
Appeal Decision

Site visit made on 13 October 2022

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2022

Appeal Ref: APP/Z0116/D/22/3303897

13 Wellington Park, Clifton, Bristol BS8 2UR

- 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 and Mrs Richard & Amy Goodall against the decision of Bristol City Council.
 - The application Ref 21/06800/H, dated 20 December 2021, was refused by notice dated 13 June 2022.
 - The development proposed is described as 'Improvement to existing forecourt area and installation of permeable paving'.
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Decision

1. The appeal is allowed and planning permission is granted for improvement to existing forecourt area and installation of permeable paving at 13 Wellington Park, Clifton, Bristol BS8 2UR in accordance with the terms of the application, Ref 21/06800/H, dated 20 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan PL 10, Plan – Proposed PL 22, Front Elevation & Section – Proposed PL 23, Materials details relating to railings and paving contained within Appeal Statement (HEAL Planning) and Appendix 1 to that statement (email from appellant dated 12/04/22).
 - 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.

Main Issue

2. The main issue in this case is whether the proposal preserves or enhances the character or appearance of the Whiteladies Road Conservation Area.

Reasons

3. Whiteladies Road Conservation Area (the CA) is, as its name suggests, based upon Whiteladies Road, a busy arterial route heading towards Bristol city centre to the south. The CA is a reasonably large one and the character of the CA varies between differing parts, although materials of Bathstone and Brandon Hill rubble/stone provide a unifying feature throughout the CA.

Reasonably substantial levels of mature landscaping are also a feature of the CA, particularly within the residential streets spread either side of Whiteladies Road.

4. Wellington Park lies towards the northern end of the CA and is primarily a residential street, with the majority of housing consisting of rendered pairs of semi-detached dwellings. No 13 Wellington Park constitutes the left-hand side of one such pair of dwellings and is a fairly substantial property with a distinctive castellated ground floor and basement square bay window, a feature the property shares with its neighbour, No 15 Wellington Park. There is a sunken lightwell and planter area in front of the basement bay window. The front garden of the property consists of a concreted area for car parking on the left-hand side, with a small lawned area to the right, bordered by a rubble stone boundary wall topped with railings and Bathstone pillars on either side of the drive. The boundary between the two paired properties is denoted by a small dwarf wall and short close boarded fence.
5. The proposal seeks to remove the lawn and block pave the front garden area, including over the semi-recessed planter area in front of the lightwell. Perimeter planting would be installed along the southwest corner of the site. While the front boundary wall and railings are redolent of the wider area, in general the fairly simple and functional front garden of the property does not contribute significantly to the character and appearance of the host property or the wider area. The proposal would retain the boundary wall and the loss of the small lawned area with a uniform block paving across the front area would not cause harm to the property, the neighbouring house, or to the character or appearance of the CA.
6. The Council raise concerns over the loss of the front lightwell. However, on inspection of the plans, it is clear that the lightwell would be retained following the proposal. What would be removed is a section to the front of the lightwell which is effectively a sunken planter. While this would remove a small feature of the current property and break some aspects of symmetry with the neighbouring house, I do not consider that this would be sufficient to cause harm to the character or appearance of No 13, the streetscene, or to the wider CA. The uniform block paving and integrated planting within the scheme would, in a small way, contribute to the area's character and deliver an attractive built environment.
7. The reason for refusal makes reference to the health of a protected tree on the left-hand side of the site. However, during my site visit there was no such tree present. Evidence submitted for the appeal shows that permission was granted to fell this tree in May 2022, with a replacement tree to be planted in the next available planting season. The proposed plans detail a planting area where such a tree can be planted.
8. The Council Officer's report refers to a CA Character Appraisal which states that "the loss of attractive front gardens and trees to hardstanding for cars will be resisted". There is dispute over the relevance of this appraisal and if it does in fact comprise a character appraisal at all. However, notwithstanding this I do not consider that the proposal would constitute the loss of an attractive front garden. The proposed perimeter planting would, in time, contribute to the existing levels of mature landscaping that help to soften the character of the CA and contribute to its appearance.

9. A range of other similar examples in the local area have been submitted by the appellant, although I note that the legality of some of these schemes is disputed by the Council. I have treated this case on its own merits.
10. I therefore conclude that the proposal would not harm the character or appearance of the Whiteladies Road Conservation Area. The proposed development would comply with policy BSC21 of the Core Strategy¹ and policies DM26, DM27 and DM30 of the Site Allocations and Development Management document², which, when read together, state that new development should deliver and contribute to high quality urban design which contributes positively to an area's character and responds to the character of the context in which it is to be set. Alterations to existing buildings will be expected to respect the details and overall design and character of the host buildings, its curtilage and the broader street scene and proposals will not be permitted where they would be harmful to local character or distinctiveness.

Conditions and Conclusion

11. I have imposed standard conditions relating to compliance with plans and time for implementation, in the interests of certainty. Within the plans conditions I have included the Appellant's appeal statement, which includes details of proposed railings and paving. As suggested by the Council have suggested a condition is imposed to ensure that the materials to be used in construction match those in the existing building in the interests of the character and appearance of the area.
12. I have concluded that the proposal would not harm the character or appearance of the Whiteladies Road Conservation Area. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

¹ Bristol Development Framework Core Strategy, June 2011

² Bristol Local Plan Site Allocation and Development Management Policies, July 2014