
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: 8 September 2020

Appeal A Ref: APP/Z0116/W/20/3251658

The Adam and Eve, Hope Chapel Hill, Hotwells, Bristol, BS8 4ND.

- 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 Singleton Park Developments Ltd against the decision of Bristol City Council (the LPA).
 - The application ref.19/04796/F, dated 27/9/19, was refused by notice dated 27/11/19.
 - The development proposed is the extension and conversion of former public house to create 4 self-contained flats with associated refuse storage and cycle parking.
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Appeal B Ref: APP/Z0116/Y/20/3251659

The Adam and Eve, Hope Chapel Hill, Hotwells, Bristol, BS8 4ND.

- 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 Singleton Park Developments Ltd against the decision of Bristol City Council (the LPA).
 - The application ref.19/04797/LA, dated 27/9/19, was refused by notice dated 27/11/19.
 - The works proposed are the extension and conversion of former public house to create 4 self-contained flats with associated refuse storage and cycle parking.
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Decisions

1. Appeal A is dismissed and appeal B is allowed. Listed building consent is granted for the proposed extension and conversion of former public house to create 4 self-contained flats with associated refuse storage and cycle parking at The Adam and Eve, Hope Chapel Hill, Hotwells, Bristol, BS8 4ND. Consent is granted in accordance with the terms of the application Ref. 19/04797/LA, dated 27/9/19 and subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal site is a grade II listed building within the Clifton & Hotwells Conservation Area (CHCA). The main parties agree that the proposals would result in less than substantial harm to the significance of this listed building. The proposal would be within the settings of several neighbouring listed buildings. There is no evidence to demonstrate that it would do anything other than preserve the settings of these neighbouring designated heritage assets.
3. As part of these appeals, an amended drawing has been submitted which shows the two replacement windows in the side elevation of the building matching the size and style of the existing windows. The LPA is content for me to consider this very minor amendment and it would be unlikely to prejudice the interests of any party. Having regard to the 'Wheatcroft principles'¹, I shall therefore take the amended drawing into account.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37].

Main Issues

4. The three main issues are: firstly, whether the less than substantial harm to the significance of the grade II listed building known as the Adam and Eve and any harm to the significance of the CHCA would be outweighed by any public benefits of the proposals (appeals A and B); secondly, whether the proposals would exacerbate any housing imbalance within the local area and be at odds with established national and local planning policies aimed at creating mixed, balanced and inclusive communities (appeal A only) and; thirdly, whether the proposed ground floor and cellar level maisonettes² would provide adequate living conditions for future occupiers of these units (appeal A only).

Reasons

Planning Policy

5. The development plan includes the Bristol Core Strategy (CS) 2011 and the Site Allocations and Development Management Policies Local Plan (LP) 2014.
6. The most relevant development plan policies to the determination of these appeals³ are CS policies BCS18 (housing type), BCS21 (urban design), BCS22 (historic environment) and LP policies DM30 (alterations to buildings) and DM31 (heritage assets). BCS22 and DM31 do not reflect the 'heritage balance' contained within paragraph 196 of the National Planning Policy Framework (the Framework). This would limit the weight to be given to any conflict with them.
7. Whilst not forming part of the development plan, I have also taken into account the contents of the LPA's 'Clifton & Hotwells Conservation Area Character Appraisal & Management Proposals' (CAP) document⁴ dated June 2010. This can be given moderate weight.

Significance of The Adam & Eve and the CHCA

8. The significance of this mid-18th century three storey hipped roof listed building with basement is derived primarily from its architectural qualities, which include its double-depth plan, mid-Georgian style and sash windows, as well as its historic qualities, which include being part of the growth and development of this part of the city during the mid-18th century, as well as much of its fabric.
9. The CHCA is a sizeable area that includes a variety of uses, including residential, and buildings of various sizes, types and styles. The special architectural interest of this area includes the contribution made by the very many listed buildings. The special historic interest of the area is mainly derived from the streets, buildings (including important fabric) and plot layouts that provide a record of the growth and development of this part of the Bristol.

Public Benefits of the Proposals

10. I understand that the appeal premises ceased trading as a public house in June 2016 and have been vacant since that time⁵. The proposed development would entail the re-use of this listed building for residential purposes and would increase the choice and stock of housing within Bristol. Whilst the building

² Identified as Flats 1 and 2 on the submitted plans.

³ The provisions of S38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

⁴ The appeal site lies within Character Area 9 'Hotwells'.

