
Appeal Decisions

Site visit made on 14 June 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021

Appeal A: APP/Z0116/W/20/3264200

6 Pipe Lane, Bristol BS1 5AJ

- 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 Sandeep Krishan of Flare Homes Ltd against the decision of Bristol City Council.
 - The application Ref 20/01444/F, dated 30 March 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described as a single storey rear extension, replacement rear windows, addition of secondary glazing and internal alterations.
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Appeal B: APP/Z0116/Y/20/3264202

6 Pipe Lane, Bristol BS1 5AJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Sandeep Krishan of Flare Homes Ltd against the decision of Bristol City Council.
 - The application Ref 20/01445/LA, dated 30 March 2020, was refused by notice dated 18 August 2020.
 - The works proposed are described as a single storey rear extension, replacement rear windows, addition of secondary glazing and internal alterations.
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Decisions

Appeal A

1. The Appeal is dismissed.

Appeal B

2. The Appeal is dismissed.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The descriptions of proposed development and works in the banner headings above include 'replacement rear windows'. However, this aspect of the scheme was omitted from the revised plans upon which the Council made its decisions. I have therefore considered the Appeals on that basis.

Main Issues

5. The main issues are:

- the effect of the scheme on designated heritage assets including:
(a) whether it would preserve a Grade II listed building, 5 and 6 Pipe Lane, or any of the features of special architectural or historic interest that it possesses; (b) whether it would preserve the settings of listed buildings in Orchard Street; (c) whether it would preserve or enhance the character or appearance of College Green Conservation Area (the Conservation Area); and, (d) if any harm would be caused, whether this would be outweighed by public benefits;
- in relation to Appeal A, the effect of the scheme on the living conditions of occupants of 19A Orchard Street with regard to privacy and noise and disturbance; and
- in relation to Appeal A, the appropriateness of arrangements for waste and cycle storage.

Reasons

Designated heritage assets

6. In the interests of clarity, I have divided this matter into 4 parts, (a) to (d). All 4 parts should be read together and are jointly concluded in part (d).

(a) Listed building

7. The appeal property is 6 Pipe Lane, which, together No 5 is the listed building in this case. The 2 buildings are thought to be surviving components of a terrace, and stand at 3-storeys with attics and basements. Insofar as it is relevant to these Appeals, the special interest and significance of the listed building resides in its early C18th date, and surviving components and attributes of both its original design, and its historic uses.
8. It is likely that the rear elevation of the listed building was originally flat backed. As was historically typical of buildings of this type however, compact closet wings were added during the nineteenth century. These additions remain distinct, and continue in their intended use, leaving a relatively small proportion of the original rear elevation fully unobscured from basement to second floor level.
9. The proposed extension would be directly attached to the rear elevation at basement level, straddling the closet wings to either side. Consequently, the scheme would result in a further reduction in exposure of the original rear elevation, and loss of continuity in its remaining exposure from basement to second floor level at No 6. This would compromise appreciation of the original form and design of the listed building.
10. In straddling the closet wings the extension would relate awkwardly to both. Its degree of flat roofed projection from the rear elevation would further conflict with the otherwise strong vertical emphasis of the latter. Together these points would cause the extension to appear poorly integrated with the form and design of the listed building overall.

