



Appeal Decision

Site visit made on 22 September 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/Z0116/W/20/3249089

15 Midland Road, St Philips, Bristol BS2 0JT

- 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 L Pearson against the decision of Bristol City Council.
 - The application Ref 19/03243/F, dated 2 July 2019, was refused by notice dated 28 January 2020.
 - The development proposed is to convert upper floor maisonette to form 2 no. flats including roof alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's refusal reasons in respect of parking spaces and an access gate are irrelevant as the development includes no such features. As such, the main issues are (i) whether the proposal would provide acceptable living conditions for occupiers in terms of the amount and quality of internal and amenity space, (ii) whether it would include acceptable refuse storage facilities, (iii) whether it would incorporate adequate climate change mitigation measures, and (iv) whether the development would preserve or enhance the character or appearance of the Old Market Conservation Area (the CA).

Reasons

Living conditions

3. From the appeal plans it appears that parts of the proposed bedroom and bathroom on the top floor would have restricted headroom below 1.5m. Such space is not counted as gross internal floor area under the terms of the government's Technical Housing Standards – Nationally Described Space Standard (the Standards) unless used for storage. As such, the top flat would not meet the Standards' minimum floor area requirement of 70m² for a split level 2 bedroom 3 person dwelling. Also, the upper floor bedroom would only be served by rooflights with limited upwards outlook towards properties on either side of the site. Moreover, the single bedroom on the second floor would be less than the Standard's 7.5m² minimum requirement.
4. The first floor flat's total gross internal area would be significantly below the Standards' minimum requirement of 50m² and its double or twin bedroom would be smaller than the minimum requirement of 11.5m². Residents of this flat would have a small terrace, but occupiers of the upper apartment would

have no access to any private external space. Local parks and public spaces would be unable to provide for all the functions of a private outdoor area such as for drying clothes or private sitting out.

5. There is limited evidence to support the claim that the proposed units would be typical of most dwellings in the area. Even if this is the case, such a factor would fail to justify the substandard amount and quality of accommodation proposed, particularly as the existing maisonette meets the Standards' floor space requirements.
6. For these reasons, I conclude the proposal would not provide acceptable living conditions for occupiers in terms of the amount and quality of internal and amenity space. As such, in this regard, it would be contrary to policies BCS18 and BCS21 of the Bristol Core Strategy 2011 (CS) and the National Planning Policy Framework (the Framework). These aim, amongst other things, to ensure development provides sufficient space for everyday activities and to create a high quality environment for occupiers of property. The Council's refusal reason also refers to policy DM29 of the Bristol Local Plan Site Allocation and Development Management Policies 2014 (LP). This policy relates to the design of new buildings and so is irrelevant to the appeal proposal.

Refuse storage

7. The proposed internal bin storage area would be tight and would have no meaningful ventilation and so it is likely it would lead to odour problems. There would be no need to wheel bins up or down steps for rubbish collection but this would fail to address or override the inadequacies of the proposed store.
8. For these reasons, I conclude the proposal would not include acceptable refuse storage facilities. In this regard, it would be contrary to LP policy DM32 which resists development where refuse is not practicably provided for.

Climate change mitigation measures

9. While referred to in the appellant's submissions, there is no clear indication that air source heat pumps would be provided as part of the proposal and no evidence that shows such features would be economically unviable. Also, there is little information to support the claim that other renewable or low carbon energy generating facilities would be inappropriate due to the scale of the scheme or building ownership issues. Several water management and energy efficiency measures would be provided and it is proposed to use locally sourced materials. However, these proposals would fail to address or override the unjustified absence of a renewable or low carbon energy supply system.
10. For these reasons, I conclude the proposal would not include adequate climate change mitigation measures. As such, and in this regard, it would be contrary to CS policies BCS13, BCS14 and BCS15. These all aim, amongst other things, to ensure development contributes to mitigating against climate change by incorporating renewable or low carbon energy sources except where it is demonstrated that this would not be feasible or viable.

The CA

11. The CA is significant due to a number of architecturally interesting buildings that reflect the area's history as Bristol's earliest market place. The appeal

property lies in a row of 19th century buildings that by virtue of their uniformity and age contribute positively to the CA's character and significance.

12. The proposed hipped roof would project above the existing parapet wall and so would be seen from various vantage points on the street despite being at high level. It would stand out as an unusual addition given that the appeal property is in the middle of the row and none of the neighbouring buildings have a similar roof form. The proposed external materials would not address or override the disruption caused to the roofscape.
13. The development would not harm the setting or significance of the listed Holy Trinity Almshouses or the attached walls and railings on the opposite side of the road. However, for the above reasons, it would cause less than substantial harm to the significance of the CA. In such circumstances, the Framework requires the harm caused to be weighed against the public benefits of the proposal with great weight attributed to the heritage asset's conservation.
14. The development would make the building more energy efficient and add a single additional unit to the housing stock in a location close to facilities and public transport services. However, these modest benefits would not outweigh the harm caused to the CA's significance.
15. Consequently, I conclude the proposal would not preserve or enhance the character or appearance of the CA. In this regard, it would be contrary to CS policies BCS21 and BCS22 as well as LP policies DM26, DM27, DM30 and DM31. These all aim, amongst other things, to ensure development responds appropriately to roofscapes and local characteristic styles and to safeguard or enhance heritage assets.

Other Matter

16. The information before me indicates that the development at 31 Midland Road includes no alterations to the external appearance of the building and the flats meet the Standards' floor area requirements. As such, this development is dissimilar to the appeal proposal and so does not provide a precedent.

Conclusion

17. For the above reasons, the appeal does not succeed.

Jonathan Edwards

INSPECTOR