



Appeal Decision

Site visit made on 23 February 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/Z0116/W/20/3261293

Beaufort Cottage, Beaufort Mews, Suspension Bridge Road, Clifton, Bristol, BS8 4AN

- 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 & Mrs Garry & Loretta Wilson against the decision of Bristol City Council.
 - The application Ref 20/02905/H, dated 3 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is a single storey front extension to create a dining room.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A plan showing an amended red line boundary was submitted to the Council on 13 August 2020¹. The Council did not refer to the plan in its decision because of unresolved concerns regarding its reliability. The appellant has requested that the revised plan is considered as part of the appeal.
3. There are two aspects to be considered regarding the dependability of the plan. The first is whether the appellant has the right to use the communal courtyard garden to the front of the property for amenity purposes. The second is whether the appellant has the right to use space in the car park for amenity purposes.
4. The agent states² that the title plan for Beaufort Cottage confirms the appellant's right to use the communal gardens as their amenity area. However, neither the title plan nor other evidence of this right has been provided. I also note that the appellant's later statement refers only to having a right of access over the communal gardens, which I observe is consistent with the information provided by third parties. I am therefore unable to conclude that this area is available to the appellant for amenity purposes.
5. The Council has provided a copy of the permission³ for the conversion of Guardian Court to retirement dwellings, with which the car parking area is associated. No information has been provided to describe the rights of the

¹ Drawing P-100, 1:1250, June 2020, received by the Council in an email on 13 August 2020

² Email from Ghaidan Architects to Bristol City Council, 13 August 2020

³ 0021F/86C, 17 September 1986

occupants of Beaufort Cottage over this space. I note that the email referred to above also states that the title deeds confirm that the occupants of Beaufort House own this land, but as this is not provided, I cannot give this weight.

6. Notwithstanding this, a condition is attached to the Guardian House permission stating that car parking spaces shall not be used for any purpose other than vehicle parking. The amenity area identified by the appellant in Drawing P-100 includes at least one of these car parking spaces. Even if evidence of ownership was produced, the remaining area is a thin strip providing access to the garden gate, which is not appropriate for amenity purposes.
7. For these reasons, I have not accepted the revised plan and my decision is based on Drawing P-100, which was received by the Council on 10 July 2020.

Main issues

8. The main issues are:

- the effect of the proposal on the character and appearance of the Clifton Conservation Area; and,
- whether or not the living conditions of the occupants of Beaufort Cottage would be acceptable with regard to provision of outdoor amenity space.

Reasons

Conservation area

9. Beaufort Cottage comprises a narrow, 3-storey, Georgian building with a modern, 2-storey addition built onto the side. The Georgian section has a 2-storey canted bay window to the front and sash windows above. A single-storey, timber framed conservatory style extension has been added to the front of the modern section. The property has a small, sunken garden to the front of the Georgian structure, which contains a patio area and fishpond. A low wall and railings form the front boundary.
10. The building overlooks a communal garden area to the front, which serves the residents of the surrounding properties of Grade II listed Guardian Court and the modern Clifton Down House. The area is hidden from public view by Clifton Down House and is accessed via a car park beneath the building. The fourth side of the communal garden comprises a very high stone wall, which continues around the back and sides of Beaufort Cottage.
11. The site is part of the Clifton Spa Terrace Character Area in the Clifton Conservation Area (CA). Based on the description in the Character Appraisal (June 2010), I consider that the form and age of the Georgian section of the building makes a positive contribution to the CA. I acknowledge that it is hidden from public view and that its visual contribution is limited to the immediate vicinity, but it makes a contribution nonetheless. The significance of the CA derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view.
12. It is proposed to build a single-storey conservatory style extension to the front of the Georgian section of the house, over part of the front garden. This would result in the lower bay window being removed. The remaining Georgian structure would appear as an incongruous remnant, emerging from otherwise modern development. The 2-storey bay window makes a positive contribution

to the historical significance of the structure and surrounding space, and truncation of this would diminish the contribution of the building to the CA.

