
Appeal Decision

Site Visit made on 19 July 2021 by B Phillips BSc MSc MRTPI

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2021

Appeal Ref: APP/Z0116/W/21/3275122

Brewhouse & Kitchen, 31-35 Cotham Hill, Cotham, Bristol BS6 6JY

- 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 Simon Bunn (B&K) against the decision of Bristol City Council.
 - The application Ref 20/06064/F, dated 9 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is the installation of new retractable to awning to existing beer garden opposite Brewhouse & Kitchen 31-35 Cotham Hill
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of new retractable to awning to existing beer garden opposite Brewhouse & Kitchen 31-35 Cotham Hill at Brewhouse & Kitchen, at 31-35 Cotham Hill, Cotham, Bristol BS6 6JY in accordance with the terms of the application, Ref 20/06064/F, dated 21 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: B&KHBRIST01 B, B&KHBRIST02 B, B&KHBRIST03 A, B&BKBRIST04 A.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. An awning of the same design is in place, and as such the application is partly retrospective. However, the plans illustrate that the awning will be moved slightly from its existing siting so that it would sit in line with the Hampton Park building line. I have considered the appeal on the basis of the plans considered by the Council for the proposed position of the awning as opposed to the structure in its present position.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.

Main Issue

5. The main issue in this case is the effect of the proposed awning on the character and appearance of the area and Whiteladies Road Conservation Area (CA).

Reasons for the Recommendation

6. The appeal site comprises of a small parcel of land, formerly a car park and now used as a pub garden area, located on the corner of Cotham Hill and Hampton Park. Hampton Park is mostly residential in nature; however, this part of Cotham Hill, within the Whiteladies Road Town Centre and Whiteladies Road South and Cotham Hill Primary Shopping Area, is a vibrant, busy commercial street, with numerous retail units, café's, restaurants and bars. The street scene is enlivened by on street seating and displays and at my time of visit this part of the street was blocked off for vehicular traffic to provide on street stalls.
7. The site is located within the Whiteladies Road CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. It is evident from the Council's Conservation Area Appraisal¹ that the wider significance of the CA lies with its special architectural and historic interest, with the original broad character of the area, made up of terraces and substantial villas, remaining intact. References to Cotham Hill are limited to commuter traffic/traffic management, inadequate pavements, however the appraisal does set out that generally the character of shopping streets in the Conservation Area has also been eroded by the installation of unsympathetic shop front fascias and illuminated signs.
8. The proposed awning would serve an established pub garden, surrounded by planters and located next to the four storey side elevation of a modern apartment building on Hampton Park, and the three storey side elevation of the Cotham Hill terrace, which is commercial on its ground floor. The pub garden makes good use of this corner space and contributes to the vitality and attractiveness of this commercial area. The awning, which will replace a number of removable umbrellas, would appear as a modest if robust, sympathetic addition that would sit comfortably in the context of the surrounding commercial shopfront awnings and substantial neighbouring buildings.
9. The awning would be set behind the planting surrounding the garden area and does not appear unduly prominent or bulky in its appearance, particularly having regard to its location, set between two substantial gable ends. Its thin black colour coated aluminium frame and canvas canopy would be appropriate to the surroundings, reflective of traditional canvas canopies seen elsewhere. Moreover, the structure would provide a sense of unity within the beer garden when compared to the previous approach of multiple retractable umbrellas.
10. In view of the above, the awning would be sensitively designed having regard to the surrounding context and therefore preserves the character and appearance of the wider CA. The development therefore complies with policies BCS21 and BCS22 of the Bristol City Council Core Strategy (2011) and Policies

¹ Provided in the form of an extract from the Bristol Local Plan

DM26, DM27, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) which collectively seek to ensure that development is not harmful and contributes positively to an areas character and identity, and that development proposals safeguard or enhance heritage assets in the city. Furthermore, the proposal complies with Section 16 of the Framework which seeks to give great weight to a heritage assets conservation, and the statutory test set out within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, there is no conflict with the advice given in the Whiteladies Road Character Enhancement Statement (1993).

Conditions

11. The Council has suggested the imposition of a condition relating to the start date of development, and in addition to requiring compliance with the application plans. Given the alteration from the awning in situ, I consider these to be necessary in the interest of clarity.
12. Given that the awning serves the existing pub garden, suggested conditions relating to the use of the garden are unnecessary, as the conditions imposed on planning permission 15/02329/F with regard to the garden management plan, operating hours, personal permission and the playing of music will continue to apply. A further condition requiring the awning to be retracted when Brewhouse and Kitchen is closed is not considered necessary, given the lack of visual harm I have found. A condition requiring materials to match the main building is unnecessary given the nature of the awning which is a stand-alone feature not designed to replicate adjacent buildings.

Conclusion and Recommendation

13. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the conditions set out above.

Chris Preston

INSPECTOR