
Appeal Decisions

Site visit made on 24 August 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal A Ref: APP/Z0116/W/20/3253850

11 All Saints Road, Clifton, Bristol, BS8 2JG.

- 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 M Richards and K Parsons against the decision of Bristol City Council (the LPA).
 - The application Ref. 19/05706/F, dated 22/11/19, was refused by notice dated 25/2/20.
 - The development proposed is demolition of walls, new access and construction of a Use Class C3 dwelling with associated car parking and amenity space.
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Appeal B Ref: APP/Z0116/Y/20/3253851

11 All Saints Road, Clifton, Bristol, BS8 2JG.

- 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 M Richards and K Parsons against the decision of Bristol City Council (the LPA).
 - The application Ref. 19/05707/LA, dated 22/11/19, was refused by notice dated 25/2/20.
 - The works proposed are the demolition of walls, new access and construction of a Use Class C3 dwelling with associated car parking and amenity space.
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Decisions

1. Appeal A is dismissed and appeal B is allowed. Listed building consent is granted for the demolition of the rear garden wall at 11 All Saints Road, Clifton, Bristol, BS8 2JG. Consent is granted in accordance with the terms of the application Ref. 19/05707/LA, dated 22/11/19 and subject to the conditions in the attached Schedule.

Preliminary Matters

2. The LPA has not clarified the extent of the proposed works which it considers require listed building consent (appeal B). It appears to me that this is limited to the demolition of the rear garden wall which comprises a mix of rubblestone, brick and concrete blockwork. I have determined appeal B on this basis.
3. The appeal site forms part of the settings of the Grade II listed buildings at 9 and 11 All Saints Road. It also lies within the Whiteladies Road Conservation Area (WRCA)¹. A willow tree growing adjacent to the site and within the garden of The Garden Flat at 11 All Saints Road is subject to a Tree Preservation Order.

¹ The provisions of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

Main Issues

4. The three main issues are: firstly, whether any adverse effects upon the significance of 9 or 11 All Saints Road or the WRCA would be outweighed by any public benefits of the proposals (appeals A and B); secondly, the effect upon the living conditions of neighbouring residents, having particular regard to overlooking and any loss of privacy for the occupiers of The Garden Flat at 11 All Saints Road or the occupiers of 13 All Saints Road (appeal A) and; thirdly, the likely effect on the safety of users of Thorndale Mews (appeal A).

Reasons

5. This 0.06 ha site lies within a residential area of Clifton and forms part of the garden to the appellants' upper floor flat. The main body of the site lies between the garden of The Garden Flat at 11 All Saints Road and the unadopted road at Thorndale Mews that contains some mews style dwellings.

Planning Policy

6. The development plan includes the LPA's Core Strategy (CS) adopted in 2011 and its Site Allocations and Development Management Policies Local Plan (LP) adopted in 2014. The most relevant policies to these appeals² are CS policies BCS21 (design) and BCS22 (historic environment), as well as LP policies DM21³ (development of private gardens), DM23 (access), DM26 (character / distinctiveness), DM27 (layout and form), DM29 (design) and DM31 (heritage assets). Policies BCS22 and DM31 do not reflect the 'heritage balance' contained within the National Planning Policy Framework (the Framework)⁴. This would limit the weight to be given to any conflict with BCS22 or DM31.
7. Whilst not part of the development plan, I have also taken into account the LPA's Conservation Area Enhancement Statement (1993) for the WRCA.

Public Benefits

8. The proposed development would entail the more efficient use of urban land for housing and would increase the stock of family housing within Bristol. During the building phase the development would help support the construction industry. Occupiers of the dwelling would have convenient access to a wide range of services and facilities and would be likely to support local shops and other businesses. These public benefits can be given limited weight.

