



Appeal Decision

Site visit made on 1 February 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/Z0116/D/21/3289823

1 Albermarle Terrace, Hotwells, Bristol BS8 4NA

- 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 Dr Harry Dymond against the decision of Bristol City Council.
 - The application Ref 21/02569/H, dated 7 May 2021, was refused by notice dated 5 October 2021.
 - The development proposed is glass roof and enclosure to light well to existing basement.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is within the Clifton and Hotwells Conservation Area, and Haberfield House is a grade II listed building. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area, and to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the local area, having particular regard to the extent to which it would preserve or enhance the character or appearance of the conservation area and whether it would preserve the setting of a listed building.

Reasons

4. 1 Albermarle Terrace (No 1) is an end-of-terrace house positioned within a mostly residential area within the Clifton and Hotwells Conservation Area. A defining characteristic of the Hotwells character area is the steepness of the hillside, and the presence of residential terraces, which together gives the Hotwells area a unique appearance.
5. In addition to the striking topography and the numerous rows of terraced housing, the conservation area is also characterised by the high-quality of its historic buildings. The terraces have individual identities deriving from their styles, with the repeated use of traditional materials and rich architectural detailing, giving the area a high-quality cohesion. This and the close relationship of the front of the houses to the streets creates a distinctly unique

identity to the area, and one that has been informed by the steep nature of the topography and the desire to achieve views. The unique, striking, high-quality nature of the residential development and its relationship to the topography are all part of the significance of the conservation area.

6. Next to No 1 is Haberfield House. This is a grade II listed building, and under the requirements of the Act I am obliged to consider whether the proposals would preserve the setting of this listed building, and any features of special architectural or historic interest which it possesses. I note from the listing that Haberfield House is one of Bristol's finest group of almshouses, and from my site inspection I observed that this imposing, detached, brick and slate roofed building creates a commanding presence within the area due to its size, its fine architectural detailing, and its position low down on the hillside within spacious grounds. The rear yard and gardens of this building are bounded by Joy Hill, and like many of the other properties in the area, Haberfield House is set down below the level of this road. This positioning not only enhances the imposing nature of the listed building, but the retaining walls to the road and the flank walls of No 1 create a deliberate and defined demarcation to the property which is part of the importance of its setting.
7. The appeal property is at one end of a terraced row of houses that front onto Joy Hill, with their lower floors being below the street. This terrace with its use of brick and Bath stone dressings compliments the materials found in the neighbouring Haberfield House. Of particular note within the terrace are the wide, full height bay windows, with the lower one being below street level. In addition, the repeated house forms of the houses within the terrace along with their architectural detailing and materials, harmonises with the historic high-quality buildings nearby, including Haberfield House.
8. Albermarle Terrace is set back from the public footway, and this and the steep topography of the area has allowed the creation of lightwells to the lower floors of the terrace. Bridges over the lightwells provide access to the front doors, with walls and metal railings delineating both the bridges and the public footway. In a similar way, Haberfield House is also set down below the level of Joy Hill, with a rear yard and garden separating it from the retaining wall of the road. Not only does the appeal property and the terrace of which it forms part contribute to the richly detailed and attractive historic appearance of the area, but the presence of the lightwells is a characteristic and practical response to the topography and one that is a feature of the area. As such the appeal property makes a positive contribution to the character and appearance of the conservation area, with the flank wall and lightwell of No 1 being part of the setting of Haberfield House.
9. The enclosure of the lightwell would comprise a glass roof and sides supported upon slim metal sections, thereby creating a room between the front wall of the basement and the undercroft. The materials of the extension have been carefully considered so as to have a light-weight visual impact. Notwithstanding that the roof would be below the level of the public footway, the steep sloping nature of Joy Hill combined with No 1 being at one end of the terrace, would allow the room to be visible from the public realm.
10. Even though mostly constructed of glass, both the roof and the side panel would be visible, particularly so when walking uphill towards No 1. The glass would have a reflective appearance that would harmfully catch the eye. Given

the position of the room upon the front of the house it would have an incongruous appearance within the street scene. Whilst glass is already present upon the front of the house, its use is primarily within the traditional context of windows. Moreover, the positioning of the roof would have a clumsy relationship with the stone detailing that is a distinctive element of the house and the terrace. Rather than respecting this detailing, the extension would harmfully interrupt it. Despite its modest size, the glazed appearance of the extension would be at harmful odds with the traditional style and repeated, rhythmic frontage of the appeal terrace.

11. The lightwells of Albermarle Terrace are not identical in size, with that of No 1 being the largest. They are used for a variety of purposes, including as outdoor seating, garden areas, and for storage. Whilst there is some local support for the proposal, none of the other lightwells have been glazed nor roofed to the extent proposed by the appeal scheme. Furthermore, the end-of-terrace position of No 1 is such that none of the other properties in the terrace have the same degree of prominence within the street scene.
12. The positional relationship of Haberfield House with Joy Hill and the flank wall of No 1 is such that these tall walls form a prominently defined and abrupt high boundary to the rear yard and garden of Haberfield House. The traditional form and materials of No 1 harmonise with those in the listed building, and given this harmony, the introduction of the glazed extension would harmfully disrupt this cohesion as well as unacceptably draw the eye. Even though the extension would comprise a small addition to the setting of the listed building, its form, materials, and its elevated position would harmfully intrude into the essentially historic setting of this building.
13. Examples of other glazed extensions have been provided by the appellant. However, from the evidence provided these do not form a direct comparison to the appeal situation, particularly as the context for both additions are very different. Whilst that at 36 Tyndalls Park Road is within a conservation area, from the evidence before me this has a very different character and appearance to the context of the appeal property. In addition, the extension provides a link between two buildings, one of which appears to be of a contemporary style. Given these differences and having regard to the unique nature of the Clifton and Hotwells Conservation Area, neither example forms a binding precedent for approving the appeal scheme.
14. The National Planning Policy Framework (the Framework) requires that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the harm amounts to substantial or less than substantial to its significance. Any harm or loss to the significance requires clear and convincing justification.
15. In this case the harm to the conservation area and the setting of a listed building would be less than substantial, given the size of the extension relative to that of the conservation area and the setting. Notwithstanding this, less than substantial harm does not necessarily equate with less than substantial planning objection, especially where the statutory expectations of the Act have not been met.
16. The appellant has referred to the lightwell being damp and causing damp within the house, and that the construction of the extension would improve the

insulation and the energy efficiency of the property. However, whether the extension would be the only solution to resolve the damp problems experienced has not been demonstrated. The provision of an enclosed space would be a personal benefit for the occupiers of the property and if the energy efficiency of the building was improved by the scheme this would be a small public benefit with regard to measures to reduce climate change. Nevertheless, the limited public benefits arising from the scheme would not outweigh the harm I have found to the conservation area and the setting of the listed building.

17. Thus, the scheme would neither preserve nor enhance the character or appearance of the conservation area nor preserve the setting of a listed building. This would be contrary to the requirements of Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS), Policies DM26, DM27, and DM30 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) (DMP), and the guidance in the Clifton and Hotwells Conservation Area Character Appraisal and Management Proposals (2010) and that within the Supplementary Planning Document A Guide for Designing House Alterations and Extensions (2005). These seek amongst other things high quality development that positively contributes to an area's local character and distinctiveness, thereby reflecting objectives of the Framework.
18. Although not referred to in the decision notice, in the Council's officer report reference is made to DMP Policy DM31, and this policy requires that development preserves or enhances elements that contribute to the special character and appearance of conservation areas, and that development should not have an adverse impact on the setting of a listed building. In addition, the appellant has drawn my attention to CS Policy BCS13. This policy and other objectives of the Framework seek development that mitigates and adapts to climate change. Whilst noting the policies drawn to my attention by the appellant, it is the case that the Framework and other policies within the CS and DMP, including Policy DM31, also seek to preserve or enhance the built and historic environment. For the reasons given above I do not consider the works accord with these policies.

Conclusions

19. The works would neither preserve or enhance the character and appearance of the conservation area, and would fail to preserve the setting of a listed building. The limited public benefit would not outweigh this harm. The scheme would conflict with the development plan taken as a whole, and there are no considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR