



Appeal Decisions

Site visit made on 3 March 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal A Ref: APP/Z0116/W/19/3237804

7A, Richmond Hill Avenue, Clifton, Bristol, BS8 1BG.

- 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 Sean Woodlock against the decision of Bristol City Council.
 - The application Ref. 19/02084/H, dated 1/5/19, was refused by notice dated 27/6/19.
 - The development proposed is the demolition of existing side extension and replacement with one and a half storey side extension and various external alterations to the building new/alterd openings.
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Appeal B Ref: APP/Z0116/Y/19/3237807

7A, Richmond Hill Avenue, Clifton, Bristol, BS8 1BG.

- 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 Mr Sean Woodlock against the decision of Bristol City Council.
 - The application Ref. 19/02085/LA, dated 1/5/19, was refused by notice dated 27/6/19.
 - The works proposed are the demolition of existing extension and replacement with one and a half storey side extension, internal and external alterations, including new/alterd openings.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The appeal site comprises the former coach house (now a dwelling) within the grounds of the Grade II listed¹, semi-detached dwelling at 7 Richmond Hill Avenue. It lies within the Clifton and Hotwells Conservation Area² (CHCA).
3. The Council and the appellant agree that the proposals would result in less than substantial harm to the significance of 7 Richmond Hill Avenue and the CHCA.
4. The Council has informed me that following the submission of an ecology report in support of the appeal it is no longer maintaining its reason for refusal no.4.
5. In November 2000, planning permission and listed building consent were granted for alterations and extension to 7A Richmond Hill Avenue (refs. 00/02663/F and 00/02664/LA). That permission and consent were not implemented and have now lapsed. This is not a fallback position available to

¹ The provisions of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

the appellant. National and local planning policies and guidance have also changed since 2000. I am not therefore bound by these previous approvals.

Main Issues

6. The three main issues are: firstly, whether the proposals would preserve the setting of the Grade II listed building at 7 Richmond Hill Avenue and preserve or enhance the character or appearance of the CHCA and, if not, whether any harm would be outweighed by any public benefits (both appeals); secondly, the effect upon the living conditions of neighbouring residents, having particular regard to overlooking, outlook and light for the occupiers of Nos. 5 and 7 Richmond Hill Avenue and the Coach House to 5 Wetherell Place (appeal A only) and; thirdly, whether the proposal would provide adequate living conditions for occupiers of No. 7A, having particular regard to light, outlook and space (appeal A only).

Reasons

Planning Policy

7. The development plan includes the Bristol Core Strategy (CS) adopted in 2011 and the Site Allocations and Development Management Policies Local Plan (DMP) adopted in 2014. My attention has been drawn to numerous policies. The most relevant development plan policies to the determination of these appeals³ are CS policy BCS22 (historic environment) and DMP policies DM30 (extensions and alterations) and DM31 (heritage assets).
8. Whilst not part of the development plan, I have also taken into account the contents of the Council's Supplementary Planning Document (SPD) 2 on house extensions and alterations that was published in 2005, as well as the Council's character appraisal and management proposals (CAMP) for the CHCA that was published in 2010. Both of these documents carry substantial weight.

Impact on the CHCA and the listed building at 7 Richmond Hill (Appeals A and B)

9. Nos. 5 and 7 Richmond Hill Avenue are a pair of early-mid 19th century villas⁴ in the Neoclassical style. The significance of these three storey rendered buildings is derived primarily from their architectural qualities, which include their double-depth plan, windows (including blind windows), pilasters, cornice, parapet, doors, architectural style, garden walls and rusticated piers, as well as their historic interest, which includes much of the original building fabric and as record of the growth and development of 19th century suburban Clifton.
10. The appeal site includes a late Victorian hipped roof coach house and stable⁵ in the new Tudor style with decorative dormers. It occupies part of the former rear garden of No.7. This curtilage building has been much altered and includes a unsympathetic 20th century single storey side extension, lean-to, canopy and air conditioning plant. Nevertheless, the building's decorative design, modest size and the space at the rear of No.7 assist in retaining a sense of grandeur and openness to this listed building. This makes a small, positive contribution to the architectural and historic interest of No.7.

³ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

⁴ No. 7 is now subdivided into use as four apartments.

⁵ The building was last used as a recording studio with living accommodation.

11. The CHCA is a sizeable area that includes buildings and spaces that date from the pre-Georgian period to the 21st century. Its significance is mainly derived by the contribution made by the very many listed buildings and the relationship between these and the streets and spaces.
12. The appeal site lies within Character Area 5 'Victoria Square and Queens Road', as defined within the CAMP. The character of this area includes a mix of terraces and villa developments formally laid out but informally linked to make an attractive patchwork of buildings and spaces. Map 6 of the CAMP identifies 7A Richmond Hill Avenue as a neutral building. However, it contributes to the significance of 7 Richmond Hill Avenue and its siting, size, style and former function adds to the special architectural and historic interest of the CHCA. I agree with the planning officer that it is a building of merit.
13. The proposals would include the removal of the existing single storey side extension to 7A and its replacement with a one and a half storey half hipped roof side extension to provide enhanced living accommodation. It would also secure the removal of the air conditioning plant and canopy. However, the large single expanse of new roof with numerous roof lights would be an uncomfortable addition to 7A that would detract from its architectural integrity.
14. The proposed extension would be below the highest part of the existing roof ridge on 7A. The Council has calculated that this new addition would be 6.5 metres tall (2.5m to eaves) and the width of the new roof structure would be about 7.6m, almost doubling the width of the host building. The proposal would considerably increase the size and mass of 7A. This would have the effect of hemming in and markedly eroding the sense of openness at the rear of 7 Richmond Hill Avenue. To a limited extent, it would also erode the attractive patchwork of buildings and spaces within this part of the CHCA.
15. The enlarged building would significantly increase the bulk of the former coach house and stables and blur the distinction between 7 Richmond Hill Avenue and this former service building. It would detract from an understanding of the significance of this designated heritage asset and the ability to appreciate the historic role/function of the appeal building. Furthermore, when seen from Wetherell Place, the proposal would diminish the ability to appreciate some architectural features on the rear elevation of 7 Richmond Hill Avenue. This would further harm the significance (architectural interest) and setting of designated heritage asset and also diminish the contribution this important building makes to the qualities of the CHCA.
16. Notwithstanding support for the proposals by the Conservation Area Advisory Panel, I agree with both main parties that, in the context of the National Planning Policy Framework, the proposals would result in less than substantial harm to the significance of 7 Richmond Hill Avenue and the CHCA. If there is a sliding scale within this category of harm the proposals would be somewhere between the middle and lower end of any scale. However, this does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation. The harm that I have identified weighs heavily against granting permission and consent. This must be weighed with any public benefits of the proposals.
17. The proposal would secure the renovation of the former coach house and stables to provide an improved standard of living accommodation. The replacement of some unsympathetic internal and external alterations, the

removal of inappropriate additions such as the side extension, canopy and air conditioning plant and the new landscaped amenity space would also be beneficial. Whilst this would provide some limited enhancement to the setting of 7 Richmond Hill it would be negated by the proposed works of enlargement. Overall, the proposals would result in net harm to the setting of this important building. It is also very far from certain that the appeal proposals are the only means of securing the renovation of the former coach house and stables.

18. The proposals would result in some economic benefits in terms of support for the construction/building industry whilst the works were being undertaken. However, this would only amount to a very limited public benefit and neither this, nor any of the other public benefits that have been claimed by the appellant would be sufficient to outweigh the harm that I have identified above.
19. I conclude on the first main issue that the proposals would fail to preserve the setting of the Grade II listed building at 7 Richmond Hill Avenue and would not preserve or enhance the character or appearance of the CHCA. The harm that I have identified would not be outweighed by any public benefits. The proposals conflict with the provisions of CS policy BCS22 and DMP policy DM31.