⁵ In determining the applications the LPA found that the proposal would accord with LP policy DM6 (public houses).

does not appear to be on the Heritage at Risk Register, the proposals would avoid the building falling into disrepair and would secure its long-term future.

11. Some of the proposed works, such as replacing the cement render with a lime render, upgrading some of the sash windows, renewing the roof covering and removing some of the external clutter⁶ would restore the integrity and improve the appearance of this listed building. Such works would also provide limited enhancement to the character and appearance of the CHCA.
12. Occupiers of the proposed dwellings would be likely to help support local shops and services and during building works there would be some support for the construction industry. There would also be environmental benefits, with the proposed roof mounted solar panels providing energy from a renewable resource and helping to meet the Government's target for 'net zero' emissions.
13. The totality of the above noted public benefits carry considerable weight.
14. On behalf of the appellant, it is argued that the proposals represent the most viable use of the appeal site and four flats would be the minimum number of units necessary to safeguard the future use of this building. Whilst I note the contents of the RIBA Stage 1 Cost Plan (March 2020) submitted in support of these appeals, on the basis of the evidence before me, it is by no means certain that the appeal scheme is the only viable use of the appeal premises. Even if it is, this would not override other planning considerations.

Impact on Designated Heritage Assets (Appeals A and B)

15. The proposals would include small scale interventions to some existing walls, such as the formation of a new internal opening through the spine wall at second floor level and a new access at first floor level into the proposed extension. These works would result in the loss of some important fabric and would diminish the significance of the listed building. Elsewhere inside the building, many other works, including the removal of some modern blockwork partitions in the basement, would not entail the loss of any important fabric. Whilst the LPA has expressed some concern over the potential impact of proposed excavation works to the ongoing preservation of the fabric of the building, this matter could be addressed by way of a planning condition.
16. The proposed ground floor entrance door facing Hope Chapel Hill and the new pavement level window facing North Green Street would utilise existing openings and would reinstate previous features of the building. These works would not harm the significance of the listed building or the CHCA.
17. The proposed three storey extension would be located in the rear yard. It would be set back from the street and would not extend above the eaves height of the host building. With full height windows and clad in zinc panels, this modest sized addition would appear as discrete and respectful modern addition to the listed building and the CHCA. However, the infilling of this rear space would cause some limited disruption to the historic planform of the building and its legibility. This would further diminish its heritage interest.
18. I note the concerns raised by the LPA's conservation officer and the Bristol Civic Society and concur with the main parties that the proposal would result in less than substantial harm to the significance of this grade II listed building.

⁶ It is proposed to retain the traditional hanging pub sign but remove some downpipes and cabling.

To a very limited extent, this harm would detract from the contribution that this building makes to the character of the CHCA. Notwithstanding the re-use of a vacant building within the CHCA the proposal would result in less than substantial harm to the significance of this area. The proposals would conflict with CS policy BCS22 and LP policies DM30(ii) and DM31.

19. The main parties disagree as to the extent of the less than substantial harm to the significance of this listed building. If there is a sliding scale of harm within this category the proposed development/works would be somewhere between the middle and lower end. With regards to the CHCA, the harm would be towards the lower end of any sliding scale within the category of less than substantial harm. However, this does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation.

Heritage Balance (Appeals A and B)

20. When the less than substantial harm to the significance of the listed building and the CHCA that I have found above is weighed with the public benefits, although finely balanced, these benefits outweigh the harm. Listed building consent should not therefore be withheld and appeal B should succeed.
21. I conclude on the first main issue that the less than substantial harm to the significance of the grade II listed building known as the Adam and Eve and to the significance of the CHCA would be outweighed by the public benefits.

Housing Imbalance (Appeal A only)

22. The appeal site lies within a mainly residential area that contains a mix and variety of house types and different sized dwellings. Amongst other things, the development plan and the Framework seek to provide a variety of homes to meet the needs of different groups in the community and help achieve mixed and balanced communities.
23. The site is located within the Hotwells Lower Super Output Area. The 2011 Census data reveals that two bedroom flats were the most common type of housing within the local area. This data is now nearly a decade old and a high proportion of flats in a city centre location such as this is unsurprising. The proposed development would provide 1 one bedroom maisonette, 1 two bedroom maisonette and 2 two bedroom flats.
24. The supporting text to CS policy BCS18, amongst other things, states that an excess of single forms of dwelling, for example flatted development and subdivisions, will gradually limit housing choice or harmfully erode the mix and balance of a community. It also states that an increasing concentration of flats at high densities in certain parts of the city may not provide opportunities for families. The proposal would increase the number of two bedroom flats and maisonettes. However, there is no cogent evidence to indicate that these units would result in a local housing imbalance or an excessive concentration of 'non-family' households. Furthermore, it has not been demonstrated that there would be any harm to the social well-being of the local community.
25. Some of the proposed dwellings would be capable of accommodating small family-sized households, childless couples or single parents. The appeal site has very limited outdoor space, which would be likely to restrict its attractiveness or suitability for use as 'family sized'⁷ units. The appellant's Cost