Effect Upon Significance of 9 and 11 All Saints and the WRCA (Appeals A and B)

9. Nos. 9 and 11 All Saints Road are a pair of substantial detached houses that were built circa 1870 and now in use as flats. The significance of these three storey listed buildings is derived primarily from their architectural qualities, which include their double-depth plan, squared Pennant rubble walls with limestone dressings, sash windows and lateral stacks, as well as their historic qualities, which include being a surviving record and fine examples of large Victorian villas that reflect the growth and development of this part of Bristol during the second half of the 19th century. The mature garden areas to these

² The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply in appeal B.

³ Although not included within the reasons for refusal, this policy is dealt with in some detail within the officer's report. The LPA has not withheld permission on the basis of any harmful loss of garden land and accepts that the site is within an area where the principle of higher densities of development would be appropriate. However, this policy also requires development of garden land to not harm the character and appearance of an area.

⁴ The Framework is an important material consideration that carries considerable weight.

properties help reveal the grandeur of these buildings and provide a pleasing setting to these designated heritage assets. Only the vestiges of the former stables and coach house to no.11 remain on part of the appeal site.

10. The WRCA is a sizeable area that includes a principal shopping street along Whiteladies Road and residential areas that contain a variety of house types and different sized dwellings. The significance of this designated heritage asset is mainly derived from its architectural qualities, which include the contribution made by the numerous listed buildings, as well as its historic attributes, which include the irregular street grids, plot layouts, trees and garden spaces that all form an integral part of this Victorian suburb.
11. The proposed two storey detached dwelling would be built in a similar location to the former stables and coach house at 11 All Saints Road. It would be in line with the mews style housing in Thorndale Mews and with windows and doors facing onto this street it would have an active frontage. The proposal would not involve the harmful loss of any important building fabric and the proposed works (appeal B), which would include a new section of wall to Thorndale Mews, would preserve both the settings of Nos. 9 and 11 All Saints Road and the special qualities of the WRCA. Listed building consent should not therefore be withheld.
12. This new three bedroom dwelling would be of a simple rectangular form and of a modest-size, with the first floor accommodation partly set within the roof void to limit the overall height and mass. It would be finished in local random stone to match No.11 All Saints Road, have a Cambrian hipped slate roof, conservation style rooflights and painted timber doors and windows. I concur with the appellants that the proposal would harmonise with the prevailing mews-style character of the buildings within Thorndale Mews. It would accord with aspects of CS policy BCS21 and LP policies DM26, DM27 and DM29.
13. Neither the LPA's conservation officer nor its arboricultural officer raised any objections and the Conservation Area Advisory Panel supported the proposal. However, I also note that the LPA's urban design officer and the Bristol Civic Society expressed concerns regarding the impact upon the WRCA.
14. Unlike the former coach house and stables, the proposed dwelling would not be ancillary to 11 All Saints Road but would function independently of this heritage asset. These ancillary buildings were removed many years ago and the proposal would now intrude into and erode the garden space at the rear of this listed building. In effect, it would also sever this area of land from the remainder of the garden areas associated with this designated heritage asset.
15. The proposed development would detract from the pleasing garden setting⁵ of 11 All Saints Road and diminish an appreciation of its sense of grandeur. It would result in some moderate harm to the heritage interest of this important building and harm its setting. In turn, this would diminish the contribution this building makes to the significance (historic interest) of the WRCA and result in some limited harm to the character and appearance of this designated heritage

⁵ Whilst my decision does not turn on the likely impact upon the willow tree growing alongside, notwithstanding the appellant's arboricultural report, which was based on a ground level assessment of this tree, it is by no means certain that the proposed development would not result in harmful disturbance to important tree roots or future pressure being applied on the LPA to remove this willow tree by incoming residents, especially if the tree was not pollarded in the future. Although this willow tree is of limited arboricultural quality it adds to the pleasing garden setting of 11 All Saints Road and makes a positive contribution to the character and appearance of the WRCA.

asset. The proposal would conflict with CS policy BCS22 and LP policy DM31. There would also be an element of conflict with LP policies DM21 and DM26

16. The development would not disrupt or harmfully intrude into the setting of 9 All Saints Road. The setting of this listed building would be preserved.
17. In the context of the Framework, the proposed development would amount to less than substantial harm to the significance of 11 All Saints Road and the WRCA. If there is a sliding scale within this category of harm the adverse effect upon the significance of this listed building would be between the middle and lower end whilst for the WRCA as a whole, the harm would be towards the lower end. However, this does not amount to a less than substantial planning objection when undertaking the 'heritage balance'. Great weight should be given to an asset's conservation.

