



Appeal Decisions

Site visit made on 3 February 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal A Ref: APP/Z0116/W/20/3260831

13-15 St. George's Road, Bristol, BS1 5UU.

- 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 Whittingham of Chipping Sodbury Developments Ltd against the decision of Bristol City Council.
 - The application Ref. 19/06189/F, dated 18/12/19, was refused by notice dated 8/4/20.
 - The development proposed is the construction of 1 shop and 3 flats.
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Appeal B Ref: APP/Z0116/Y/20/3260834

13-15 St. George's Road, Bristol, BS1 5UU.

- 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 Whittingham of Chipping Sodbury Developments Ltd against the decision of Bristol City Council.
 - The application Ref. 19/06142/LA, dated 18/12/19, was refused by notice dated 8/4/20.
 - The works proposed are the partial demolition of rear boundary wall.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The appeal site lies within the settings of various listed buildings. These include the grade II listed buildings at 15 St. George's Road (listed as Limekiln Cottage¹), The Horse and Groom Public House, 19 and 21 St. George's Road, Brunel House and the grade II* listed building known as The Council House. The appeal sites also lie within the Park Street and Brandon Hill Conservation Area (CA). There is no cogent evidence to demonstrate that the appeal site contributes to the significance of Brunel House or the Council House. On behalf of the appellant, it is accepted that the proposed development would result in less than substantial harm to the significance (heritage interest) of the CA.
3. In December 2020, the Council granted planning permission and listed building consent for the erection of 2 flats on the appeal site (refs. 20/04219/F and 20/04220/LA). Amongst other things, it includes the erection of a smaller four storey building on the site and the partial demolition of the rear boundary wall to 15 St. George's Road. This is a fallback position available to the appellant.

Main Issues

4. The two main issues are: firstly, whether the proposals would preserve the special architectural or historic interest or the setting of 15 St. George's Road,

¹ The section of rear boundary wall that it is intended to part demolish is 'curtilage listed' to 15 St. George's Road.

preserve the settings of The Horse and Groom Public House and 19 and 21 St. George's Road, and preserve or enhance the character or appearance of the CA and if not, whether any harm would be outweighed by any public benefits (appeals A and B); secondly, the likely impact of the proposal upon the living conditions of the occupiers of the maisonette at 15 St. George's Road, with particular regard to light and outlook (appeal A only).

Reasons

5. The appeal site comprises a triangular shaped parcel of land at the junction of St. George's Road and Brandon Steep. It lies within a part of the city centre that includes a mix of uses, including offices and residential, with much variation in the size and design of the buildings. The site forms part of small row of three storey Georgian properties². The eastern part of the plot is open.

Planning Policy

6. The development plan includes the Bristol Core Strategy (CS) adopted in 2011, the Site Allocations and Development Management Policies (DM) adopted in 2014 and the Bristol Central Area Plan (BP) adopted in 2015. Both main parties have drawn my attention to numerous policies. Those which are most important to the determination of appeal A³ are CS policies BCS21 (design – amenity) and BCS22 (historic environment) and DM policies DM26 (local character), DM29 (design – outlook and daylight) and DM31 (heritage assets⁴).
7. My attention has also been drawn to the Council's Park Street & Brandon Hill Character Appraisal & Management Proposals 2011 (CAA). Whilst not forming part of the development plan, this document assists in identifying the special qualities of the CA and has been subject to a process of public/stakeholder consultation. It can be given moderate weight.

First Main Issue - Impact upon Designated Heritage Assets (appeals A and B)

8. The significance (heritage interest) of Nos. 15, 19 and 21 St. George's Road and the Horse and Groom public house is primarily derived from their architectural and historic interest. The former includes their double-depth plans, three storey height, window arrangement (with sash and some casement windows), rendered walls, pantile roofs, brick chimneys and Georgian style. The historic interest includes the original building fabric, the importance of this row as a remnant of the street's original character and the buildings past associations with local business and social activities in this part of Bristol.
9. The CA is a very large area that includes a wide variety of uses, building sizes and styles and open spaces. The appeal site lies within Character Area 4 'St. George's Road and Jacob's Wells Road', as defined within the CAA. As noted within the CAA, this part of the CA contains the largest buildings, mainly institutions or offices and neighbouring these are clusters of modest terraces and townhouses. Retaining the traditional character of these clusters is identified within the CAA as important as recent developments have gradually eroded the urban grain. The above noted Georgian row is one such cluster.

² This comprises Nos. 21 and 19 St. George's Road, the Horse and Groom public house and No. 15.

³ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

⁴ CS policy BCS22 and DM policy DM31 do not reflect the 'heritage balance' contained within the National Planning Policy Framework (the Framework). This would limit the weight to be given to any conflict with them.

