



Appeal Decisions

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal A Ref: APP/Z0116/W/21/3272684

Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT

- 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 Flynn against the decision of Bristol City Council.
 - The application Ref 20/03177/F, dated 12 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is single storey rear extension and garden landscaping.
-

Appeal B Ref: APP/Z0116/Y/21/3272686

Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Simon Flynn against the decision of Bristol City Council.
 - The application Ref 20/03178/LA, dated 18 July 2020, was refused by notice dated 2 December 2020.
 - The works proposed are rear extension, garden landscaping, minor structural works.
-

Decision – Appeal A

1. The appeal is allowed and planning permission is granted for single storey rear extension and garden landscaping, at Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT, in accordance with the terms of the application, Ref 20/03177/F, dated 12 August 2020, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for rear extension, garden landscaping, minor structural works, at Garden Flat, 15 Aberdeen Road, Bristol, BS6 6HT, in accordance with the terms of the application, Ref 20/03178/LA, dated 18 July 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs in relation to both appeals were made by Mr Simon Flynn against Bristol City Council. These applications are the subject of separate Decisions.

Preliminary Matters

4. The appeals relate to the same proposal under different legislation. Appeal A is made in respect of the planning application and Appeal B in respect of the listed building consent. I have considered each appeal on its own merits.

5. With regard to Appeal A I have used the Council's description of development as it is clearer than the description of the proposal on the application form.
6. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
7. A set of revised plans was submitted with the appeal. These were submitted to the Council by email dated 11 October 2020. This is the scheme that the appellant would like me to consider at appeal. However, these plans were not accepted by the Council and are not the plans referred to in its decisions. I am of the view that the proposal is so changed by the revised plans that if I were to take them into account it would deprive those who should have been consulted the opportunity to express their views. Therefore, I will base my assessment of the proposal on the plans originally submitted to the Council.

Main Issue

8. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as '3-15 Aberdeen Terrace and attached front garden walls and piers'.

Reasons

9. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The appeal property is the Garden Flat to No. 15 Aberdeen Road, which is at one end of a formal terrace of 13 houses dating from the late 1840s. The terrace is fronted in ashlar stone, with the middle three and two end houses projected forward, creating a strong sense of symmetry. The principal floors are elevated from the road and the whole terrace is set back to increase its high status appearance.
11. In contrast, the rear elevations are free of architectural ornamentation and have a more informal arrangement of openings with various rearward extensions. Although most are not visible from the appeal site evidence shows that these vary in size and form.
12. The significance of the terrace is primarily derived from the fine composition of its front façade, enhanced by the forward projection of individual dwellings, ornamentation and remaining historic fittings such as windows, doors and balconies. The hierarchy between the front and back of the building and the principal areas of accommodation and those areas built for ancillary service functions are also characteristics that contribute to the building's special interest.
13. The rear of No. 15 was altered significantly following the grant of permission in 1977 to remove rear linear extensions and re-order the rear façade by inserting new windows with a more regular vertical arrangement. Following this the area at the rear was excavated to expose the entirety of the rear wall of the basement level and connect it directly to the rear garden, which is for the

use of the garden flat. Based on the evidence before me and my observations on site I conclude that the special interest of this part of the rear façade of the terrace and the hierarchy between the low status basement area, the garden and the rest of the rear facade has already been significantly eroded by the work that was carried out in the 1970s.

14. However, despite this work, the garden level still rises as one moves back from the building. Therefore, the proposed extension would occupy a low level position that would sit beside side boundary walls. From most of the garden area, and particularly when viewed from the end of the garden and adjoining plots, one would look down onto the extension and its green roof. As such, although the extension would occupy a large footprint it would not be overly prominent. It would sit at a low level below the four upper stories. I am therefore satisfied that it would be appropriately subservient to the host building.
15. I note that the extension would not follow the linear form of other rear extensions, or the form of the removed extensions at No. 15. On the basis that the proposal would not be prominent to view and the rear of No. 15 has already been so significantly altered I am not convinced that a linear emphasis that follows the length of the plot is necessary.
16. The proposal includes horizontal bands cut into render which would extend back across the side of the existing building at basement level. I accept that this would be similar to the formal finish at the front of the terrace that is reserved for its principal floor. However, it would be a reference to this finish rather than an exact copy and would be applied to an area of the building that has already been heavily altered, where evidence of its function as an ancillary service space has been eroded.
17. In the context of the extension, this finish would read as part of the contemporary design approach and would work well with the division of the glazing and simple eaves arrangement. Where it would be applied to the side of the existing basement at a low level it would face across a narrow passage towards a stone boundary wall and would not be prominent to view. It would not be easily viewed in the context of the front of the building. For these reasons I am satisfied that the use of this finish would not be harmful.
18. The proposal also includes some internal changes. I note that the Council does not object to these, and based on the evidence before me I can see that the change would only relate to parts of the building that have already been altered and would thus not be harmful.
19. I have reviewed the guidance set out in the Council's Supplementary Planning Document 'a Guide for Designing House Alterations and Extensions'. The appeal building is 5 storeys high and the area at the rear of the garden flat is at a lower level than the rest of the garden, with a strong sense of containment afforded by the high boundary walls to either side. For these reasons I am satisfied that extending beyond the suggested limit of 3.5metres would not be harmful.
20. In summary, I am satisfied that the proposal would not cause harm to the significance of the listed building. It would thus preserve the special interest of the listed building, in accordance with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be

given to the conservation of heritage assets. It would also accord with Policies BCS21 and BCS22 of the Bristol Core Strategy 2011 and Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies 2014, which together seek to ensure that development proposals contribute positively to an area's character and safeguard heritage assets.

Other Matters

21. The site is within the Whiteladies Road Conservation Area. I have found that the extension would not cause harm to the significance of the listed building, which has included an assessment of views from the garden of the appeal site as well as consideration of the proposal's impact from the public realm and neighbouring gardens. With regard to Section 72 of the LBCA, I am satisfied that it would also preserve the character and appearance of the conservation area.

Conditions

22. I have had regard to the planning conditions suggested by the Council. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty. I have imposed conditions for the listed building consent to ensure that the proposal is appropriately detailed and finished to avoid causing harm to the special interest of the listed building.
23. The Council has suggested a condition relating to the use of paints. The majority of the works relate to a new extension, and for this element there is no need for paints to be vapour permeable. I have imposed a condition suggested by the Council that includes a reference to internal finishes, which would ensure that areas of making good within the historic parts of the building following the works would match existing finishes. On this basis I do not consider a further separate condition regarding paints to be necessary.
24. The Council has suggested a condition to remove permitted development rights to control the insertion of any further windows. I consider it unlikely that there would be a need to insert additional windows, given the significant areas of glazing incorporated into the proposal. Furthermore, the extension is to a flat, which has limited permitted development rights in any case, and it would be set down low within the garden where overlooking towards neighbouring dwellings would be difficult. For these reasons I do not consider this condition to be necessary.
25. A further condition has been suggested by the Council relating to the potential to use the roof as a balcony. The plans show that there would be no easy way to access the roof from the flat, and it would have a living green roof which would be difficult to use for such purposes. I am thus satisfied that this condition is also not necessary.

Conclusion

26. For the reasons above, appeal A and appeal B should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/Z0116/W/21/3272684

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan 00367794-CO87B1, DRG: AEC 2.0, DRG: AEC2.1, 1 Planar Section Pre 1977, 2 Planar Section Existing, 3 Planar Section Proposed, 4 Rear Elevation Pre 1977 Current and Proposed, 5 Side Elevation pre 1977, 6 Side Elevation Current, 7 Side Elevation Proposed, 8 Planar Section Zoning Existing and Proposed, 9 Planar Section Circulation Existing and Proposed, and 10 Planar Section Landscaping Existing and Proposed.

Appeal B Ref: APP/Z0116/Y/21/3272686

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Prior to the commencement of the relevant element, method statements for the following shall be submitted to the Local Planning Authority and approved in writing:
 - a) Proposed demolition and formation or widening of openings including details of all temporary structural support, the removal of fabric using appropriate hand tools, the installation of permanent structural supports and the subsequent making good.
 - b) The reduction of external ground levels adjacent to the existing boundary walls detailing the method and installation of any required structural support to maintain the integrity of the walls, both during the works and in perpetuity.
- 3) Prior to the commencement of the relevant element, the following detailed drawings shall be submitted to the Local Planning Authority and approved in writing:
 - a) 1:5 section details and 1:10 elevation details of all proposed new windows, showing materials, profiles, frames, mouldings, glazing bars, glazing and fabric connections at head, cill and reveals.
 - b) 1:5 section details of all new doors, showing all materials, profiles, frames, mouldings, panelling, glazing, panels, and fabric connections at head, threshold, and reveals.
 - c) 1:5 section detail of the proposed eaves.
 - d) details to an appropriate scale showing all proposed new external vents and flues.
- 4) Prior to the commencement of the relevant element, materials samples of the following shall be made available to the Local Planning Authority and approved in writing, and shall include details of colour, texture, and finish:
 - a) Lime render for the rear extension,
 - b) roof finishes,
 - c) rainwater goods, and
 - d) external hard landscaping materials.