distance from the appeal site and there is also intervening tree cover which already provides a degree of screening from some flats particularly in the summer months. I therefore find that no unacceptable loss of outlook would occur for residents of that building.
29. From Spencer House, I saw that the proposed building would present as a large and dominant new feature which would interrupt south-east facing views for some residents across to the river and beyond. It would also be a particularly prominent feature from the perspective of the glazed stairwell at the southern end of the building. I am mindful, however, that changes in private views as a result of development are to be expected, particularly in built-up areas. I do not therefore find any significant harm would arise in this respect.
30. Moreover, the proposed siting of the building broadly in line with the southernmost windows on Spencer House would mean that a high degree of outlook from those windows towards the sky and open space between the estate's buildings would be preserved. As the stairwell is not a habitable space, no significant harm would arise in terms of living conditions in that respect.
31. I appreciate my colleague took a different view in relation to this matter in the previous appeal. However, I do not have the full range of evidence which that Inspector would have had regard to in that case and, in any event, I have formed my own judgement based on the evidence available to me and my observations on site.
32. I therefore conclude on this main issue that the proposal would be harmful to the living conditions of occupiers of Spencer House through an unacceptable loss of sunlight. It would therefore conflict with Core Strategy Policies BCS21 and the SADMP Policies DM27 and DM29. Taken together, these policies seek to safeguard the amenity of existing development including access to daylight.

Other Matters

33. The development would re-use previously developed land which currently does not make a positive contribution to the public realm, in a location which is accessible to services and facilities, including public transport. The proposed development would also be energy efficient and incorporate landscaping and measures to support biodiversity.
34. I have had regard to the policies of the Framework which indicate that substantial weight should be given to re-using previously developed land within settlements for homes; and that planning decisions should make efficient use of land, taking into account the identified need for different types of housing, and to ensure developments make optimal use of the potential of sites.
35. In this context, whilst I note that the need for Purpose Built Student Accommodation is not disputed by the Council, the submitted evidence does not detail the extent of any current or projected unmet need for such accommodation. I recognise that such accommodation could reduce student demand for sub-divided family homes elsewhere in the City and that the Framework reflects the Government's objective of significantly boosting the supply of homes.
36. However, the Framework makes clear that achieving appropriate densities should also take into account the desirability of maintaining an area's prevailing

character and provide acceptable living standards. Overall, based on the submitted evidence, I find that the need for student housing and the related benefits do not outweigh the harm I have found. In this regard, whilst the appellant submits that Section 11 of the Framework has changed since the previous appeal decision, I note that it was first published in July 2018 which pre-dated that decision. I further note that the decision letter indicates that the Inspector had regard to the policies of the Framework in the weighing the overall planning balance.

37. I appreciate the existing restaurant owner has indicated that the business is no longer viable. However, even if that is the case, I have no reason to conclude that the appeal scheme is the only form of development which would enable an effective re-use of the site. This matter does not therefore outweigh the harm I have found.
38. The appellant has submitted a Unilateral Undertaking which covenants to pay a financial contribution towards the introduction or amendment of any Traffic Regulation Parking or related works. The Council has indicated that the contribution would be necessary and acceptable. However, as the appeal is to be dismissed on other grounds, I have not considered this matter further.

Conclusion

39. The proposed development would have a number of economic, social and environmental benefits and would not result in an unacceptable loss of outlook for existing occupiers in the area. However, the harm I have found in relation to the effect of the proposal on the character and appearance of the area, including to non-designated heritage assets, and in terms of loss of sunlight, would outweigh those matters. Consequently, for the reasons given, the appeal should be dismissed.

Ian Bowen

INSPECTOR