10. The significance of the CA is primarily derived from the contribution made by the various listed buildings and the historic layout of the streets, including the remnant's of their original character. The terrace of Georgian buildings that include 15 St. George's Road makes a positive contribution to the character and appearance of the CA.
11. I understand that the wall at the rear of 15 St. George's Road that it is intended to partially demolish was built after 1921. It has been altered over the years and includes concrete coping stones. Whilst not in any way a detracting or harmful element, it does not make any important contribution to the heritage interest of No. 15 (or to the listed Georgian row) and does not add to the special qualities of the CA. The items stored on part of the open space on the eastern side of No.15 and the litter which has collected is a minor detracting element within the setting of this listed row and this part of the CA. However, it is unclear to me if this storage is lawful and separate powers exist to remedy adverse effects upon the amenity of an area if required.
12. The proposed four storey building would provide a ground floor shop with three flats above. It would fill this corner site, with the shop accessed from St. George's Road and the flats from Brandon Steep. Described in the Design and Access Statement as having a "*traditional style*", this new building would have a parapet with a flat roof behind, stone and rendered walls, 100mm deep window reveals with aluminium double glazed sash windows and a timber shop front. The flats would have steel balcony areas. The 'footprint' of the building would extend towards the back edge of the highway and would project forward of the listed row by about 3.6 metres.
13. Although some elements of the proposed design such as the height, massing, window lines and the materials to be used on the external walls, would reflect characteristics of the CA, the proposed building line and the prominent corner balconies would appear conspicuous and incongruous within the setting of this listed row of Georgian properties and this part of the CA. Unlike the fallback position, this proposed building would extend significantly forward of the established building line. It would introduce a discordant addition to this important row and markedly change the context within which these listed buildings are set.
14. This new projecting corner building would 'draw the eye' away from an appreciation of the architectural interest of the row and be at odds with the remnants of the original character of the street. The appeal scheme would sit uncomfortably alongside its Georgian neighbours and be unduly prominent within the street scene of St George's Road. It would adversely affect the settings of these listed buildings and erode the character and appearance of this part of the CA. The proposed development would conflict with the provisions of CS policy BCS22 and DM policies DM3 and DM26(ii) and (vi).
15. In the context of the Framework, the proposal would result in less than substantial harm to the significance of Nos. 15, 19 and 21 St. George's Road and the Horse and Groom public house, as well as less than substantial harm to the heritage interest of the CA. If there is a sliding scale of harm within this category, the proposal would result in harm somewhere between the middle and lower end. However, this does not amount to a less than substantial planning objection. Great weight should be given to an asset's conservation.

Public Benefits

16. The proposed development would entail the more efficient use of previously-developed urban land. It would provide a mix of uses⁵ and would increase the stock of housing and choice of homes available within Bristol. During the building phase, there would be some support to the construction industry. The proposal would accord with the thrust of CS policies BCS5, BCS20 and BP policies BCAP1 and BCAP2. These limited public benefits must be weighed with the less than substantial harm that I have identified above.

Heritage Balance / Conclusion on First Main Issue

17. When the less than substantial harm that I have identified to the significance of the listed Georgian terrace and the CA are weighed with the public benefits I find that these benefits do not outweigh the harm. I conclude on the first main issue that the proposals would fail to preserve the settings of 15 St. George's Road, The Horse and Groom Public House and 19 and 21 St. George's Road, and would not preserve or enhance the character or appearance of the CA. It is also not lost on me that many of the public benefits of the appeal scheme could be delivered through the fallback position if implemented.

Second Main Issue - Living Conditions (appeal A only)

18. The development plan and the Framework include a requirement for new development to provide a high standard of amenity for existing occupants of buildings. The proposed development would be located to the north east of 15 St. George's Road and in an area where there are some neighbouring taller buildings, such as Brunel House.
19. The Council has informed me that the proposal would cross the 45 degree line from the centre point of the nearest windows to habitable rooms in the maisonette at No.15. In the absence of a shadow study or any other cogent evidence to demonstrate otherwise, it is likely that due to the scale and siting of the proposal there would be some overshadowing and loss of light to these neighbouring rooms during the mornings. There would also be some overshadowing of the pavement café below.
20. More significantly, the impact of the new building, where it would project forward of the established building line, would appear overbearing from the neighbouring windows to habitable rooms in 15 St. George's Road. This would amount to a harmful change in outlook for the occupiers of this maisonette.
21. I conclude on the second main issue that the proposal would have an adverse impact upon the living conditions (light and outlook) of the occupiers of the maisonette at 15 St. George's Road. The proposal would conflict with the provisions of CS policy BCS21 and DMP policy DM29.

Overall Conclusion

22. Given all of the above, I conclude that these appeals should not succeed.

Neil Pope

Inspector

⁵ Given the economic impact of the COVID-19 pandemic on many 'high street' shops, there is some doubt in my mind as to the likely viability of the proposed shop.