The 'Heritage Balance'

18. When the adverse effects of the proposed development upon the significance of 11 All Saints Road and the WRCA are weighed with the public benefits of the proposals I find that the balance tips against granting planning permission.

Living Conditions (Appeal A only)

19. The proposed dwelling would be sited and designed so as to avoid any overbearing impact and harmful outlook for neighbouring residents, or any significant overlooking of habitable rooms in neighbouring properties. Furthermore, the proposed 3m high box hedge that would be planted/allowed to grow along the northern boundary of the plot would limit the risk of overlooking neighbouring gardens from the proposed ground floor windows.
20. There would be oblique views from some of the proposed upper floor bedroom windows across part of the rear garden to 13 All Saints Road. However, the likely extent of overlooking of this neighbouring garden space would not be so great as to amount to any serious loss of privacy.
21. In contrast, there would be direct overlooking of the garden to The Garden Flat in 11 All Saints Road from all three of the proposed bedroom windows. I note that the occupiers of The Garden Flat have written in support of the proposals. During my visit, I also noted the extent of overlooking of this garden space from other flats in 11 All Saints Road.
22. However, if permitted, the proposed development would result in the garden to The Garden Flat being directly overlooked from windows in residential properties that are in very close proximity to the northern and southern boundaries of the garden. In future, occupiers of The Garden Flat seeking to using their garden would be likely to feel very uncomfortable when trying to relax and enjoy this amenity space. Neighbouring windows would be very apparent throughout this garden affording little, if any, sense of privacy.
23. The proposed development would adversely affect the living conditions of the occupiers of The Garden Flat at 11 All Saints Road. This would conflict with elements of CS policy BCS21 and LP policies DM27 and DM29.

Safety of Users of Thorndale Mews (Appeal A only)

24. Whilst my visit only represents a snapshot in time, from what I saw and the written evidence before me, the appeal site lies along a section of Thorndale

Mews that is lightly trafficked and where vehicle speeds are very low. The proposed development would be likely to generate only a very small increase in traffic⁶ along this street. The submitted drawings, including appellants' proposed vehicle tracking plan, demonstrate that a medium sized car could reasonably enter and leave the site without posing a significant risk to existing users of Thorndale Mews. The proposal would accord with LP policy DM23.

Other Matter

25. There is nothing of substance to support the LPA's concern that the proposal could prejudice any future development of adjacent sites.

Planning Conditions (Appeal B only)

26. In addition to the 'standard' condition requiring works to commence within a period of three years, in the interests of certainty it would be necessary to attach a condition specifying the approved drawings.

Overall Conclusion

27. My findings in respect of the third main issue and the 'other matter' above do not overcome or outweigh the harm that I have found in respect of the first and second main issues. I therefore conclude that appeal A should not succeed and appeal B should be allowed.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS – APPEAL B ONLY

1. The works hereby approved shall commence within three years of the date of this decision.
2. The works hereby permitted, insofar as they are limited to the rear (roadside) garden wall only, shall be undertaken in accordance with the following approved plans:
 - a) 1:1,250 scale site location plan (drawing no. 1644(L)00 Rev A);
 - b) 1:500 scale proposed block plan (drawing no. 1644(L) 19 Rev A);
 - c) 1:100 proposed elevations (drawing no. 1644(L)11).

⁶ During the construction phase there are likely to be numerous builders lorries, vans etc., attending the site but this would be for a limited period only.