



Appeal Decision

Site visit made on 22 June 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/Z0116/D/20/3251450

84 St Andrews Road, Montpelier, Bristol BS6 5EJ

- 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 Tom Evans against the decision of Bristol City Council.
 - The application Ref 19/06208/H, dated 23 December 2019, was refused by notice dated 18 March 2020.
 - The development proposed is described as 'convert flat roof to roof terrace'.
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Decision

1. The appeal is allowed and planning permission is granted to convert a flat roof to roof terrace at 84 St Andrews Road, Montpelier, Bristol BS6 5EJ in accordance with the terms of the application, Ref 19/06208/H, dated 23 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1406/L06-A, 0602/L36-A, 1406/L27-C.
 - 3) The balustrade hereby permitted shall be constructed in the materials shown on plan no. 1406/L27-C and retained thereafter as such.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Amended plans were submitted during the consideration of the application, amending the material proposed for the balustrade from iron to glass. It is clear that the Council considered these plans fully and therefore under the principles established by the Courts in *Wheatcroft*¹ I have considered the appeal on the basis of the revised drawings.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Main Issue

4. The main issue in this case is the effect of the roof terrace on the character and appearance of the existing property, terrace and wider Montpelier Conservation Area (CA).

Reasons for Recommendation

5. The appeal dwelling is part of a terrace of 4 new build units, located along a quiet residential street in the Montpelier area of Bristol. The street is characterised by terraced dwellings, with some garaging and blocks of flats also evident. The boundary of the CA runs along the centre of the road to only include the side of the appeal site.
6. The wider CA is characterised by a high-quality built environment with a dense pattern of development driven by the topography of the area. The terrace including the appeal dwelling appears as a contemporary interpretation of the surrounding traditional terrace dwellings. The terrace stands out from its mostly traditional surroundings by virtue of the material used and the detailing. Their original approval is a recognition of the variety of the appearance of dwellings along the road, including in the roof form with some gables, pitched roofs and many examples of flat roofed elements and parapets evident.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the guidance contained within the National Planning Policy Framework (the Framework) states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and that great weight should be given to the asset's conservation.
8. The proposed balustrade would be visible from the street however would not be unduly prominent nor visually dominant given its limited scale and slight set back from the frontage. In addition, the use of glass for the balustrade would further reduce its visual impact. As such, in this instance the change in appearance of the host property would not be sufficient to prevent its original form being appreciated or result in harm to its character or appearance. Whilst the existing terrace is uniform in appearance, the limited alteration proposed would, in my opinion, also not undermine the consistency of its design and would conserve its character and appearance and that of the wider CA.
9. In light of the foregoing, I conclude that the proposed extension would be in keeping with the existing character and appearance of the existing property and wider terrace. It would preserve the character and appearance of the Montpelier Conservation Area. There is therefore no conflict with Policies BCS21 and BCS22 of the Bristol City Council Core Strategy (2011) or Policies DM26, DM27, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) which collectively seek to ensure that development is not harmful and contributes positively to an area's character and identity, and that development proposals safeguard or enhance heritage assets in the city. There is also no conflict with Section 16 of the Framework which seeks to conserve and enhance the historic environment or with the statutory test. Moreover, there would be no conflict with the aims of the Supplementary Planning Document 'A Guide for Designing House Alterations and Extensions' (2005), in respect of terraces above ground floor level, or the CA Character Appraisal.

Conditions

10. The Council has suggested the imposition of conditions relating to the start date of development, and compliance with the application plans. In the interest of clarity, I consider these to be appropriate, along with a condition requiring the materials as set out on plan to be used and retained, in the interest of character and appearance.

Conclusion

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, with the suggested conditions.

RC Kirby

INSPECTOR