11. The detailing of the extension would further accentuate its low level of integration. In this regard neither the proposed GRP roof finish, nor its potential zinc substitute would be typical features of an early C18th building. Nor would the large area of sheet glazing to be used in the rooflight. Furthermore, unlike the existing window and door at basement level, the arrangement and general character of openings within the rear elevation would not be complemented by the wide bi-fold doors.
12. The attachment of the extension would additionally involve the removal of most of the back wall of No 6 at basement level, together with part of the wall of one of the closet wings. Alongside the loss of historic fabric, this would cause significant erosion of the plan form of the building at basement level, which would not be mitigated in any meaningful way by the retention of nibs. The harm caused would be increased by an accompanying substantial reduction in the internal floor level. Whilst the structural implications and feasibility of this have not been clearly addressed, if achievable, this would significantly alter the distinctive modest proportions and overall form of the basement rooms, and their identity as historic service spaces. Considered relative to the character and proportions of the historic accommodation on the floors above, these works would together seriously undermine a holistic understanding of the historic design, use and social significance of the building.
13. The appellant suggests that the proposed works would be preferable to the more destructive modifications that would be required to enable provision of communal facilities on one of the upper floors instead. However, I have been provided with no specific details of what such a scheme would entail, and no evidence that such a scheme has been or is likely to be granted consent. Given that there is therefore no alternative scheme before me, I can attach no weight to the appellant's suggestion that the proposed works would be less harmful.
14. My attention has been drawn to the past extension of 7 Pipe Lane, a Grade II listed building adjoining No 6. The fact that this building has undergone extension is however of little relevance. Indeed, whilst No 7 expresses some similarities in its general character, it is a different building. I have otherwise been provided with little information regarding the design of the extension, its relationship with historic parts of No 7, or the circumstances in which it was built. The past extension of No 7 does not therefore alter my findings above.
15. The scheme would entail reorganisation of modern partitions on the first, second and third floors. Though this would not cause harm in itself, it would also involve forming new doorway openings on each floor. The walls within which these openings would be formed appear to be historic, but in the absence of evidence regarding their construction, the nature of any harm which would be caused to their fabric is unclear. Moreover, whilst the current layout retains a single point of access to the subdivided rooms within the front half of the building on the first, second and third floors, the works would add a second. Taken alongside changes to partitions, this would inevitably confuse appreciation of the historic layout of the building.
16. The proposed addition of secondary glazing appears to be uncontentious, and it is often accepted as less intrusive way of improving energy efficiency than the more direct alteration of windows themselves. Given the wide range of secondary glazing products available however, as too the common need for tailored solutions within historic buildings, acceptability depends very much

upon specification. In this regard considerable scope exists for harm to be caused. As I have been provided with very little information, and no drawings, is not possible for me to reach a view on the appropriateness of the proposed secondary glazing in this case. Moreover, in view of the above, the matter could be properly addressed by the imposition of a condition.

17. The front elevation of No 6 features an early C19th shopfront with shuttered basement hatch below. Hatches of this type appear on a number of historic buildings within the surrounding streets, though none appears to have been converted to a window with the hatches held open as proposed. Indeed, this would appear acutely incongruous, and more so given that the window would be double glazed. As such it would represent use of an identifiably modern glazing format clearly at odds with the glazing found elsewhere within No 6.
18. In summary, I find that the special interest of the listed building would not be preserved by the scheme, contrary to the expectations of the Act. With further reference to paragraph 196 of the National Planning Policy Framework (the Framework), I find that the scheme would thus cause less than substantial harm to the significance of the listed building as a designated heritage asset. Such harm attracts great weight.

(b) Settings

19. Orchard Street is a road of 2 aligned linear parts which both lie and terminate immediately to the southwest of the rear elevation of No 6. These 2 parts are lined either side by listed buildings. These buildings are 15-19 Orchard Street, 10 Orchard Street, 11 Orchard Street, 12 Orchard Street, 13 and 14 Orchard Street, 20 – 24 Orchard Street, 25 and 26 Orchard Street, and 27, 28 and 19 Orchard Street, all of which are listed at Grade II*; and Orchard Chambers, and Bristol Municipal Charities, each of which are listed at Grade II (collectively 'the Orchard Street group'). As set out within paragraph 194 of the Framework, Grade II* listed buildings are amongst heritage assets of the highest significance, and the presence of 8 such buildings within Orchard Street is remarkable. Insofar as it is relevant to these Appeals, the Orchard Street group draw special interest and significance partly from the quality of their visual, physical and architectural interrelationship. In relation to those listed at Grade II* this derives from their survival as historic components of the planned layout of Orchard Street, which retains a generally uniform and predominantly early C18th character. This is appreciable and is experienced both from within the street, and from within the listed buildings themselves via views out through their windows.
20. The building of which No 6 forms part is not an integrated component of the layout of Orchard Street, but it is nonetheless of similarly early C18th date, and its rear elevation stands prominently exposed at high level at the head of the street. This makes No 6 both a conspicuous and unusual focal point, visible over a considerable distance, and from as far away as Unity Street, which adjoins Orchard Street to the south west. Appreciation of the special interest and significance of the Orchard Street group thus inevitably includes the contribution made by No 6 to the character and qualities of Orchard Street. In this regard I have already explored the historic attributes of the rear elevation of No 6 above, and the harm that would be caused by the proposed extension.
21. The proposed extension would be largely screened from street-level view within Orchard Street by a boundary wall to the rear. However, notwithstanding the

