



Appeal Decision

Site visit made on 23 July 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/Z0116/Y/20/3246563

Flat 36, Muller House, Ashley Down Road, Bishopston, Bristol BS7 9DA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr Richard Vaux against the decision of Bristol City Council.
 - The application Ref 19/05437/LA, dated 9 November 2019, was refused by notice dated 13 January 2020.
 - The works proposed are described on the Council's decision notice as 'internal works to construct a stud wall in lounge with a door to create a second bedroom. Moving of ceiling light.'
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Decision

1. The appeal is allowed and listed building consent is granted for internal works to construct a stud wall in lounge with a door to create a second bedroom and moving of ceiling light at flat 36, Muller House, Ashley Down Road, Bishopston, Bristol BS7 9DA in accordance with the terms of the application Ref 19/05437/LA, dated 9 November 2019, subject to the conditions below.

Preliminary matters

2. The description of the proposal reproduced in the banner heading above both accurately summarises the scheme and is more succinct than that given in the application form. I have therefore used it in preference.
3. The proposal relates to Grade II Listed Muller House, list entry No 1375995 (the 'Listed Building'). Muller House falls centrally within the Ashley Down Conservation Area. The Conservation Area extends eastwards to Concorde Way,¹ which runs through allotments beside the railway line, and westwards to the County Cricket Ground. I have therefore approached the appeal in the context of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act').
4. Constructed around 1862 at the behest of philanthropist George Muller, the Listed Building originally served as an orphanage. Muller House has, however, relatively recently been subdivided into flats; approval for its conversion was granted in 2003 (with amendments also approved in 2008).²

¹ Footpath BCC/209/10.

² Ref 00/02849/LA and 08/03332/LA.

5. Flat 36 is a one-bedroom second-floor unit of about 73sqm floorspace. It is located in a cross-wing of the Listed Building, immediately next to the southern of two gabled elements of Muller House which sit astride a central portico. Plan A1154/2.0/107 shows the internal layout proposed via the 2003 scheme referenced above. Aside from the notable absence of a partition wall between kitchen and dining room areas, the present layout of No 36 appears essentially consistent with the arrangement shown on that plan.³

Main issue

6. Against the background above, the main issue is whether or not the proposed works would preserve the Listed Building, any features of special architectural or historic interest which it possesses, and the character and appearance of the Ashley Down Conservation Area.

Reasons

Special interest and significance

7. Muller House is an imposing three storey building with a symmetrical, classically-proportioned façade. Those attributes attest to the value placed upon philanthropy during the Victorian Era. The Listed Building has coursed pennant stone walls, plain bath stone surroundings to sash windows and limited ornamentation (compared to the architecture of many buildings of similar era elsewhere). That Muller House was designed to serve an honest, humble function is therefore also reflected in its physical form.
8. Reflecting its understated architecture, the list entry describes the Listed Building as one of 'five large barrack-type orphanage buildings' commissioned by Muller. The other four, Brunel House, Allen House, Cabot House, and Davy House, all Grade II Listed and within the Ashley Down Conservation Area, are of similar design. They lend the area a distinctive character and clear historic integrity.
9. There are no plans before me of the internal layout of Muller House before its conversion to flats. However I saw that the historic arrangement and appointment of internal space is discernible despite conversion works. Open stairwells with cast-iron balustrades, curving mahogany handrails, and scrolls supporting stone treads remain. They lead to corridors running laterally along wings, via which accommodation is accessed.
10. Consequently, insofar as it relates to this appeal, I find that the special interest of the Listed Building is primarily the authenticity of its architectural design and internal arrangement, along with the value of those characteristics in representing the history to the area and nineteenth century societal values.

The proposal

11. As detailed in the appellant's Heritage Statement in particular, the proposal is to construct an internal stud wall within what is annotated as an open-plan

³ There is no indication that, either the absence of the partition wall referenced above, or in other respects, the internal the internal arrangement at No 36 as it stands is anything other than authorised.

'living room/ kitchen area', thereby creating an additional bedroom of around 10.7sqm floorspace. The proposed bedroom would be of similar size to that of the existing bedroom at No 36, and also comparable with others at Muller House.⁴

12. The proposed partition would join the inside of the external wall of the Listed Building slightly beyond the sill of the northern of two windows serving the open-plan space. It would be kinked rather than straight (in order to align with an existing bedroom wall on the opposite side). Whilst the proposed bedroom would be served by a single window, as would be the case with the resultant open-plan space, single-aspect rooms are nevertheless commonplace here.⁵
13. By consequence of constructing the stud wall, the existing ceiling light to the open-plan space would be relocated. A new light and switch within the proposed bedroom would also be installed. Some making good, and cosmetic finishes would inevitably be required (the details of which could be specified via appropriately-worded conditions were the proposed works otherwise acceptable).