Living Conditions – Neighbouring Residents (Appeal A only)

20. As I noted during my visit, there is some mutual overlooking between 7A and some of the apartments in 5 and 7 Richmond Hill Avenue. The outlook onto the canopy of 7A, its car parking area and the air conditioning plant from some of these neighbouring apartments is also unlikely to be particularly attractive. Moreover, the appellant's Daylight, Sunlight and Overshadowing Assessment (DSOA) reveals that at present there are poor daylight distribution values to some facing lower ground floor windows in 7 Richmond Hill Avenue. The single small window on the facing flank wall of the Coach House to 5 Wetherell Place appears to be to a non-habitable room.
21. The proposed development, by virtue of its siting, height and massing, would alter the outlook for some neighbouring residents. For most residents, this change in outlook, would not be so great as to have any significant adverse effect upon their living conditions. However, for the occupiers of the lower ground floor flat in 7 Richmond Hill Avenue the outlook from the habitable rooms in the lower part of this apartment would be dominated by the tall new expanse of the proposed roof. This would loom large above and appear overbearing and oppressive for the occupiers of this neighbouring apartment.
22. The proposed rooflights would be unlikely to significantly increase the overlooking between 7A and neighbouring properties and there would be a reduction in the number of ground floor windows facing towards 7 Richmond Hill Avenue. The proposed development would not result in any serious loss of privacy for those living alongside.
23. The DSOA also reveals that the proposal would have no impact on the Vertical Sky Component (VSC) and Average Daylight Factor (ADF) of most neighbouring dwellings. The proposed removal of the existing canopy from 7A would improve the VSC and ADF in one lower ground floor window in 7 Richmond Hill Avenue. However, in another window (bedroom) within this neighbouring apartment the proposal would have a very minor adverse impact on daylight distribution within this room. On balance, the overall impact on

daylight within this neighbouring apartment would not be so great as to justify withholding planning permission.

24. The appellant's sunlight assessment reveal that the annual sunlight hours would be improved for neighbouring residents but there would be some slight reduction in winter sunlight hours. However, the total amount of sunlight hours would be above recommended values⁶. The proposal would increase the level of overshadowing within part of the rear garden of 5 Richmond Hill Avenue for part of the day but this would not be so great as to result in any serious adverse impact upon the residents of this neighbouring property.
25. I find on the second main issue that the siting, height and massing of proposed development would harm the living conditions (outlook) of the neighbouring residents in the lower ground floor apartment of 7 Richmond Hill Avenue. There would be conflict with the provisions of DMP policy DM30 (iii) and the 'good neighbour' provisions of the Council's SPD2.

Living Conditions – Future Occupiers (Appeal A only)

26. The proposed development is not for a new dwelling but an enlargement of an existing dwelling. As such, the Government's 'Technical housing standards – nationally described space standard' do not apply. I also agree with the appellant that the proposal would enhance the quality of accommodation for occupiers of 7A and would provide an adequate outlook, levels of natural light and space for future occupiers. I conclude on the third main issue that the proposal would provide adequate living conditions for the occupiers of No. 7A.

Other Matters

27. The appellant's swept path analysis demonstrates that the proposed parking and turning arrangements would allow a motor car to enter and leave the site in a forward gear. Whilst these arrangements would be tight, there is no cogent evidence to demonstrate that this would pose a significant risk to highway safety interests or increase congestion in a part of the city that has convenient access to a wide range of services and facilities, including public transport. There is also nothing of substance to substantiate the Council's concern that the location of the bin storage facilities would result in bins being left on the footway for prolonged periods and obstructing the highway.

Planning Balance / Overall Conclusions

28. My findings in respect of the third main issue and the 'other matters' do not overcome or outweigh the harm that I have found to the significance of designated heritage assets or to the outlook of the occupiers of the lower ground floor flat in 7 Richmond Hill Avenue. Having regard to all other matters raised, I therefore conclude that neither appeal should succeed.

Neil Pope

Inspector

⁶ Building Research Establishment 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'.