
Appeal Decision

Site visit made on 28 July 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/Z0116/W/20/3250218

44-46 Coldharbour Road, Westbury Park, Bristol BS6 7NA

- 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 Mrs V Panchal against the decision of Bristol City Council.
 - The application Ref 19/05692/F, dated 22 November 2019, was refused by notice dated 14 February 2020.
 - The development proposed is the conversion of existing buildings from mixed use retail (ground floor) with residential maisonette (first and second floor) to five residential flats (4 no additional flats) with building operations including ground and roof extensions.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the Council's decision, the appellant has submitted revised drawings as part of this appeal which would amend the proposal by the removal of the flat roof dormer to the side. These amended drawings have not been the subject of consultation and would materially change the proposal. To accept the revision would deprive the opportunity of any interested parties the chance to be consulted and it cannot be assumed that comments would not be made which would need to be considered. Accordingly, I cannot accept this amendment and have considered the proposal on the basis of the application drawings.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the settings of the adjacent Conservation Areas;
 - the living conditions of the occupants and effect on the neighbouring occupiers including those of 42 Coldharbour Road and;
 - the storage and parking of bicycles.

Reasons

Character and appearance, front facing elevation

4. The site was originally two buildings used as a dry cleaners and laundrette, with residential use above. The buildings are now internally joined but vacant and 'gutted' inside leaving only the basic fabric.
5. The proposal includes a flat roof dormer on the side which would be prominent from the frontage. Due to its large size and position it would spoil the lines of the roofscape. The hipped end would no longer round off the building rather the dormer would break up the form and create an awkward and bulky addition. The dormer would spoil the cohesion and integrity of the building.
6. The other side of Coldharbour Road is the boundary of The Downs Conservation Area, which is a heritage asset. It is described in an extract from the Bristol Local Plan. It is notable for its small buildings and street furniture, trees, quality and consistency of limestone building materials and traditional boundary walls. The buildings are well proportioned so that they harmonise with the street as a whole. The appeal site is prominent from the outward views of the Conservation Area and indeed terminates these views. The proposed dormer would be visible from this Conservation Area and would appear cumbersome, spoiling the roofline of the host building. The eye would be overly drawn to the dormer rather than the overall form of the host building. It would visibly detract from the coherency of the architecture in the Conservation Area.
7. I therefore conclude that the proposed dormer would harm the setting of The Downs Conservation Area. This harm is considered less than substantial because it relates to the setting of the Conservation Area rather than works within it.
8. The two new rooflights, solar panels, new upper floor windows and replacement ground floor glazing are not considered harmful.

Character and appearance, rear facing elevation

9. The proposal involves a new rear dormer. However, this would match an adjoining dormer and is sufficiently set apart and sized not to dominate the roofline. The metal railings on the existing balconies would be replaced with glass panels. This would look more contemporary and in keeping with a domestic context.
10. The rear elevations of the existing dwelling and its neighbours have a considerable array of extensions, adaptations and offshoots. There is little coherency with the style although the intent to capture the outward view is clear. The dwelling therefore has the potential to absorb changes as it lacks a regimented form and detailing. The changes to the rear elevation would not be particularly different to the existing and would not harm the character and appearance of the building.

11. The rear of the site is adjacent to the boundary of Cotham and Redland Conservation Area, also a heritage asset. This is characterised in the Cotham and Redland Character Appraisal and Management Proposals as high quality Victorian townscape, verdant character, parkland, historic estate layout, topography, views and landmark buildings. The rear of the site is visible from a park within Cotham and Redland Conservation Area. However, this building is very altered and presents a poor façade to the park and as I have found above, the proposed changes to the rear are very limited and would not impair any of these characteristics. Accordingly, the proposal would not harm the setting of the Cotham and Redland Conservation Area.