diagram submitted by the appellant, it appears likely that its uppermost portions would be visible with increasing distance along Orchard Street, thence into Unity Street. Given the focal position of No 6, it would be noticeable despite the distance. More extensive and complete views would be available from the windows some of the buildings lining Orchard Street, amongst which Nos 20 – 24, and Orchard Chambers in particular. From such vantage points the external harm caused to No 6 by attachment of the extension would be either partly or fully appreciable, and the incongruous nature of the extension would in turn exist as a source of intrusive visual distraction. This would clearly detract from appreciation of the special interest and significance of the Orchard Street group, particularly insofar as it would diminish the quality of Orchard Street's largely early C18th character. In this regard the perceived harm would be greatest in relation to Nos 20 – 24.

22. In summary, I find that the scheme would fail to preserve the settings of listed buildings within Orchard Street, again contrary to the expectations of the Act. With further reference to paragraph 196 of the Framework, I again find that the scheme would cause less than substantial harm to the significance of members of the Orchard Street group. Such harm attracts considerable importance and weight.

(c) Conservation Area

23. The listed building, together with the Orchard Street group, is located within the Conservation Area. Insofar as it is relevant to this appeal the significance of the Conservation Area, and particularly that part within which the listed building is located, resides in both the historic layout of streets, spaces and buildings and their physical and visual interrelationship. In this regard the collection of early C18th buildings and planned townscape it contains, including No 6, the Orchard Street group, and Orchard Street itself, makes an outstanding positive contribution.
24. Again, I have already considered in some detail the adverse external effects of the scheme on the frontage and rear elevation of the listed building, and the broader adverse effects of the latter on the Orchard Street group. I have found that in each case less than substantial harm would arise. As outlined above, this harm would be either wholly or partly appreciable within views from within the public realm, and would otherwise be clearly capable of being appreciated within other views from outside the site. It can only follow that the scheme would harm the positive contribution that the listed building makes to the significance of the Conservation Area at large, as too the contribution made by the Orchard Street Group.
25. In summary, I find that the scheme would fail to preserve or enhance the character or appearance of the Conservation Area, once again contrary to the expectations of the Act. With further reference to paragraph 196 of the Framework, I again find that the scheme would cause less than substantial harm to the significance of members of the Orchard Street group. Such harm attracts considerable importance and weight.

(d) Balance

26. Through my assessment in subsections (a) to (c) above, I have found that the scheme would cause less than substantial harm to the significance of the listed building, to the settings of listed buildings in Orchard Street, and to the

Conservation Area at large. In so doing I have attached considerable importance and weight to the harm that would be caused by the failure to preserve the settings of listed buildings in Orchard Street, and to the Conservation Area, and great weight to the harm that would be caused to the listed building. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour of the scheme.

27. It is claimed that the scheme would secure the optimum viable use of the listed building. However, I have been provided with no detailed evidence in relation to viability or alternative uses. Whilst I am therefore unconvinced that use of No 6 as an HMO is its optimum viable use, it has not otherwise been shown that the scheme is necessary for its viability to be secured.
28. In this regard there is clearly no necessity for to increase the floor area of internal communal space in order for the use to operate. Whilst the Council is itself satisfied that the standard of internal accommodation is adequate, this is otherwise simply demonstrated by the fact that the use is currently operating. Whilst enlarged communal space could nonetheless be of benefit to the occupants, such benefit would be private rather than public. Consequently, neither this, nor the appellant's claim that the scheme would secure the optimum viable use of No 6, attract any weight.
29. The installation of secondary glazing would improve energy efficiency. The scale of any broader environmental benefit would however be very limited. I therefore attach very limited weight to this benefit.
30. The scheme would generate work for contractors. The broader economic benefits of undertaking the works would however be negligible in scale, and thus attract negligible weight.
31. As the public benefits of the appeal scheme therefore attract no more than very limited weight in its favour, they are clearly insufficient to outweigh the harm that would be caused to the significance of designated heritage assets, as outlined above. As such, the harm would not be clearly or convincingly justified, contrary to paragraph 194 of the Framework. This is a consideration which provides a clear reason for dismissal of the Appeals.
32. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets. With regard to Appeal A, and insofar as it is relevant to Appeal B, it would therefore conflict with Policies DM31 of the Local Plan: Site Allocations and Development Management Policies (the LP), and Policy BCS22 of the Core Strategy (the CS), which similarly seek to secure development that conserves or enhances heritage assets; Policy DM30 of the LP, which states that extensions and alterations will be expected to respect the scale, form, materials, details and the overall design and character of the host building, and to retain traditional or distinctive architectural features and fabric; and Policy DM26 of the CS which states that development will not be permitted where it would be harmful to local character and distinctiveness. In relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Living conditions

