



Appeal Decision

Site visit made on 25 April 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/Z0116/W/22/3312827

All Saints Court, All Saints Road, Clifton, Bristol BS8 2JE

- 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 P Vallance against the decision of Bristol City Council.
- The application Ref 22/03443/F, dated 11 July 2022, was refused by notice dated 20 September 2022.
- The development proposed is erection of an additional floor creating two additional flats.

Decision

1. The appeal is allowed and planning permission is granted for erection of an additional floor creating two additional flats at All Saints Court, Clifton, Bristol BS8 2JE in accordance with the terms of the application, Ref 22/03443/F, dated 11 July 2022, subject to the conditions set out in the Annex attached to this decision.

Preliminary Matter

2. I note that submitted elevation plans were miss-annotated with east and west elevation labels being transposed. Amended plans have been submitted only so far as to correct this matter and the Council have had opportunity to comment. Consequently, no party would be prejudiced by my consideration of the amended plans within this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building, and the Whiteladies Road and Clifton & Hotwells Conservation Areas.

Reasons

4. The appeal site is within the Whiteladies Road Conservation Area (WRCA), and adjacent the Clifton & Hotwells Conservation Area (CHCA), the boundary of which is located to the southwest. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
5. I observed that the predominant form of buildings within the vicinity of the appeal site is that of tall semi-detached villas, with typical materials being stone and render. The scale of the properties, set behind roadside boundary

walls, architectural quality, and mature planting within gardens make a major contribution to the significance of the Conservation Areas.

6. All Saints Court is located on a corner plot between All Saints Road and Miles Road, and is notable for its 20th century architecture featuring a flat roof and cantilevered overhang brick elevations. The building therefore clearly departs from the prevailing character of surrounding buildings in appearance and form. Furthermore, although three storeys and being adjacent two-storey detached houses within Miles Road, the existing building is of a noticeably lower height than the predominant period villas in the vicinity.
7. From my observations of the area, I see no reason to disagree with the findings of both the Council and the appellant's Heritage Impact Assessment (HIA) that the existing building is a neutral element within the WRCA, therefore has a neutral effect on the significance of the WRCA, as well as the setting of the CHCA.
8. A previous appeal decision at the appeal site has been cited by the main parties, although the decision letter, or full details of the case have not been provided to me. Notwithstanding, it has been put to me that the previous Inspector stated the principle of adding a further storey to the building would not be harmful to the character and appearance of the area and the current proposal has been developed in accordance with the previous Inspectors comments. I note that the Council agree with the previous Inspector that the area can accommodate some increased height at the site, to which I concur.
9. The proposal seeks to create two additional flats by way of the erection of an additional storey. The proposal would replicate the existing fenestration detail, and therefore retain the strong symmetry of the existing building. The proposal also retains the flat roof simple form of the building, as well as the cantilevered elevations. The additional storey would however depart from the existing predominant brick walling, and feature render colour matched to the existing cantilever details. Projecting string courses are also proposed, delineating the junction between existing brick, and proposed render, with the string course being repeated at window head and roof level coping stone.
10. I acknowledge that the proposal would inevitably increase the prominence of the building, the overall existing form of which I have identified departs from the prevailing character of the area. However, given that the existing building appears noticeably lower than the taller surrounding villas, and notwithstanding the adjacent two-storey dwellings, the proposal would not appear uncharacteristic of the scale of built form in the area. Furthermore, the proposal would not harm the existing distinctive architectural detail of the building, its symmetry or, given the existing truncated form, result in a building that appears out of proportion or balance.
11. Although concerns have been raised in relation to materials, those proposed are in evidence elsewhere on the building, and in the wider area. The use of render and a brick string course, would successfully delineate the proposed additional storey, retaining the legibility of the original structure, while also providing continuity with the existing cantilevers and concrete ribbing.
12. Overall, for the reasons given above, I find that the proposal would not erode the existing architectural features which contributes to the appearance of the building. Despite increased prominence, the building would retain the overall

character of the existing building and would not visually compete with the surrounding period villas. Thereby, the host building would remain as a neutral building in the WRCA, not resulting in any harm to the significance of either WRCA or CHCA.

13. As such, the development would not have a harmful effect on the character and appearance of the building, and would preserve the character or appearance of the WRCA and CHCA. Consequently, the proposal would accord with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy 2011, and policies DM26, DM30 and DM31 of the Sites Allocations and Development Management Policies Local Plan 2014. These policies seek, amongst other things, to ensure alterations to existing buildings respect the form, proportions, materials, details and overall design and character of the host building. Furthermore, the policies expect development to be of high quality, contributing to an area's character and identity, as well as conserving and where appropriate enhancing heritage assets and their setting.
14. The proposal would also accord with Sections 12 and 16 of the National Planning Policy Framework (Framework) which promotes high quality development, and the conservation of heritage assets. Although of some age, and referring to a superseded policy context, there would also be no conflict with the principles of guidance provided within the Whiteladies Road Conservation Area Enhancement Statement (1993), or the Clifton & Hotwells Conservation Area Character Appraisal & Management Proposals (2010).