Conclusion on character and appearance

12. I therefore conclude that the proposal due to the side dormer would harm the character and appearance of the area in conflict with Bristol Development Framework Core Strategy (CS) Policies BCS21 and BCS22 promote high quality urban design and the protection of the setting of Conservation Areas, whilst BCS15 promotes renewable energy and sustainable design. Bristol Local Plan Site Allocations and Development Management (LP) Policies DM26, DM27, DM30 and DM31 promote sensitive alterations to buildings, respect of local character and distinctiveness, appropriate layout and form as well as conservation of heritage assets. PAN 2 provides assessment of the Redland and Cotham Conservation Area character. The proposal due to the dormer would conflict with the above policies and guidance.
13. Paragraph 196 of The National Planning Policy Framework (the Framework) considers that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. This is considered latterly in the planning balance.

Living conditions of the neighbours including no 42

14. The neighbour to the west is no 42. The appeal building has a tiered form which projects outwards as it follows a downward slope. There is an existing first floor balcony which would be unchanged.
15. However, a new balcony would be formed off the ground floor of the building. This would project outwards which would lead to overlooking of the rear elevation of no 42.
16. Fabric sails are proposed to the sides of the balconies to provide screening. However, the longevity of these sails would be limited, and more robust and weatherproof boundaries would be essential to guarantee this screening in the longer term, without which the overlooking would be unacceptable.
17. There is an existing spiral staircase and a 2.6m long balcony which would be removed, which would eliminate the existing overlooking at that particular point.
18. The proposed dormer to the rear would avoid direct overlooking into no 42 because of the relative alignment of the buildings and the intervening roof. The dormer to the side would face towards no 42. However, this would serve a bathroom but would need to be obscurely glazed.

19. The neighbour to the east, no 48, would also not be affected due to their relative siting with blank facing walls. The gardens and rear windows of houses in the adjacent road are visible but reasonably well distanced, in any event the proposal would make little difference to the existing situation.

Living conditions of the occupants of the proposal

20. The dwellings would only have a single aspect which is not ideal but a frequent situation for flats. Moreover, they would have extensive views over the nearby park and the wider city, particularly as the habitable areas would be in direct view. The full-length glazed windows would allow these views to be fully utilised and the eastern aspect would offer pleasant morning sunlight.
21. The top floor flat would be 66sqm. This would exceed the national standard of 50sqm for a 2-person one bedroom flat. Whilst this would be within the roof, the main habitable area would be directly below the ridge leaving the utilitarian areas underneath the hipped end. The smallest flat would be 46sqm which would also surpass the standard at 39sqm for a one person one bedroom flat.

Conclusion on living conditions

22. Whilst the proposal would provide reasonable living conditions for its occupants, it would harm the living conditions of no 42 due to overlooking from the ground floor balcony. Policy BCS 21 of the CS and Policies DM15, DM18, DM21, DM29, DM30 of the LP seek to provide and protect living conditions for now and the future, and as I have found above the proposal would be in conflict.

Provision for bicycles

23. The plans show bicycle storage on the ground floor, which would be practical and accessible to the occupants, with space provided for their manoeuvring. Equally it would be within the grounds of the building and potentially a reasonably secure location subject to appropriate racking and lighting.
24. The facility would be vertically orientated. I note that this would comply with the example shown in the Council's Supplementary Planning Guidance: A Guide to Cycle Parking Provision. A purposely designed facility would therefore be readily useable and could be the subject of a condition.
25. I therefore conclude that subject to details, which would need to be conditioned, the bicycle storage facilities would be appropriate. Accordingly, the proposal does not conflict with Policy DM23 of the LP which seeks to ensure adequate bicycle parking.

Planning balance

26. In the context of paragraph 196 of the Framework, the harm to the setting of the Conservation Area would be less than substantial. Nevertheless, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

27. The proposal would create four additional dwellings which would contribute to the housing stock, which would be particularly beneficial in an area well served by community facilities, employment opportunities and public transport. Similarly, the occupants would be likely to support the local shops. The proposal also would utilise and maintain a vacant building. However, the proposal would harm the character and appearance of the area and the living conditions of no 42 Coldharbour Road.
28. In this case, the above harm is not outweighed by the public benefits of the proposal.

Conclusion

29. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR