



Appeal Decision

Site Visit made on 14 September 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/Z0116/D/21/3278347

5 Prospect Terrace, Bedminster, Bristol BS3 3BQ

- 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 William Thwaites against the decision of Bristol City Council.
 - The application Ref 21/00672/H, dated 8 February 2021, was refused by notice dated 11 May 2021.
 - The development proposed is the replacement of existing roof with a mansard style roof to provide a new bedroom and bathroom at second floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I have asked for further comments from the main parties and have received comments from the appellant, I have taken these into account in coming to my decision.
3. The appellant has submitted amended plans with the appeal. Briefly, and amongst other things, they comprise retaining the 'V' shape roof feature and replicating original elements. This is partially in response to the Council's reasons for refusal.
4. Whilst the changes, on their face, are not extensive, they do represent a noticeable departure from the scheme that the Council considered. Furthermore, there has been no public consultation on these amended plans, so for me to accept them could prejudice third parties from commenting on them.
5. Having regard to the procedure guide¹, planning appeals should not be used to amend a scheme and any plans submitted should be those that the Council considered at the time they determined the planning application. I have not therefore taken the amended plans into account in making my decision.

Main Issues

6. The main issues are as follows;
 - The effect of the proposed development on the character and appearance of the area and host dwelling with particular regard to the Bedminster Conservation Area; and

¹ The Planning Inspectorate Procedural Guide – Planning Appeals – England (March 2021)

- The effect of the proposed development the living conditions of No 29 Sion Road, with particular regard to overlooking.

Reasons

Character and appearance and Conservation Area

7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the conservation area. The appeal site is located within the Bedminster Conservation Area (CA) and within the British Road Character Area of the CA. This character area is described as having a strong residential character defined by a dense urban grain and consistent, narrow, plot rhythm contributing to the significance of the wider CA.
8. The appeal building is a two-storey terraced dwelling. The property forms part of a visually cohesive group of terraced dwellings, No's 1-7, which are characterised by their distinctive butterfly roofs and parapet walls with distinctive rendered front façades. Whilst other butterfly roofs in the area have been altered, the original butterfly roof along Prospect Terrace remains. For these reasons, this group contributes very positively to the character and appearance of the street scene and the CA.
9. The mansard roof extension would be set behind, but project above, the existing parapet wall and would slope away from the front façade. However, as butterfly roofs are an established feature of this terraced group, the proposed mansard would appear as an incongruous and discordant element that would undermine its unified appearance. This element of the proposal would detract from the visual cohesion of the group to the detriment of the local townscape. Moreover, from my site visit I noted that it would be visible within public views from the surrounding area and the proposed roof extension would appear as a particularly prominent and unsympathetic addition. As such, due to its height, scale, form and design, the proposed roof extension would cause unacceptable harm to the character and appearance of the site and surrounding area.
10. The appellant refers to several examples of approved mansard roof extensions within their evidence. These broadly relate to the development of similar structures along Hebron Road. It would appear from the submission that a precedent dating back to at least 2014 had been set along that street for mansard roof extensions. I do not have full details that led to these proposals being accepted and I have determined the appeal on its own merits. Though this demonstrates that mansards are not uncommon in the city, they are not characteristic of Nos 1-7 Prospect Terrace specifically and so the introduction of one would appear inharmonious.
11. I note that support is given in the Framework for upward development. Nonetheless, I have found that the proposal would not do so in a manner that would respond positively to the character or appearance of the site or the surrounding area.
12. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In weighing the public benefits of the proposal against the harm identified, the appellant has suggested that the proposal is a high-quality development and provides additional living space for the occupiers. I

have already found harm with regard to the design of the proposed development. With regards to additional living space, whilst this would improve the space for the current occupiers, this would be a personal rather than public benefit.

13. I conclude that the proposed development, due to its height, scale, form and design, would harm the character and appearance of the building and surrounding area. Furthermore, the proposal would not preserve the character and appearance of the CA. I find in relation to paragraph 202 of the Framework that whilst the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm.
14. The proposal would therefore conflict with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) (CS), Policies DM26, DM30 and DM31 of the Bristol Local Plan Site Allocation and Development Management Policies (2014) (LP), the guidance contained within the Bedminster Conservation Area Character Appraisal (2015) and the Guide for Designing House Alterations and Extensions Supplementary Planning Document (2005) (SPD). These seek together, amongst other things, to ensure that development contributes positively to an area's character, reinforcing local distinctiveness. The appeal scheme would also be contrary to paragraph 130 and 199 of the Framework that seeks good design sympathetic to local character and that great weight is given to a heritage asset's conservation.

Living conditions

15. Concerns have been raised regarding the effect of the proposed development on the living conditions of neighbouring occupiers in terms of privacy.
16. The dwellings along Prospect Terrace run perpendicular to those along Sion Road, as such there is a degree of mutual overlooking between neighbouring properties. In terms of privacy, the bedroom window in the proposed mansard would overlook No 49 Sion Road and the windows in the rear elevation would also be affected. However, this property already experiences direct overlooking from the existing first floor bedroom windows and in this context, I do not consider that the additional window proposed at second floor level would result in significant harm.
17. Accordingly, the proposal would have an acceptable effect upon the living conditions of neighbouring occupiers. This would be compliant with Policy BCS21 of the CS, Policy DM30 of the LP and the guidance contained within the SPD which seek, amongst other things, to ensure that development safeguards the amenity of existing development and neighbouring occupiers. The proposed development would also comply with paragraph 130 of the Framework which seeks high standards of amenity for existing users.

Conclusion

18. Notwithstanding this, because of the proposed mansard roof extension's harmful effects on the character and appearance of the host dwelling and local area for the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant considerations, the appeal should be dismissed.

Tamsin Law

INSPECTOR