The effect of the proposed works

14. The proposal would, I acknowledge, introduce a modern and therefore anachronistic sub-division of internal space at No 36. The proposal would mean that, internally, the two windows currently serving the open-place space would no longer be seen in conjunction with one another. I accept that the proposal would alter the planform of Muller House incrementally, as opposed to maintaining the previously-approved and coherently-planned internal layout.
15. I also note the Council's concern that allowing the appeal may lead to pressure for similar schemes to be advanced at other flats, which has the potential to cumulatively alter the internal arrangement of the Listed Building over time. Whilst the appellant indicates that other flats at Muller House have undertaken similar works, there is no definitive information before me in that respect (or as to whether or not any comparable works undertaken are authorised).⁶
16. However, although alterations to a Listed Building over time do not justify further dilution of historic integrity, in my view they set the baseline relative to which proposed works should be assessed. In that context internal spaces at No 36, and throughout Muller House, have been extensively sub-divided as a result of the Listed Building's conversion to residential units and the creation of partitions to different functional areas of individual flats. In all likelihood those previous works have resulted in a multitude of smaller rooms, and also partitions by way of fire walls and doors along corridors, compared to the property's historic 'barrack-type' character.

⁴ As referenced in comparable flats via correspondence from the appellant to the Council of 24 December 2019 (the details of which are not specifically disputed).

⁵ Including the existing bedroom at No 36, and as is the case in respect of various other rooms shown on plan A1154/2.0/107 referenced above.

⁶ The Council's officer report sets out that the only record they hold for alterations to an individual unit were at No 36 related to enlarging a room rather than creating an additional bedroom.

17. With reference to paragraph 9 of this decision, there is no readily apparent historic significance to the layout of No 36 as it stands, or to the ability to appreciate two windows serving the open-plan space in conjunction (in contrast to open stairwells and corridors which reflect original arrangements). As also noted in paragraph 5 above, plan A1154/2.0/107 shows an additional partition wall proposed between kitchen and dining room areas which has evidently been dispensed with in favour of an open-plan space. Consequently the creation of a modest length of stud-wall would, in my view, have no appreciable effect on the historic integrity of the internal layout of the Listed Building.
18. Although 12-pane sash windows set within deep reveals remain at No 36, all walls, ceiling, floors and windowsills are plain modern additions or overlays to historic fabric, obscuring original internal finishes. That is notwithstanding, given the humble origins of Muller House, there is no indication that the character of the interior here was ever more than understated and functional. A further plain partition wall would not be incongruous in that context. For the same reasons, and provided that a sensitive approach to tying-in the partition wall to existing surfaces were to be secured, the proposal would not materially affect any historic fabric.
19. By consequence of its conversion to residential uses, there is now inevitably a partially domestic character to Muller House. That character is most readily apparent by virtue of curtains, shutters, and domestic paraphernalia being visible through windows. In that respect the proposal would have no greater discernible effect in terms of historic integrity than that which has already occurred. Externally I saw there would be no meaningful visibility of the partition wall from public vantage points around the allotments or along Concorde Way; views towards the east-facing windows at No 36 from those vantage points are inevitably from some distance, and possible only when looking acutely upwards (on account of the flat being at second floor level, and as the topography declines significantly from west to east).
20. Different individuals value different characteristics of a home. Therefore whether allowing the appeal would result in pressure for similar proposals at other flats within Muller House will be determined in part by personal preferences. I have also set out in paragraphs 11 and 12 above how the proposed bedroom would be comparable in size and aspect to other rooms at Muller House. Plan A1154/2.0/107 moreover shows how a mix of flat sizes was proposed, such that there are relatively few similarly-sized and arranged flats as No 36. It may of course also be the case that other elements of the Listed Building are of greater architectural or historic significance than the interior of No 36, such that different implications may arise if additional bedrooms are proposed elsewhere. Consequently, and as each proposal must be determined on its merits, in my view allowing the appeal would not result in any meaningful adverse implications for the historic integrity of Muller House over time.
21. On account of the foregoing reasoning, and subject to adherence to conditions requiring that a sensitive approach to construction is taken, I conclude that the

