
Appeal Decisions

Site visit made on 14 March 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal A: APP/Z0116/W/21/3280068

4 Ivywell Road, Sneyd Park, Bristol BS9 1NX

- 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 Andrew Eaton against the decision of Bristol City Council.
 - The application Ref 20/05442/H, dated 13 November 2020, was refused by notice dated 28 May 2021.
 - The development proposed is described as window replacement, new lower ground floor light well and alterations to lower ground floor rooms.
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Appeal B: APP/Z0116/Y/21/3280070

4 Ivywell Road, Sneyd Park, Bristol BS9 1NX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Andrew Eaton against the decision of Bristol City Council.
 - The application Ref 20/05443/LA, dated 13 November 2020, was refused by notice dated 28 May 2021.
 - The works proposed are described as window replacement, new lower ground floor light well and alterations to lower ground floor rooms.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. An application for costs in relation to both appeals was made by Mr Andrew Eaton against Bristol City Council. This application is the subject of a separate Decision.
4. The Council made its decision on the basis of amended plans. The appellant has however requested that the original plans are also considered as part of the appeal. The main differences between these plans lies in the location of the external stair, and the extent of excavation to the rear. The Council has made no response to this suggestion. However, as its objections to the scheme as originally proposed are known, I am satisfied that no prejudice would arise through my consideration of both sets of plans.

Main Issue

5. The main issue is whether the scheme would preserve the special interest of a Grade II listed building.

Reasons

6. 4 Ivywell Road, together with 3 Ivywell Road and the attached front garden walls, piers and gates, is a Grade II listed building, and thus a designated heritage asset. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
7. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in its mid C19th date, its Gothic revival style which features an 'exceptional' picturesque composition which was further elaborated during the later C19th, and its distinctive use of materials. Though semi-detached, Nos 3 and 4 do not form an identical pair, and the differences between them contribute interest to the overall composition.
8. It is apparent that the dwellings were designed to provide a positive relationship between the main living accommodation and the garden setting to the rear. This is indicated in the arrangement of the accommodation, its outlook, and the narrow lightwells provided for service rooms on the lower ground floor. Here a change in the quality of stonework signals the extent of past screening. A conservatory set on a plinth formed over rooms below also once existed at No 4. Though the conservatory itself is no longer present, components of the related fabric survive, or have been renewed since, and continue to connect the house to the garden. In this regard the steps between the plinth and the garden are modern replacements and differ in design to the original steps. They nonetheless occupy the same central position and provide a similarly direct means of connection.
9. The scheme would entail replacement/reconfiguration of the plinth, the steps and rooms below, coupled with excavation to form a patio at lower ground floor level. This would inevitably result in some minor loss of historic plan form and fabric, albeit the latter would not include the steps from the plinth.
10. In both iterations of the scheme set before me the reconfiguration of the rear lightwell would also open a sizeable gulf between upper floors and the garden beyond. This would in turn more greatly expose the lower ground floor than was either intended within the original design, or previously occurred as a result of unsympathetic works undertaken in 2004. The gap would be starkly emphasised through its bridging by an elongated stepped metal access, quite dissimilar in character and dimension to any stair which appears to have existed previously. The above would obscure appreciation of the hierarchical nature of the original building design, including its relationship with its garden setting. The adverse effects would be increased by loss of the historic point of external access from the lower ground floor into the garden, and by the proposed treatment of the external faces of the structure beneath the plinth. The latter, as detailed on the plans, would not reflect the finish seen on the back wall of the dwelling.
11. It is suggested that the scheme would create a more traditional lightwell. However, though yard spaces can sometimes be found at basement/lower ground floor level to the rear of urban terraces of typical 'Georgian' type, the historic/design context in question differs. Whilst the scheme would also see an incongruous flight of modern stairs added in 2004 removed, any benefit would be cancelled out by the harmful impact of the works this would facilitate.

