



Appeal Decision

Site visit made on 8 October 2019

by **S Shapland BSc (Hons) MSc CMILT**

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/Z0116/W/19/3231898

1 Whytes Close, Westbury-on-Trym, Bristol BS9 3HU

- 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 Newham Land & Build Limited against the decision of Bristol City Council.
 - The application Ref 19/01762/F, dated 09 April 2019, was refused by notice dated 03 June 2019.
 - The development proposed is erection of 1 detached dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Newham Land & Build Limited against Bristol City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council's reason for refusal refers to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These do not apply in this case because, respectively, the proposal would not affect the setting of a listed building and because the statutory provisions do not refer to the setting of conservation areas. Nevertheless, there is still strong protection afforded to the historic environment through the planning system through development plan policy and the National Planning Policy Framework (the Framework). I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area, including the setting of the Westbury-on-Trym Conservation Area and the Unlisted Building of Merit, Elmfield Gate Lodge.

Reasons

5. The appeal site is located in the side garden of the dwelling of 1 Whytes Close in the residential area of Westbury-on-Trym. Whytes Close is a small cul-de-sac where the dwellings are laid out in a semi-circular arrangement. The majority of properties within this cul-de-sac are pairs of semi-detached dwellings, with the exception of No.1 and No.6 which are detached. The properties all have large open frontages, with No.12 and No.1 having large side gardens which are bounded by Passage Road. The appeal site is enclosed to

- the front by a low brick wall to Whytes Close, with the boundary of Passage Road comprising of a large stone rubble wall approximately 3 metres in height.
6. The proposal is for the construction of a detached dwelling on the garden land to the side of the host property. It would include a single storey side element, and a sizeable rear dormer.
 7. The predominate building type on Whytes Close are pairs of semi-detached dwellings this gives the street scene a uniform feel. The appeal site includes a detached dwelling, which is well set back with a spacious side garden, and is especially visible from Passage Road. There is an additional detached dwelling, No.6 Whytes Close which is located at the bottom of the cul-de-sac, however this property is well screened with mature vegetation and is less prominent and integrates well with the surrounding dwellings.
 8. The proposal with its single storey side element would have a visibly larger footprint than other properties within Whytes Close. The scale and massing of the proposal, and the fact it would be highly prominent as a detached dwelling is therefore not in keeping with the existing pattern of development in the locality. Whilst the materials of the proposal would match the host dwelling, there would be marked differences between the fenestrations on the front elevations of the two dwellings. These differences in design would further differentiate the appeal proposal from other dwellings within the street scene. Given the sites prominent corner location, this would be particularly prevalent when viewed from Passage Road.
 9. The proposed rear dormer would be of a significant scale and would appear as an overly boxy addition to the rear elevation of the property. From my site visit it was apparent that this would be highly visible from the public realm, most notably Passage Road. I note that there are several properties within Whytes Close which benefit from rear dormers. However, these are much smaller than the one proposed here. As such I consider that the design of this rear dormer would appear as an incongruous addition to the property. As such, I find that the proposal harms the character and appearance of the area.
 10. The appellant has stated that a number of properties within Whytes Close have undergone alterations, which has removed some of the uniformity of the street scene. Several examples have been cited including nos. 4 and 6. Whilst I appreciate that changes have been made over time, the majority of these have been sympathetic to the existing street scene and integrate well with the existing pattern of development. The construction of a new detached dwelling in this location differs from relatively minor alterations to dwellings within the street and is therefore not directly comparable.
 11. The site is adjacent to, but outside of, the Westbury-on-Trym Conservation Area (CA). The CA character appraisal identifies the significance of the CA as being of a rural village environment despite being subsumed by the urban conurbation of Bristol. The approach to the CA via Passage Road which passes the appeal site further reinforces the rural nature of the CA by the presence of the high rubble walls and mature vegetation on either side of Passage Road. This mature vegetation contributes to the verdant character in this location, and is clearly an important feature of the CA.
 12. The large open side garden of the appeal site also provides an important buffer of space between the built form of Whytes Close and the CA. The proposal

would move this built form much closer to the CA and would remove a significant portion of green space. Whilst the appellant has indicated that significant additional tree planting will take place as part of the proposal, these will take many years to reach maturity. Furthermore, this would not overcome a fundamental concern over the further urbanising effect and removal of an important gap between the built form and the CA. Accordingly I find that the proposal would harm the setting of the CA.

13. The appeal site is in close proximity to Elmfield Gate Lodge, which is identified as an unlisted building of merit. This lodge is the surviving remnant of the entrance to Elmfield House. The lodge is an important local landmark, and it marks the entrance of the CA when approached from Passage Road. The significance of this non-designated heritage asset is borne from its distinctive architectural elements and that it defines the edge of the CA.
14. The appeal proposal would impact the setting of this non-designated heritage asset, as it would bring modern built mass much closer to the asset. The scale and mass of the proposal, including the large rear dormer would be visible from the non-designated asset and would negatively contrast with the distinctive architecture of the asset. I appreciate that there has been an element of urban infilling around this building, which has impacted its setting. However, this does not alter the harm that the proposal would have by introducing additional built form in close proximity to the asset. Accordingly, I find that the proposal would harm the setting of a non-designated heritage asset.
15. Consequently, I find that the proposal would harm the character and appearance of the area including the setting of the CA and the unlisted building of merit Elmfield Gate Lodge. It therefore conflicts with Core Strategy 2011 (CS) policies BCS21, and with Site Allocations and Development Management Policies 2014 (DMP) (2014) DM21, DM26, DM27 and DM29. Together these policies seek, amongst other things that development is of a high-quality design which contributes positively to an area's character. I also find conflict with CS policy BCS22 and DMP policy DM31, and the Westbury-on-Trym Conservation Area Character Appraisal 2015. Together these seek, amongst other things, that development preserves or enhances heritage assets. It would also not accord with Framework, in particular, concerning the desirability of sustaining and enhancing the significance of heritage assets. For the purposes of paragraphs 195 to 196 of the Framework, less than substantial harm would arise to the CA, as a designated heritage asset.

Other Matters

16. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as Conservation Areas, great weight should be given to the asset's conservation. Whilst there is no explicit statutory duty in respect of the setting of a Conservation Area, the Framework is clear that the setting of a heritage asset can contribute to its significance.
17. Paragraph 196 of the Framework states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. Turning to these benefits, the proposal would provide a new dwelling in an accessible location which would provide a minor boost to housing supply. There would be minor

economic benefits through the construction of the dwelling, and future occupiers would support local services in the area. However, these suggested benefits would not outweigh the harm that I have identified above.

18. In relation to the non-designated heritage asset, Paragraph 197 of the Framework sets out that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The limited benefits identified above would not outweigh the scale of harm that would arise.
19. I note that there were no objections on the grounds of transportation, amenity space or the living conditions for existing and future occupiers. Furthermore, no concerns have been raised in respect of biodiversity, archaeology or drainage grounds. Be this as it may, it does not outweigh the harm I have identified above.

Conclusions

20. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

S Shapland

INSPECTOR