proposed works would have a neutral effect on the Listed Building, thereby preserving any features of special architectural or historic interest which it possesses (and, by consequence, the character and appearance of the Ashley Down Conservation Area). The proposal therefore accords with the expectations of the statutory provisions referenced in paragraph 3 of this decision, which are also reflected in the approach in policy BCS22 of the Bristol Core Strategy (adopted June 2011), policy DM31 of the Council's Site Allocations and Development Management Policies Local Plan (adopted July 2014), and paragraphs 184 and 193 of the National Planning Policy Framework ('NPPF').

Other matters

22. NPPF paragraph 194 sets out that any harm to the significance of a designated heritage asset, not just that which is substantial, should require clear and convincing justification with regard to any public benefits of a proposal. I acknowledge, as referenced in the Council's associated officer report, that the 'mix of unit types [at Muller House] were assessed as part of the original conversion'. In that context, had I found that harm would have resulted from undertaking the proposed works, the implications of the scheme in terms of the mix of dwelling sizes at Muller House, and potentially beyond, may have been relevant in gauging whether or not any public benefits would have nevertheless justified allowing the appeal.⁷ However as I have found that harm would not result, it is unnecessary to weigh any public benefits of the scheme in reaching a balanced judgment on the merits of the scheme.
23. Moreover application Ref 19/05437/LA, the subject of this appeal, stands alone rather than being accompanied by a parallel planning application. Whilst building works which affect only the interior of a building do not involve development in planning terms,⁸ there is no substantive evidence before me as to whether or not planning permission is also required to effect the proposal (for example by virtue conditions related to the 2003 and 2008 schemes).⁹ In the eventuality that planning permission is also required, that is a separate matter for the main parties to address. Consequently no other matters alter my finding in paragraph 21 of this decision.

Conclusion

24. For the above reasons, and having taken account of all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

25. In addition to requiring commencement within the relevant statutory period,¹⁰ I have imposed conditions requiring that works are carried out in accordance with the supporting plans, in a manner consistent with existing internal

⁷ Albeit that there is no robust evidence before me on that matter either way.

⁸ Section 55(2)(a)(i) of the Town and Country Planning Act 1990 as amended.

⁹ Given the broad provisions of section 70(1)(a) of the Town and Country Planning Act 1990 as amended, which enable the imposition of conditions

¹⁰ Section 18 of the 1990 Act.

finishes, and in such a way so as to affect only the recent fabric of the building. With regard to NPPF paragraph 55, those conditions are necessary for certainty, to ensure that the proposal is undertaken as assessed above, and in a sensitive manner with regard to the historic fabric of Muller House.

26. Two conditions proposed by the Council are, however, neither necessary nor relevant to the nature of the works proposed. Given the limited extent of the scheme and the provisions of conditions 3 and 4, it is unnecessary to impose a condition specifying that all existing 'internal features' unrelated to the scheme are undisturbed and protected. Similarly, on account of the provisions of those conditions and given my reasoning in paragraph 18 of this decision, it is unnecessary to ensure that the new partition is carefully scribed around existing ornamentation or architectural detailing.
27. In imposing conditions I have had regard to the tests in the NPPF, the Planning Practice Guidance, and to relevant statute. Accordingly I have amended the wording of certain conditions proposed by the Council to ensure that they are appropriate, without altering their aims.¹¹

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with the following approved plans: 'Floor Plan – Proposed Bedroom', and 'Figure 9 – Detail of Work to be completed for New Bedroom' contained in the Heritage Statement supporting application Ref 19/05437/LA.
- 3) Notwithstanding condition 2, the works hereby authorised, along with any making good or cosmetic finishes required in connection therewith, shall match the existing fabric at flat 36 in respect of form, composition and appearance (and shall thereafter be retained as such).
- 4) Notwithstanding condition 2, the works hereby authorised shall be undertaken in such a manner so as to affect only the internal finishes to flat 36, or additions/ overlays to the historic fabric of the Listed Building installed pursuant to approvals Ref 00/02849/LA and 08/03332/LA, thereby ensuring the future reversibility of the works hereby authorised.

¹¹ Notably substituting 'existing fabric' as opposed to 'original fabric' in condition 3, following my reasoning in paragraph 18 above.