12. Works to provide a large patio at lower ground floor level have previously been approved at No 3. The effects are not identical given that, as established above, the design of No 3 differs from that of No 4. The works undertaken at No 3 otherwise help to illustrate the incongruous effect that the proposed lower ground floor patio would have at No 4, and the disconnection this would cause between upper floors and the garden. I therefore see no reason why the previous modification of No 3 should be taken to indicate that the adverse effects of the scheme both on No 4, and to the listed building as a whole, should be considered acceptable.
13. The scheme also includes the installation of aluminium framed double glazed doors within existing and new openings at ground and lower ground floor levels. As I have not been provided with any detailed drawings of these doors, a full assessment is not possible. Nonetheless, doors of this type do not currently exist at No 4, and are clearly not a historic feature of the building design. In this regard the proposed doors would be of clearly modern character, and quite unlike the historic metal framed single glazed casements fitted to the bay windows. The resulting incongruity would be accentuated in the case of the door serving the plinth by its fitting within a timber architrave. Again, the fact that doors of this type have been recently approved at No 3 does not make them any more appropriate.
14. The existing historic timber double doors serving the plinth would be displaced. As these were originally an internal feature related to the conservatory, their design is at odds with that of other windows and doors within the rear elevation. They do however hold evidential and historic value in this context, which would be diminished by relocation, even if the fabric itself would be preserved. Moreover, I have again been provided with no detailed drawings showing the works necessary to facilitate relocation, or the intended outcome.
15. The scheme has been promoted in relation to the alleviation of dampness. However, I have been provided with no detailed assessment which specifically describes and identifies the nature of damp, its causes, and which confirms that the proposed works represent the only and/or most sensitive means of remedy. In the absence of such evidence, I cannot be satisfied that undertaking the proposed works would in fact provide any such benefit to the building fabric.
16. The appellant states that the works would be reversible. Exactly what the suggested process of reversal would entail, and how it would address loss of historic integrity, is unclear. Moreover, in the absence of any clear timetable or certainty that reversal would ever take place, I can attach no weight to this claim.
17. The works would affect the rear and would not be readily viewed from within the public domain. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
18. Some more minor items of work included within the scheme have not drawn any objection from the Council. My findings above nonetheless indicate that the scheme would, as a whole, fail to preserve the special interest of the listed building, contrary to the expectations of the Act. The harm caused to the significance of the listed building would be less than substantial, and I attach great weight to this harm. In accordance with paragraph 202 of the Framework

it is necessary to balance this harm against the public benefits advanced in favour of the scheme.

19. Insofar as the scheme has been promoted in relation to safeguarding the historic building fabric, I have considered this matter above. In view of my findings, I can attach no weight to this consideration.
20. The appellant states that the scheme would secure the optimum viable use of the building. However, though No 4 passed through a period a neglect in the past, I have been provided with no reason to believe that its continued occupation and future maintenance is dependent on the proposed works. The works would otherwise serve to deliver modifications considered desirable by the appellant, and any related benefits would thus be private in nature. I cannot therefore attach any weight to such benefits.
21. Fitting the proposed double glazed doors and windows would reduce heat loss. Even if setting aside consideration of embodied energy, the likely saving would be very small, and I have not been provided with any evidence that similar improvements could not be delivered by alternative, less harmful means. The broader environmental benefits would otherwise be at best negligible.
22. Implementation of the scheme would generate work for whoever was contracted to undertake it. The benefits to the broader economy would again be negligible. As such, and insofar as the public benefits of the scheme attract negligible weight, these would be insufficient to outweigh the harm that would be caused.
23. For the reasons set out above I conclude that the scheme would fail to preserve the special interest of the listed building. In relation to Appeal A, and insofar as it is relevant to Appeal B, it would therefore conflict with Policies DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 (the DMP) and Policy BCS22 of the Bristol Development Framework Core Strategy 2011, which similarly seek to secure development that conserves or enhances heritage assets; and Policy DM30 of the DMP, which states that extensions and alterations will be expected to respect the scale, form, materials, details and the overall design and character of the host building, and to retain traditional or distinctive architectural features and fabric. In relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Other Matters

24. The site is located within The Downs Conservation Area (the Conservation Area). Insofar as it is relevant to these appeals the significance of the Conservation Area resides in the C19th parkland and the broadly contemporary adjacent development it contains, and the relationship between. This includes the group of large C19th dwellings of which the listed building forms a part. The listed building as such makes a positive contribution to the significance of the Conservation Area.
25. As has been noted above, the works would not be visible from within the public realm and would have limited visibility from outside the plot itself. The Conservation Area is however a sum of both its public and private parts. In causing harm to the significance of the listed building which would be capable of being perceived from spaces within it, the scheme would also harm the

contribution that the listed building makes to the significance of the Conservation Area as a whole. The harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight.

26. I am mindful of the fact that the effect of the scheme on the Conservation Area was not a reason for refusal of either application, and that my findings differ from those of the Council. However, and notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeals, this does not alter the outcome of my findings in relation to paragraph 202 of the Framework as set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act, the Framework, and the development plan, does not alter the outcome of my conclusion in relation to the main issue. As such, this matter is not determinative of the outcome of the appeals. I am therefore satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

27. The scheme would cause unacceptable harm to the listed building, and in relation to Appeal A, would thus conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR