



Appeal Decision

Site visit made on 6 July 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021

Appeal Ref: APP/Z0116/W/21/3273715

All Saints Court, All Saints Road, Clifton, Bristol BS8 2JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Vallance (All Saints Court (Clifton) Management Company Ltd) against Bristol City Council.
 - The application Ref 20/03863/F, is dated 25 August 2020.
 - The development proposed is 'Refurbishment of existing building. Conversion of garages to form 2 residential units. Extension to form 2 new residential units at roof level'.
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Decision

1. The appeal is dismissed and planning permission for 'Refurbishment of existing building. Conversion of garages to form 2 residential units. Extension to form 2 new residential units at roof level.' is refused.

Application for costs

2. An application for costs was made by Mr Peter Vallance (All Saints Court (Clifton) Management Company Ltd) against Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal follows the Council's failure to determine the respective planning application. In response to the lodging of the appeal, the Council confirms that had it determined the application, it would have been refused. The main issues below are therefore drawn from the reasons the Council would have refused the application, as expressed in its appeal statement.
4. Since the appeal was lodged, the 2021 version of the National Planning Policy Framework (the Framework) has been published and the main parties were given the opportunity to submit comments on this matter. The newly published Framework has been taken into account in the decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the building and the Whiteladies Road Conservation Area; and
 - whether the proposed development would make appropriate use of low carbon heating systems.

Reasons

6. As the site is located within the Whiteladies Road Conservation Area, a designated heritage asset, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The site also forms part of the setting of the Clifton and Hotwells Conservation Area, the boundary of which is located beyond a neighbouring block of garages to the south west. The significance of both Conservation Areas is largely derived from the quality of the buildings within them. In the vicinity of the appeal site the buildings largely comprise impressive semi-detached Victorian villas of a tall three storey form above a basement level. These are faced in stone with low profile hipped roofs.
7. The appeal site is a prominent corner plot located alongside the junction of Miles Road with All Saints Road and accommodates a twentieth century building that is mostly faced in brick and has a flat roof form. Whilst it is three storeys with an entrance lobby and garages on the ground floor and four flats above, it is markedly lower than the nearby villas. Consequently, in its scale, form and appearance, it starkly contrasts with the prevailing character of the buildings in the locality.
8. Nevertheless, it is a good example of the architecture of its time with several distinctive features. Most noticeable is the front and rear cantilevered overhangs of the upper two floors with the exposed ribbed like appearance of the underside of the concrete frame forming a fine architectural detail. The building also has a strong sense of balance due to the symmetry on either side of the centrally positioned entrances in the front and rear elevations and the centrally positioned windows in the flanks. Its simple flat roof form is also a characteristic feature. Consequently, it has particular design qualities that make a positive contribution to the locality, notwithstanding the fact it does not correspond with the general character of the buildings in the area.
9. The proposed scheme would largely infill the voids beneath the cantilevered overhangs and convert the existing garages to provide two flats. A fourth storey would be added with a mono-pitched roof form to provide two further flats. The existing brickwork would be externally insulated and clad with brick slips while dark grey powder coated steel would face the walls of the fourth storey and the vertical spaces above and below the main first and second floor windows. The existing white framed uPVC windows and what appear to be timber framed doors would also be replaced with new aluminium framed windows and doors in a dark grey colour.
10. The infilling at the ground floor level would eliminate the distinctive overhangs and the visibility of the ribbed underside of the concrete frame. While it is noted the location of the existing exposed concrete frame would be expressed in render as opposed to the brick slips, the intention that this would enable the structural form of the existing building to still be visually read would be unsuccessful. The minor recesses in the ground floor front elevation would similarly not convey the building's distinctive twentieth century design origins. Cumulatively, the extensions and external alterations would be so extensive that the building would appear as an entirely new modern construction within the street scene and the rendered sections would have no clear design purpose.

11. Although the site is adjacent to 13A Miles Road which like its neighbour at No 13 is a two-storey detached house, the appeal building is most clearly observed as standing between the taller characteristic semi-detached villas of 72 Pembroke Road and 12 Miles Road. In this context, the principle of adding a fourth storey to the building would not be harmful to the character and appearance of the area. However, the proposed mono-pitched roof would fail to respect the characteristic simple flat roof form of the building while stepping back the additional storey on three sides would disrupt its balanced and symmetrical form. The large expanse of grey steel walls would also be incongruous given the building's largely brick appearance.
12. While one of the recognised purposes of the scheme is to alter the existing aesthetic, the emergent aesthetic would be that of a new modern building with little architectural interest and having a form and external materials that would be unsympathetic to the character and distinctiveness of the area. Its overall poor design quality would be visually jarring within the locality.
13. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the building. It would also fail to preserve or enhance the character or appearance of the Whiteladies Road Conservation Area, and harm the setting of the Clifton and Hotwells Conservation Area. As such, it would conflict with Policies BCS21 and BCS22 of the Council's Core Strategy 2011 (CS), and Policies DM26, DM30 and DM31 of its Site Allocations and Development Management Policies 2014 (SADMP). Amongst other things, these policies seek to ensure extensions and alterations to existing buildings respect the form, proportions, materials, details and the overall design and character of the host building. Furthermore, they expect development to deliver high quality design and contribute positively to an area's character and identity, creating or reinforcing local distinctiveness, and to conserve and where appropriate enhance heritage assets or their setting. It would also conflict with sections 12 and 16 of the Framework which promote high quality development that makes a positive contribution to local character and distinctiveness, and the conservation of heritage assets.

Low carbon heating

14. The submitted Sustainability and Energy Statement (SES), has sought to demonstrate that the proposed four new flats would marginally exceed the requirement of Policy BCS14 of the CS that development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use by at least 20%.
15. However, the policy also specifies that new development is expected to demonstrate that the heating systems have been selected according to a six level heat hierarchy and the supporting text emphasises that the lowest carbon solution feasible for the development should be achieved.
16. The SES records that the preferred heating and hot water provision is from existing and proposed gas combi boilers, whilst also acknowledging that air source heat pumps could be considered at some point in the future. It is therefore apparent that gas combi boilers would not be the lowest carbon solution feasible.
17. Consequently, the proposed development would not make appropriate use of low carbon heating systems. As such, it would conflict with Policy BCS14, as

described above, as well as Policies BCS13 and BCS15 of the CS, which seek to ensure development contributes to both mitigating climate change and to meeting targets to reduce carbon dioxide emissions. It would also conflict with section 14 of the Framework which promotes the transition to a low carbon future in a changing climate.

Other Matters

18. Paragraph 202 of the Framework sets out that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 199 also sets out that great weight should be given to the conservation of designated heritage assets, irrespective of whether any potential harm is less than substantial.
19. The level of harm in this case would be less than substantial and the public benefits of the proposed scheme include the provision of four one bedroom dwellings in a sustainable location. There would also be economic benefits associated with the construction works and subsequent occupation of the dwellings, including spending at shops and services in the area. However, given the proposed scheme would only provide four additional dwellings, it would make a limited contribution to the housing supply and the local economy.
20. There would be investment in the fabric of the existing building, securing its optimum existing residential use in the long term and improving its thermal performance and energy efficiency. However, the scheme would also cause significant harm to the building's character and appearance while the gas boiler heating systems of the new flats would increase carbon dioxide emissions and contribute to climate change. The proposed scheme would reduce the amount of impermeable hard landscaping on the site and provide the opportunity for increased soft landscaping. However, the positive benefit to the existing drainage system and the biodiversity net gains would be fairly modest.
21. Consequently, even when taking account of the Government's objective of significantly boosting the supply of homes and the role of the construction industry in supporting economic growth, along with the acknowledged important contribution that small sites can make to meeting the housing requirement of an area, the cumulative public benefits of the proposed scheme only attract modest weight. Therefore, having regard to the great weight that should be given to the conservation of designated heritage assets, the public benefits do not outweigh the less than substantial harm to the significance of the Conservation Areas. The private benefits to the occupiers of the existing four flats in terms of cold and damp reduction similarly do not outweigh the significant harm to the character and appearance of the existing building and the Conservation Areas.
22. While the main parties have not clarified the Council's housing land supply situation, even if paragraph 11 d) of the Framework were to be engaged, the policies in the Framework which seek to protect designated heritage assets provide a clear reason for refusing the development and as such the presumption in favour of sustainable development would not apply.

Conclusion

23. The proposed development would conflict with the development plan as a whole and there are no material considerations, including relevant advice within the newly published Framework, which indicate that the decision should be made otherwise than in accordance with the development plan.
24. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

C J Ford

INSPECTOR