⁷ I note from the officer's report that the LPA considers this to be dwellings with three bedrooms or more.

Plan also suggests that adapting these former commercial, into a single family dwelling is unlikely to be a viable proposition.

26. The appellant has sought market advice regarding the type of accommodation that is sought after within this part of Bristol and has advanced the appeal scheme accordingly. The proposed development would help meet a demand for one and two bedroom units within this part of Bristol without any harm to the diversity of the local population or the social well-being of the community.
27. I conclude on the second main issue that the proposals would be unlikely to exacerbate any housing imbalance within the local area or be at odds with established national and local planning policies aimed at creating mixed, balanced and inclusive communities. The proposal would accord with the provisions of CS policy BCS18.

Living Conditions

28. The development plan and the Framework also require new development to provide a high standard of amenity for existing and future users. In this regard, on behalf of the appellant, it has been calculated that proposed Flats 1 and 2 would have internal floorspaces of 70m² and 75m². Although somewhat compact units, these maisonettes would exceed the minimum requirements of the national space standards. Whilst the vaulted ceiling in the basement would limit the headroom within these parts of Flats 1 and 2, on balance, these units would not be so small as to result in cramped living conditions for residents.
29. Flat 1 would benefit from a double aspect and Flat 2 would have a single aspect. The basement level accommodation in these units would comprise bedrooms and bathrooms and would be largely subterranean. The bedroom to Flat 1 would be lit by a small, high level, south east facing window and bedroom 1 in Flat 2 would be lit by a courtyard lightwell⁸. Whilst far from ideal, these basement bedrooms would receive limited, but on balance, adequate levels of light and would not be so gloomy as to withhold permission.
30. However, I concur with the LPA that the outlook from the proposed basement level bedrooms would be restricted and far from adequate. The occupiers of Flats 1 and 2 could reasonably be expected to spend much time within these parts of their homes. There would be an enclosed/constrained outlook from these rooms and during the daytime especially this would result in oppressive and inhospitable living environments for residents. These elements of the proposed development would fall short of providing the high standards of amenity required by national and local planning policies.
31. I conclude on the third main issue that the proposed ground floor and cellar level maisonettes would provide inadequate living conditions (outlook) for future occupiers of these units. There would be conflict with the provisions of CS policy BCS21 and that part of the Framework aimed at achieving well-designed places. This weighs heavily against granting planning permission.

Other Matters

32. The proposed extension would result in some limited overshadowing of the adjoining dwelling at 9 Hope Chapel Hill. Although this would adversely affect

⁸ I understand that light to these rooms would be supplemented with low energy artificial lighting.

the living conditions of the occupiers of this neighbouring building the impact is unlikely to be so great as to justify withholding permission.

33. The development, by virtue of the positions of the proposed windows to habitable rooms and the location of the site within a compact urban area where some overlooking is almost inevitable, would not result in any significant overlooking of neighbouring properties or any serious loss of privacy.
34. The proposed development could increase the pressure for on-street car parking within the local area. However, the site is conveniently located to a wide range of services and facilities, including public transport, and the former use of the building as a public house would have attracted some vehicular traffic and added to the pressure for on-street parking. The proposal would be unlikely to result in any significant increase in traffic congestion or seriously inconvenience residents who may already experience difficulties trying to park in the immediate vicinity of their homes.

Planning Conditions (Appeal B only)

35. In addition to the 'standard' condition requiring works to commence within a period of three years, in the interests of certainty a condition would be necessary specifying the approved plans. I have found above that a condition would be necessary requiring details of the proposed excavation works. This could form part of the LPA's suggested condition requiring the submission of a Demolition and Construction Method Statement. This would be necessary prior to the commencement of works of demolition, excavation or construction so as to safeguard the special architectural and historic interest of the building.
36. To also safeguard the special architectural and historic interest of the building conditions would be necessary requiring further details in respect of works to the new windows and exterior doors, the rebuilding of the stone wall along North Green Street, external vents and ducts, the means of affixing the solar panels to the building and the lime render/lime wash to be used. For the same reason, conditions would be necessary requiring details of the proposed zinc cladding, Juliet balconies, windows in the extension and the courtyard gate.
37. Conditions would also be necessary to ensure some of the public benefits (removal of external clutter) were secured and to safeguard the existing internal features that are to be retained.

Overall Conclusion

38. Given my findings in respect of the first main issue above, appeal B succeeds. However, in appeal A, these findings, including the public benefits of the proposal do not overcome or outweigh the totality of the harm that I have identified. That appeal should not therefore succeed.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS – APPEAL B ONLY

1. The works hereby permitted shall commence within three years of the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved drawings: i) site location plan (ref. 1121-18/LP); ii) proposed basement and ground floor plans (ref. 1120-18/3100H); iii) proposed first and second floor plans (ref. 1120-18/3101H); iv) proposed roof plan (ref. 1120-18/3102J); v) typical detail party wall (ref. 1120-18/3400); vi) typical detail internal wall (ref. 1120-18/3401); vii) typical detail party floor upgrade (ref. 1120-18/3403A); viii) typical detail door infill (ref. 1120-18/3404); ix) typical detail secondary glazing (ref. 1120-18/3406A); x) typical details basement lining and tanking (ref. 1120-18/3408); xi) proposed front elevation (ref. 1120-18/3200G); xii) proposed rear elevation (ref. 1120-18/3201I); xiii) proposed side elevation (ref. 1118-20/3202I); xiv) proposed internal elevations AA (ref. 1120-18/3203E); xv) proposed internal elevation BB (ref. 1120-18/3204H); xvi) proposed internal elevation CC (ref. 1120-18/3205); xvi) proposed elevation from Hope Chapel Hill (ref. 1120-18/3206); xvii) proposed basement and ground floor plans (Section locations) (ref. 1118-20/3100I); xviii) proposed flat 1 sections DD, EE, FF, and GG (ref. 1118-20/3302); xix) proposed flat 2 sections CC, DD, and HH (ref. 1118-20/3303); xx) proposed basement room section (typical detail) (ref. 1118-20/3304).
3. No works of demolition, excavation or construction shall commence until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the means of safeguarding the fabric of the building that is to be retained whilst these works are undertaken. The works shall proceed in accordance with the approved Statement.
4. No works to the proposed new windows and exterior doors shall commence until 1:5 scale section details and 1:10 scale elevation details of these, showing fabric connections at head, jambs, reveals, thresholds and materials (including manufacturers specifications and samples if requested) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
5. Prior to the rebuilding of the stone wall along North Green Street, details of the natural stone to be used, including source, colour, texture, typical face bond and pointing shall be submitted to and approved in writing by the Local Planning Authority (LPA). The works shall then be undertaken in accordance with the approved details unless otherwise agreed in writing by the LPA.
6. Prior to installation and construction of the elements of external built fabric listed under i) - iv) below, details including manufacturer, specification, product information and samples (if requested), demonstrating appearance, colour and texture shall be submitted to and approved in writing by the Local Planning Authority (LPA).
 - i) Zinc cladding.
 - ii) Juliet balconies.
 - iii) Extension windows.
 - iv) Courtyard gate.

The works shall be completed in accordance with the approved materials unless otherwise agreed in writing by the LPA.

7. No works to any external vents and/or ducts shall commence until 1:5 scale sections and elevations demonstrating the materials and manufacturers specifications have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.
8. No works for affixing the solar panels on the building shall commence until details, including the exact location/position, dimensions, design/ technical specification and method of fixing have been submitted to and agreed in writing by the Local Planning Authority. The solar panels shall installed in accordance with the approved details.
9. Prior to the occupation of the building details of the lime render and lime wash to be used on exterior walls of the building shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for undertaking these works and removing the existing services/cables/downpipes that are not shown for retention. The works shall proceed in accordance with the approved details/timetable.
10. All existing internal decoration features, including plaster work, ironwork, fireplaces, doors, windows, staircases, staircase balustrade and other woodwork not shown to be removed or altered on the approved plans shall remain undisturbed in their existing positions and shall be protected during the course of works unless otherwise approved in writing by the Local Planning Authority.