



Appeal Decision

Site Visit made on 29 September 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/Z0116/W/20/3251223

281 Gloucester Road, Bishopston, BRISTOL, BS7 8NY

- 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 Alan Karmi against the decision of Bristol City Council.
 - The application Ref 19/04764/F, dated 8 September 2019, was refused by notice dated 30 January 2020.
 - The development proposed is erection of canopy and metal glazed enclosure to the existing outdoor seating area to the front of the premises.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Alan Karmi against Bristol City Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The address on the application form refers to No. 283 Gloucester Road. However, the Councils officer report, decision notice and the appellants statement of case refers to the address as No. 281 Gloucester Road. Further, the Royal Mail Postal Checker confirms that the address for the Lona Grill House and Juice Bar (the premises subject of this appeal) is No. 281 Gloucester Road. I am satisfied that No. 281 Gloucester Road is the correct address and have amended the banner heading to reflect that.
4. A canopy and metal glazed enclosure to the existing outdoor seating area has been erected. However, it was evident from my site visit that what has been built differs from the plan before me. In particular, the as built structure appears higher with the roof form extending to a higher point on the existing façade which obscures the shopfront fascia. Whilst not forming part of the proposal before me, the canopy extends over the entrance area to the property and over the adjacent property creating a much larger enclosure across the terrace of retail units. However, for the avoidance of doubt my decision is based upon the plans before me, and I am considering the appeal on that basis.
5. Whilst I note the existence of a current Enforcement appeal¹ at the site and adjacent, this is not a matter relevant to my determination of this appeal.

¹ APP/20116/C/20/3253165

Main Issues

6. The main issues are (i) the effect of the proposed development on the character and appearance of the area including the host building; and (ii) whether the proposed development would preserve the setting of Horfield Baptist Church which is a Grade II Listed Building.

Reasons

Character and Appearance

7. The appeal proposal relates to an area in front of the existing building, which is located in a prominent position along Gloucester Road and is adjacent to the Grade II Listed Building (Listed Building). The large depth of the public realm in front of the retail properties provides a spacious character to the frontage of the properties in this part of Gloucester Road. Although there are enclosures in front of some other buildings along Gloucester Road, large scale enclosures to the front of buildings on the scale proposed in this appeal are not a common feature in the immediate street scene.
8. The existing restaurant is a large cream building and the evidence indicates the frontage has been previously used as an outdoor seating area. This would have been seen in context with the large spacious frontage to the retail premises in this terrace. The proposed canopy would project a significant depth from the property and would span the width of the majority of the premises, enclosing this space. At its tallest, the enclosure would be about as tall as the underside of the existing fascia. So, due to its substantial height, depth and width, the proposal would be harmfully bulky and intrusive, and out of keeping with the generally spacious Gloucester Road street scene.
9. Furthermore, the basic form of the proposal in terms of the brown colour coated aluminium and the extensive levels of glazing would not be characteristic of the property or the locality. The sides of the proposal would dominate views from the north and south. Further, the scale and footprint of the enclosure would appear disproportionate to the host building and would fail to be subservient to it.
10. The plans show that vegetation in a planter would partly screen the front of the enclosure. However, it would add to the bulk and dominance of the proposal, and the high levels of vegetation screening to the frontage together with the scale of the extension would obscure a large area of the frontage of the existing building. This would not amount to good design and would not be characteristic of the locality.
11. Given the above factors, the proposal would be a dominant and visually intrusive addition to the street scene. The enclosure of the frontage on the scale and length proposed would appear out of character along this part of Gloucester Road.
12. Consequently, the proposal would cause harm to the character and appearance of the host building and area. Accordingly, the proposal would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (Core Strategy) and Policies DM26 and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (Local Plan). Amongst other things the policies seek that new development should deliver high quality design which contributes positively to an areas local character,

should respond appropriately to height, scale, massing and proportion of existing buildings and extensions should be physically and visually subservient to the host building. However, I do not find conflict with the Bristol Local Plan Policy Advice Note 8 Shopfront Guidelines Supplementary Planning Guidance.

Grade II Listed Building

13. Horfield Baptist Church is a prominent and attractive historic building and is a building of significant visual interest along Gloucester Road. The significance of this Listed Building lies in its historic fabric and form. The architectural qualities in terms of the buildings design and traditional materials are key features that contribute to its special interest.
14. The proposed glazed enclosure by virtue of its materials, design and scale would contrast significantly with the historic character of the Listed Building. As observed on my visit, in views of the Listed Building from the north and south the structure would appear an incongruent and intrusive structure within views of the Listed Building from the north and south along Gloucester Road. The basic materials and form of the enclosure would be dominant and would intrude awkwardly within the setting of the Listed Building.
15. I have had special regard to the desirability of preserving the setting of the Listed Building. I conclude that the proposal would fail to preserve the setting of the Listed Building resulting in less than substantial harm to the significance of this designated heritage asset. Whilst I find the harm to be less than substantial it is nevertheless of considerable importance and weight. The National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and that great weight should be given to an asset's conservation. In this case, whilst I acknowledge the proposal would provide an extended dining area for the restaurant, no public benefits have been demonstrated which would outweigh the harm I have found.
16. Consequently, the proposal would fail to preserve the setting of the Grade II Listed Building and would be contrary to Policy DM26 of the Local Plan. Amongst other matters the policy seeks that the design of development will be expected to contribute towards local character and distinctiveness by responding appropriately to historic assets and respecting the historical development of the area.

Other Matters

17. I note the existence of a number of premises along Gloucester Road with enclosed frontages which the appellant considers are poorly designed. However, I do not have the full details of these schemes nor the planning circumstances behind them. In particular the nearby structure at 260 Gloucester Road would be a similar form to that proposed by the appeal, however, it is of a smaller scale. Whilst acknowledging the existing examples, none form an enclosure on the same scale as that proposed and crucially, they are not immediately adjacent to the Listed Building. Nevertheless, having observed these, their existence does not persuade me the proposal before me would be acceptable.
18. I have taken into account the appellant's comments regarding the decision-making process by the Council. However, this is not relevant to my

determination of this appeal. I have determined the appeal based on the evidence before me and from my own observations on site.

19. Whilst I acknowledge the desire of the appellant to extend his premises due to the popular demand of the restaurant, this cannot outweigh the identified harm I find the proposal would cause to the areas character and appearance and to the setting of the adjacent Listed Building.

Conclusion

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

S Thomas

INSPECTOR