



Appeal Decision

Site Visit made on 21 July 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/Z0116/W/21/3272958

Beaumont Court, Avonmouth Road, Bristol BS11 9FL

- 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 Anwar Saeed against the decision of Bristol City Council.
 - The application Ref 20/01757/F, dated 20 April 2020, was refused by notice dated 13 October 2020.
 - The development proposed is creation of additional apartments at third-floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new 2021 version of the National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision.

Main Issues

3. The main issues in this appeal are: (i) whether the proposed development would preserve the setting of the Grade II listed Bristol Tramways Co Depot (the tram depot); and (ii) whether it would be at risk of flooding.

Reasons

Setting of listed building

4. Beaumont Court is a part three, part four storey apartment building located behind the Avonmouth Road frontage and to the rear of a Grade II listed former tram depot. The appeal building is partially screened by the former tram depot building although its roof and upper floors can be seen to rise above it from Avonmouth Road and Collins Street to the south and south-east.
5. The appellant proposes an uplift in the level of accommodation at the appeal building through the introduction of two 2-bed apartments. This would necessitate an increase in the size of the property's fourth storey bringing the altered portion of the building closer to the rear elevation of the listed tram depot, located a short distance to the south.
6. Situated along the northern frontage of Avonmouth Road, the listed tram depot is an early 20th century, single storey building built in the Arts and Crafts style. It incorporates attractive traditional detailing that includes two decorative front gables, a turreted corner entrance with clock face above and rusticated entrance piers with alternate brick quoins. The building's special interest and

significance is derived largely from its distinctive design and the incorporation of attractive architectural details.

7. The surrounding built typology along this part of Avonmouth Road consists largely of three storey buildings. Although these are taller than the listed tram depot, they are separated from it, in the case of the buildings to the west and east, by access roads. The appeal property maintains a closer relationship to the listed tram depot's rear elevation. However, its position behind the listed building's primary façade combined with its predominantly shallow pitched roof does not appear dominant or rise unduly above it when viewed from Avonmouth Road. Therefore, the spaces around the listed building, along with the distances maintained by neighbouring buildings allow the architectural features of the listed tram depot, including its distinctive roof and clock tower to be understood and appreciated particularly from Avonmouth Road and its junction with Collins Street. Therefore, the listed building's setting, insofar as it relates to this appeal, contributes positively to its significance.
8. The increase in the appeal building's height and bulk along with the proposed horizontal projection along the existing roof would make it more visually prominent from Avonmouth Road and Collins Street. It would become an altogether larger building that would appear more dominant in the context of the listed tram depot's immediate backdrop, whilst also encroaching unsympathetically into the vertical space above and to the rear of the listed building. The consequence of the altered scale and physical proximity of the proposal would harmfully erode the sense of space around the listed asset, which in turn would be detrimental to its setting. Moreover, the proposed development's utilitarian form and metal cladding finish would visually jar against the more ornate and refined roof of the listed tram depot, whilst, at the same time, diminishing the way in which it would be understood and appreciated from Avonmouth Road and Collins Street. For these reasons, the proposed development would not conserve or enhance the setting of the listed building.
9. It is noted that the design of the proposal was amended during the application stage by changing the roof profile from a pitched to a hipped roof. This has reduced its overall mass somewhat, but the overall horizontal projection of the addition has remained unaltered, and I have found that this would unacceptably encroach into the setting of the listed tram depot.
10. The appellant's photomontages show visual perspectives of the proposed development's effect along the Avonmouth Road street frontage. The pictorial showing views from the west shows the proposed roof alteration encroaching into the vertical space directly behind the listed building's turreted clock face. From this perspective the proposal appears as a bland and strident backdrop against the listed building's ornate and distinctive roof to the detriment of its special character.
11. I acknowledge that there are other locations along Avonmouth Road where the proposal would appear less obvious in the context of the listed building, however, this would not overcome my concerns in relation to the listed building's setting, given the more appreciable views of the proposal I have referred to above.
12. Therefore, the proposal would result in residual harm to the setting and significance of the listed tram depot. It would therefore fail to preserve the

setting of the listed building contrary to the expectations of s66(1) of the Act¹. This harmful impact would also be contrary to Policies BCS21 and BCS22 of the Bristol Core Strategy (2011) (Core Strategy) and Policies DM30 and DM31 of the Site Allocations and Development Management Policies Local Plan (2014) (DMP). Collectively, these require, in part, that proposals have regard to their surroundings and the special character of listed buildings including their setting.

Risk of flooding

13. The appeal site is within Flood Zone 2 and there is a potential risk of flooding. In line with Policy BCS16 of the Core Strategy a separate sequential test (ST) should have accompanied the application. This was undertaken following the Council's determination and has accompanied the appeal. The ST has identified no alternative sites within the search area that would be of comparable value, size and above ground level, which might make a reasonable alternative to the proposal. The exceptions test that follows has identified wider sustainability benefits in the high environmental standards of the building in addition to measures outlined in the project Flood Risk Assessment (FRA) which would ensure that future occupiers would be safe for the lifetime of the building.
14. Where development is allowed in areas at risk of flooding, paragraph 165 of the Framework sets out certain matters that should be demonstrated so that it is safe for its lifetime. Management measures, including those to deal with any residual risks, are identified in the project FRA and could be secured if the development were to proceed.
15. Although the ST was not submitted with the application for the Council to assess, they have nevertheless had an opportunity to provide comments on it during the appeal process. In the absence of these, and in light of the ST's conclusions, I have no compelling reason to disagree with its findings. Moreover, as the appeal site partly comprises an existing apartment building where the intention is to build on top of the structure, rather than increasing its existing footprint, the proposal would be unlikely to result in any harmful residual effects on flooding.
16. In conclusion the proposal would not be at high risk of flooding and any risks are within acceptable limits given the safety measures that could be incorporated. As a result, the proposal would accord with Policy BCS16 of the Core Strategy and Paragraph 165 of the Framework.

Other Matters

17. The Council also refused the application on the grounds of unacceptable cycle parking provision. However, an amended layout drawing submitted before the application was determined shows that the additional spaces required can be incorporated on the site. I also note the exchange of correspondence between the main parties indicating that this matter could be 'conditioned out'. Whilst the amended layout may not meet the Council's exact standards, it is considered that changes to the spacing and specification of the cycle parking could be acceptably altered through a planning condition were I to allow this appeal, and I have no reason to disagree with the Council's suggestion in this regard.

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

Heritage and Planning Balance

18. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
19. The development would result in less than substantial harm to the setting of the Grade II listed former tram depot. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. There would be a minor public benefit through the provision of two additional market dwelling units, there would also be some minor environmental benefit derived from the proposed roof mounted solar panels. However, I must attach great importance and weight to the desirability of preserving the setting of the Grade II listed building. There are therefore no public benefits of sufficient weight to outweigh the less than substantial harm that would arise from the proposed dwelling on the setting of this heritage asset. The proposal would therefore be contrary to the Framework's policies concerning heritage assets, most particularly paragraphs 199, 200 and 202.
21. Given my findings, the harm incurred upon the heritage asset would not be outweighed by the minor public benefits. The development would therefore fail to satisfy the requirements of the Act, the Framework and the development plan.

Conclusion

22. Although there is no objection to the proposed development on the grounds of flood risk, the proposal fails to preserve the setting of the listed tram depot in a manner appropriate to its significance. Therefore, for the reasons given, the appeal should not succeed.

RE Jones

INSPECTOR