



Appeal Decision

Site visit made on 7 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2022

Appeal Ref: APP/Z0116/W/22/3297962

Tower House, Fairfax Street, Bristol BS1 3BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Oval Properties 1101 Limited against the decision of Bristol City Council.
 - The application Ref 22/00672/COND, dated 3 February 2022, sought approval of details pursuant to condition No 13 of a planning permission Ref 20/0802/F, granted on 30 October 2020.
 - The application was refused by notice dated 15 March 2022.
 - The development proposed is change of use of part of existing car park, yoga studio and health clinic to offices/retail. Creation of new reception area onto Pithay Court, extension of the podium, creation of external terrace at 3rd and 4th floor together with additional office space, relocation of existing plant building and external alterations including installation of new windows and respray of panels.
 - The details for which approval is sought are: Details of external lighting scheme.
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Decision

1. The appeal is allowed and the external lighting scheme details submitted pursuant to condition No 13 attached to planning permission Ref 20/0802/F granted on 30 October 2020, in accordance with the application reference number 22/00672/COND, dated 3 February 2022 and the plans submitted with it are approved.

Preliminary Matters and Main Issue

2. Planning permission reference number 20/0802/F allows the change of use and various alterations to the appeal property. The permission is subject to condition number 13, which requires the details of an external lighting scheme to be submitted to and approved by the local planning authority. The appellant has sought the required approval but the details subject of this appeal have been refused by the Council.
3. The submitted plans show external lighting on all elevations of the building. However, the external lighting details for the north, east and west elevations have already been approved by the Council under a previous application. The Council's concerns relate solely to the external lighting around the proposed main entrance on the southern elevation. I find no reason to disagree with the Council on the acceptability of the details of the other proposed lighting. As such, my assessment relates solely to the proposed external lighting around the main entrance.

4. Given the Council's refusal reasons, the main issue is the visual effect of the lighting scheme, particularly in regard to its effect on the City and Queen Square Conservation Area (the CA). In my assessment, I have had regard to the regulatory requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.

Reasons

5. The CA covers the medieval core of Bristol. The appeal property lies within the CA and towards its northern boundary. The CA's significance derives from its older buildings and street layouts, which illustrate the city's history and development.
6. The appeal property is a multi-storey tower block that originates from the second half of the 20th century. It is of a design typical of its time. The City and Queen Square Character Appraisal recognises that 20th century buildings in the northern part of the CA do not add to its character. In line with this comment, the appeal building makes no obvious contribution to the historic or aesthetic significance of the area. Instead, the heritage interest of this part of the CA lies with the retention of the historic street layout with smaller roads linking with larger highways. The appeal building lies away from the main roads of Wine Street and Union Street on the narrower back lanes of The Pithay, Pithay Court and Fairfax Street.
7. Due to the building's position behind tall buildings, the main entrance lighting would not be easily seen from Wine Street, although there would be sight of a small part of it when standing at the road junction with The Pithay. The lighting would come fully into view as you approach the building down The Pithay and it would be visible from parts of Pithay Court and Tower Lane as well as from adjacent private properties. Even so, views of the lighting would be restricted and so it would have only a limited effect on the appearance of the CA.
8. Moreover, the proposed strip lighting would reflect the more modern style of Tower House and the Programme Business Centre on the opposite side of The Pithay. It would have no effect on any older buildings nor on the contribution the historic street layout makes to the significance of this part of the CA.
9. Furthermore, an external lighting scheme for the main entrance has already been approved under the aforementioned previous application. This includes 2 lines of horizontal strip lighting over the entrance and terrace area above. The only difference with the current proposal would be the inclusion of vertical lighting strips on either side of the entrance. This minor addition would have no significant effect on the appearance of the appeal property, even at times of darkness. Also, it would have no meaningful impact on the visual qualities of the wider CA, particularly given the limited viewpoints of the building's southern side.
10. For these reasons, the proposed lighting would not appear excessive. Instead, I conclude the lighting scheme would have no harmful visual effect and that it would preserve the character and appearance of the CA. Therefore, the appeal should be allowed.

Jonathan Edwards

INSPECTOR