33. The front elevation of 19A Orchard Street, otherwise known as Orchard Chambers, stands immediately to the southeast of the yard at the rear of No 6.

The relationship is such that upward views from the yard towards the nearest first floor bedroom window readily available, though no clear view into the room itself is possible. Somewhat clear views are likely to exist from this window into the courtyard. It is apparent that this window, together with other windows within the elevation, are directly exposed to any noise which may be generated within the yard. As the yard is used by the tenants as an amenity space, an adverse impact on the privacy of occupants of 19A, together with related noise and disturbance, can be expected to arise at present. Likewise, an adverse effect on the privacy of occupants of No 6 also arises due to overlooking of the courtyard from No 19A.

34. The extension would cover a large proportion of the yard. This would reduce the number of existing possible viewpoints towards the windows at No 19A, as too scope for overlooking from No 19A. As the scheme would entail a reduction in the level of the basement, and the same would also occur in the yard, this would have the additional effect of causing views from within the yard towards the first floor windows of No 19A to become less direct. This would be given the increased height of the window relative to that of the yard. The same would be true of views towards the window from within the extension, which would furthermore be oblique. The above would balance any harm which might arise from the more frequent views which could potentially arise towards the windows of No 19A from within the extension, particularly when also considering that views into the extension would exist from No 19A. As such the privacy of occupants of No 19A would not be unacceptably harmed.
35. The extension would bring the internal accommodation at No 6 closer to No 19A. The potential would thus exist for any noise leakage from within No 6 to have a more direct effect on the occupants of No 19A than at present. Noise which might have been generated by activities within the yard would however be far more contained if carried out within the extension, as seems likely, given the relatively small area of external space which would remain. This would be true even if the proposed bi-fold doors were left open, or if the said activities were to take place between both the yard and the extension. Again, when taken on balance, the effect would not cause unacceptable harm to the occupants of No 19A.
36. For the reasons set out above I conclude that the scheme would not have an unacceptably harmful effect on the living conditions of occupants of No 19A in relation to privacy and noise and disturbance. Though the decision notice cites 3 policies in relation to this matter, none appears to be specifically relevant. In this regard the focus of Policy DM29 of the LP is on new buildings rather than extensions, that of Policy BCS21 of the CS is on urban design, and that of Policy DM27 of the LP on broad aspects of the layout and form of buildings, structures and spaces. Policy DM30 of the LP, otherwise cited in relation to heritage, is however relevant, and insofar as this states that extensions will be expected to safeguard the amenity of neighbouring occupiers, the scheme would comply. The scheme would nonetheless remain in overall conflict with Policy DM30 given my findings in relation to designated heritage assets above.

Waste and cycles

37. The yard to the rear of No 6 is accessed through the building, requiring passage along the hallway, down a flight of steps, through the living room, and various doors between. A similar arrangement would exist were the proposed

extension to be built, with the main difference being the addition of a few steps to compensate for the drop in basement floor level. This would not result in any significant change in the ease with which bins or cycles can be stored within or manoeuvred from the yard. That being so I have no reason to believe that the scheme would make the use of less sustainable modes of travel by occupants of No 6 any more likely, or cause bins or rubbish to be stored on the pavement. Indeed, from what I saw during my visit, the latter already occurs.

38. For the reasons outlined above I conclude that arrangements for waste and cycle storage would be no more harmful and thus no less appropriate than they are at present. As such, and insofar as they are relevant, the scheme would not conflict with Policy DM23 of the LP, which requires development proposals to provide an appropriate level of accessible parking provision, and Policy DM32 of the LP, which, in relation to recycling and refuse provision, requires regard to be had for safe and convenient access.

Conclusion

39. The scheme would cause unacceptable harm to designated heritage assets, and, in relation to Appeal A, conflict thus arises with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR