



Appeal Decision

Site Visit made on 23 November 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/Z0116/D/20/3260472

35 British Road, Bedminster, Bristol BS3 3BS

- 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 William Medd against the decision of Bristol City Council.
- The application Ref 20/02920/H, dated 29 June 2020, was refused by notice dated 7 September 2020.
- The development proposed is Proposed rear dormer window together with balcony and velux windows.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area and the Bedminster Conservation Area (CA); and
 - the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to noise disturbance from the rear balcony.

Reasons

Character and appearance

3. Located within the Bedminster CA, the appeal site forms part of a residential terraced row fronting British Road. Dating from the early 20th century and with few obvious signs of any significant, publicly-visible alterations and extensions, the modest Victorian terrace contains generally consistent architectural features and detailing. It therefore provides a well-proportioned appearance to the streetscene with a coherent form, rhythm and design.
4. The surrounding area has a largely residential character and contains a variety of buildings and architectural styles. Although the site is not listed and it has been put to me that the dwelling has little heritage value when considering the criteria set out in Historic England guidance¹, its simple form and consistent detailing and appearance contributes positively to the terrace and surrounding area. Irrespective of the appellant's assertions about the dwelling's heritage significance, the site nevertheless also lies within the CA and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that

¹ Conservation Principles, Policies and Guidance for the sustainable management of the historic environment.

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” in the exercise of planning powers.

5. The terrace is identified by the Council’s Conservation Area Character Appraisal as a ‘character building’ which, as I observed on my site visit, makes a positive contribution to the overall character and sense of place of the CA. The significance of the designated heritage asset stems from, in part, its historic value and the consistency of scale, form, materials or date which help to form the area’s built environment and overall sense of place.
6. Although they would not be visible from the principle elevation, the proposed rear dormer and balcony would be visible in public views from a section of Westbourne Grove. Covering almost all of the rear roof slope, they would dominate the existing dwelling and I observed on my site visit that their overall scale and extent would be obvious from the street. The dormer and balcony would therefore read as uncharacteristic and unsympathetic additions that would detract from the form and proportions of the dwelling and disrupt the generally unaltered and consistent rhythm and design of the terrace. The proposed materials and finish would mean that they would also appear as incongruous features compared to the terrace’s main roof tile finish. The presence of dormers in the wider area do not lead me to a different view.
7. The proposed rooflights to the front would be visible from the public realm, including as I observed on my site visit from British Road and Clyde Terrace. Although it has been put to me that the rooflights are specified as vintage, they would be relatively large and take up much of the width of the roof. Their projection above the roof slope would also make them more noticeable and increase their visual impact. Accordingly, and with little other obvious alterations evident in the front elevation and roof slope of the terrace, they would appear as harmful features that would be out of character with the surrounding area.
8. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area and the Bedminster CA. I therefore find that it conflicts with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (CS) and Policies DM26, DM27, DM30 and DM31 of the Site Allocations and Development Management Policies Local Plan (LP). Amongst other aspects, these require: development to contribute positively to an area’s local character and distinctiveness, safeguard heritage assets, including preserving those elements of conservation areas which contribute to their special character or appearance, and contribute to the creation of quality urban design; extensions and alterations to respect the form, proportions, materials and the overall design and character of the host building and the broader street scene; and extensions to be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting and scale.
9. In failing to preserve the character and appearance of the CA, I find that the appeal proposal would, in the words of the National Planning Policy Framework (Framework), result in less than substantial harm to the significance of the CA as a whole. In such circumstances, and even if I were to agree that the proposal would cause a negligible degree of less than substantial harm as suggested by the appellant, the harm should be weighed against the public benefits. However, no public benefits have been put forward to weigh against

this harm, nor do I find any exist. Paragraph 193 of the Framework sets out that great weight should be given to the conservation of designated heritage assets. I have found that the proposed development would harm the CA and there is little substantive evidence which indicates that the long term viability of the building would be at risk if the appeal were dismissed.

Living conditions

10. Although none of the windows would directly overlook surrounding properties, the proposed rear balcony would be situated in close proximity to the first-floor windows of the adjoining terraced properties. With the site being within a built-up residential area with properties in close proximity, a certain amount of noise is to be expected.
11. However, the proposed balcony would be an unusual feature in the locality and would bring elevated outdoor amenity space in close proximity to adjoining properties' upper-floor windows, which it seems to me are likely to serve bedrooms. Accordingly, it could therefore result in significant noise disturbance to adjoining occupiers that would go beyond what might be considered typical and acceptable in the locality.
12. For the above reasons, I conclude that the proposed development would harm the living conditions of adjoining occupiers, with particular regard to noise disturbance from the rear balcony. I therefore find that it conflicts with CS Policy BCS21 and LP Policies DM27 and DM30. Amongst other aspects, these require development to safeguard the amenity of neighbouring occupiers in existing development and contribute to healthy places and wellbeing. It would also be inconsistent with: the provisions in the Framework in relation to providing a high standard of amenity for existing users; and the guidance in the Council's Supplementary Planning Document Number 2 (A Guide for Designing House Alterations and Extensions) which, amongst other aspects, set out that extensions should be designed to minimise the effect on the amenity of neighbours and that a balcony above ground floor level can be particularly problematic and can increase the general level of noise and disturbance.

Conclusion

13. It has been put to me that the appeal proposal would provide a larger, enhanced residential use of the site which is in a desirable and sustainable residential area within easy walking distance of local services, facilities and employment opportunities. Be that as it may, this does not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.
14. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR