



Appeal Decision

Site visit made on 11 January 2022

by Oliver Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2022.

Appeal Ref: APP/Z0116/D/21/3286628

38 Victoria Park, Fishponds, Bristol, BS16 2HJ

- 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 Matt Esch against the decision of Bristol City Council.
 - The application Ref 21/02099/H, dated 14 April 2021, was refused by notice dated 20 September 2021.
 - The development proposed is loft conversion to provide additional bedroom and bathroom; new dormer and rooflights to rear elevation; new rooflights to front elevation
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Decision

1. The appeal is allowed and planning permission is granted for proposed loft conversion to provide additional bedroom and bathroom; new dormer and rooflights to rear elevation; and new rooflights to front elevation, at 38 Victoria Park, Fishponds, Bristol, BS16 2HJ in accordance with the terms of the application, Ref 21/02099/H, dated 14 April 2021, and the plans submitted with it, 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: 2107/Site A, 2107/P02, 2107/P03B, 2107/P11B, 2107/P12B and 2107/P13A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing slight changes to the position of proposed rooflights on the rear elevation. Given the small nature of the change, I do not consider that the interests of any party would be prejudiced if I take these amended plans (2107/P03B and 11B) into account. I also note in this respect that the Council's concern with the proposal centred on the proposed new dormer, as opposed to rooflights. I shall therefore determine the appeal and application for planning permission based on the amended plans.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the Stapleton and Frome Valley Conservation Area (CA) within which it sits.

Reasons

4. The CA includes much of the urban suburb of Fishponds, which has a mix of architectural styles and building types, including many attractive Edwardian terraced houses laid out in a tight-knit form. Number 38 Victoria Park is one such house and contributes positively to the CA's character and appearance because of its detailing, including its attractive front stone bay and timber sash windows, and the mono-pitch form of its two-storey rear projection.
5. The proposed dormer would be on the rear of the house and partially screened by the existing two-storey projection, but would be visible from some public viewpoints, including from Oldbury Court Road (within the CA) and its junction with Symington Road.
6. The Council considers that the character of the area has not been compromised by big dormer extensions. The appellant has drawn my attention to a number of dormers in the local area, including two with consent at 22 College Road and 840 Fishponds Road. The background to these cases has been provided to me.
7. Like the appeal proposal, the Council considers that the dormer at 22 College Road is a harmful deviation from the standard pattern, because of its form and size. I note also that 840 Fishponds Road gives the appearance of two separate dormers, in contrast to the single structure proposed at the appeal site. I saw all the examples referred to, and others, on my site visit.
8. From my visit and the evidence before me, I found dormers to be reasonably common in the area, but rear twin dormers are less common, and vary in their form. Attached twin dormers with an M-shape gable, as proposed here, are rare.
9. That said, I have considered the appeal proposal on its own merits. The dormer would be set back from the eaves and below the ridge line. The dormer's proportions would reflect the vertical emphasis of the host property because of the narrow width of each 'half' of the dormer, its overall size relative to the roof, and the position and size of the windows within the dormer. Its scale and position would leave sufficient space within the roof plane for it to sit comfortably. As a result, the dormer would be subservient to the dwelling and its massing would not appear oversized, excessive or dominant.
10. In terms of materials, a white render facia is proposed for the dormer, set against the darker tiles of the main roof. I saw that many dormers in the area use finishes that contrast with those of the main roof. Render is a feature of the area and I consider that the proposed materials would not result in the dormer appearing harmful.
11. The proposed rooflights to the front and rear elevations are of a reasonably small size and while they would introduce some aspects of clutter to the roofscape, they would be fully subservient to the overall property and would not appear out of place within the surrounding area.

12. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. For the reasons given above, I find that the proposal would have a neutral effect on the significance of the designated heritage asset and would therefore preserve the character and appearance of the CA as a whole. It would not therefore set an undesirable precedent and I conclude that the proposal would not have an adverse effect on the character and appearance of the area, including upon the Stapleton and Frome Valley Conservation Area (CA).
13. The proposal would comply with Bristol Development Framework Core Strategy Policies BCS21 and BCS22 (adopted June 2011), Site Allocation and Development Management Plan policies DM26, DM30 and DM31 (adopted July 2014), and adopted Supplementary Planning Guidance SPD2 A Guide for Designing House Alterations and Extensions (October 2005). These policies all require that development proposals safeguard heritage assets and that they constitute high quality design which respects the form of the host building and the area's character and distinctiveness.

Conditions

14. The Council has supplied a list of conditions, which I have assessed having regard to the advice provided in the Planning Practice Guidance (PPG). I agree that conditions relating to a time limit for commencement and adherence to plans are necessary. To safeguard the character and appearance of the area, a condition is also necessary to ensure that the materials used shall match those on the existing building.

Conclusion

15. For the reasons given above, and having considered the development plan as a whole, I conclude that the appeal should succeed.

Oliver Marigold

INSPECTOR