13. Given the unusual existing configuration of the site, I do not find harm from a front extension in principle, even though this would be contrary to the guidelines in the Supplementary Planning Document⁴. However, the existing extension is entirely connected to the modern section of the house and, critically, does not interfere with the Georgian structure as would be the case for the proposal before me.
14. I acknowledge that the proposal was amended to incorporate a flat roof to avoid obscuring the first-floor bay window, which improved the scheme. The proposal would reflect the existing extension, and, in this respect, I do not find it discordant with the modern section of the building. I also do not find that partial loss of the small front garden would be harmful to character and appearance of the area, which is dominated by the courtyard garden and surrounding walls. However, these factors are insufficient to overcome the harm identified above.
15. The proposal would cause harm to the historical section of Beaufort Cottage, a heritage asset which makes a positive contribution to the character and appearance of the CA. It therefore conflicts with Policy BCS22 of the Bristol Development Framework Core Strategy (2011) (CS) and Policy DM26 of the Bristol Local Plan Site allocations and Development Management Policies (SADMP), which require that proposals safeguard or enhance heritage assets. There is also conflict with policies BCS21 of the CS, and DM27 and DM31 of the SADMP, which protect an area's character and identity, and with Policy DM30 of the SADMP, which requires that extensions should not dominate the original building and should respect the character of the host building.
16. In coming to this conclusion, I have considered the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

Living conditions

17. The extension would be built over part of the small front garden. Allowing for a footpath to the front door, the remaining space would be less than 2 m by 3 m. For the reasons above, I have not included the car parking area and courtyard garden in my assessment of the overall amenity space available to the occupants of Beaufort Cottage.
18. However, the extension would cover the fishpond and the area available to sit outside would reduce only slightly from that existing. The open side of the space would face the courtyard garden, and the outlook is therefore retained. In the context that the change would be small and that sufficient space would remain for a table and chairs, I conclude that the amenity space is largely safeguarded. I am also mindful that the appeal site is adjacent to the large parkland area of Clifton Down. Overall, I consider that sufficient outdoor amenity area would be provided.

⁴ Supplementary Planning Document Number 2: A guide for designing house alterations and extensions (October 2005)

19. I conclude that the outdoor amenity space is 'usable', in line with Policy DM27 of the SADMP. I do not find conflict with Policy BCS21 of the CS nor DM30 of the SADMP, which require that new development should safeguard the amenity of existing development.

Other matters

20. Guardian Court is a Grade II listed building. The list description describes external architectural detail and there is no indication that Beaufort Cottage and Guardian Court shared a notable relationship historically. Guardian Court is not physically connected to the host house and I do not consider that a second front extension would cause harm to the setting of the listed building.
21. In coming to this conclusion, I have considered the duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building and its setting.

Planning balance and conclusion

22. The host house makes a positive contribution to the Clifton Conservation Area and the proposal would harm the character and appearance of this heritage asset. This would conflict with local policies safeguarding heritage assets, and those protecting the character and appearance of the host house and area.
23. The harm to the CA would constitute 'less than substantial harm' using the terminology in the National Planning Policy Framework (2019) (Framework). There would be no public benefits from the development to weigh against this, as required by paragraph 196 of the Framework. Harm to a heritage asset is a matter to which I am directed to give great weight by paragraph 193.
24. There would be benefits to the appellant from an additional room and the introduction of more daylight into the house. There is support for this in Policies BCS21 of the CS and DM27 SADMP, which encourage delivery of high-quality urban design. However, given the scale of the development, this is a small benefit, which would not outweigh the harm to the heritage asset.
25. The proposal therefore conflicts with the local development plan when read as a whole, and with the national policies in the Framework, which is a material consideration of significant weight. For this reason, the appeal is dismissed.

B Davies

INSPECTOR