Other Matters

15. As well as the main issue, interested parties have raised a broad range of additional concerns through the planning application process, a number of which are not shared by the Council. Matters raised include impact on neighbouring occupiers living conditions, vehicular parking and bin and cycle storage, impacts on the adjacent tree, impacts on climate change and sustainability of the proposal, the use of gas boilers, compliance with building regulations, and the existing condition of the building.
16. With regard to the effect of the proposal on living conditions, including concerns relating to overshadowing, overlooking and overbearing impacts, the Council in their Officer report has given detailed reasons to demonstrate why harm would not arise to neighbouring or future occupiers living conditions. Given the spatial relationship and separation distances between the proposed development and existing dwellings, and subject to the imposition of a condition in relation to obscure, restricted opening glazing, I have no compelling reason to come to a different conclusion.
17. Any disturbance during the construction period would be short-term and could be mitigated by careful construction management. This is capable of being controlled by condition.
18. Two further flats at the appeal site would not result in significant additional vehicular movements and the proposed development makes provision for off-road parking and accords with the Council's minimum cycle parking standards and maximum car parking standards. I acknowledge comments regarding the parking provision including potential overspill parking, however I note no objections have been provided by the Council's Transport Development Management Team, subject to the imposition of conditions. I have no

substantive evidence that the proposal would result in any significant highway issues or find any reason to disagree with the Council's assessment.

19. The Council raise no concern with regards bin and recycling storage, impacts on the adjacent tree, and the sustainability credentials of the proposal. The bin and recycling storage is of sufficient size, and although I note concerns regarding its location, the enclosed nature of the storage would limit any impact on neighbouring occupiers. Given the nature of the proposal not increasing the footprint of the building, and noting the submitted tree protection plan, I have no substantive evidence that the proposal would detrimentally impact on the adjacent tree. Planning conditions can be imposed to ensure that the proposal incorporates energy efficiency measures, renewable energy and sustainable design principles.
20. The future phasing out of gas boilers and compliance with Building Regulations is a differing legislative regime. This together with concerns regarding the past maintenance of the building are not matters before me within this appeal.

Planning Balance

21. The Council have stated within their Officer Report that the most recent Housing Delivery Test result demonstrates that the Council has not delivered the level of housing required by the application of the standard method over the previous three years. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development, and that, under criterion 11d), planning permission should be granted unless: i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. While the appeal site lies within a conservation area, application of the associated policies within the Framework do not provide a clear reason for refusing the development.
23. Although the contribution of two flats is modest, the Framework indicates that small and medium sized sites can make an important contribution in delivering homes and that the development of windfall sites should be supported. The proposal would entail the more efficient use of previously developed urban land for housing.
24. Furthermore, there would be short-term economic benefits during the construction phase, and future occupiers would contribute to the local economy and be likely to use and support local services and facilities in the long term.
25. There would be clear benefits arising from the proposal, although these are modest given the scale of the proposal. I have however identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I have found that the proposal complies with the development plan and the relevant policies appear to be broadly consistent with the Framework.

Conditions

26. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance.
27. A condition regarding the approved plans is required to provide certainty and conditions relating to a construction method statement, swept pathing, vehicle parking and cycle storage are required in the interests of highway safety and to ensure provision of adequate sustainable modes of transport. A condition is required to ensure sufficient refuse storage is available to protect the character and appearance of the area, however the requirement to only store such materials in these facilities, as well as controlling when material is placed out for collection, is overly onerous and I have not included this.
28. In order to safeguard neighbouring occupiers living conditions, conditions relating to a Construction Environmental Management Plan and securing obscure glazing are necessary. Further conditions are necessary to secure on-site renewable energy sources and energy efficiency measure, in the interests of reducing carbon emissions.
29. To maintain the character and appearance of the area, conditions are necessary to ensure external finishes and work match the existing where relevant, and further details of the glazed elements are provided to the Council.

Conclusion

30. For the reasons given, the proposal complies with the development plan, read as a whole. No material considerations have been shown to have sufficient weight as to warrant a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

S Harrington

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed site plans and elevations;
 - Proposed elevations;
 - Proposed floor plans;
 - Proposed site plans and elevations (Carparking, bin store & cycle store);
 - Existing proposed sections (Miles Road);
 - Existing proposed sections (All Saints Road);
 - 200110-ASC-TPP-Rev A-NB (Tree protection fencing).
- 3) No development shall take place, including any demolition works, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition/construction period. The statement shall provide for:
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- 4) No development shall take place until a site-specific Construction Environment Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The Construction Environmental Management Plan should also include but is not limited to reference to the following:
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 1300 Hours on Saturdays and at no time on Sundays and Bank Holidays.

- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - Procedures for emergency deviation of the agreed working hours;
 - Control measures for dust and other air-borne pollutants;
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - Procedures for maintaining good public relations including complaint management;
 - Public consultation and liaison.
- 5) The development hereby permitted shall not be occupied until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, the facilities shall be retained for this purpose in perpetuity.
- 6) The development hereby permitted shall not be occupied until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
- 7) The development hereby permitted shall not be occupied until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.
- 8) The development hereby permitted shall not be occupied until the third floor windows to the north and west elevations have been fitted with obscured glazing, and restrictions to opening up to 20 degrees. Details of the type of obscured glazing and opening restrictions shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing and opening restrictions shall be retained thereafter.
- 9) Prior to the commencement of the relevant part of the works hereby approved, details of the renewable energy technology (including the exact location, dimensions, design/appearance, noise levels and any noise mitigation measures and technical specification) together with calculation of energy generation and associated CO2 emissions to achieve the reduction on residual emissions from renewable energy in line with the approved 'Sustainability Statement' and 'Energy Strategy' prepared by Fenton Energy dated 08 September 2022 should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to the occupation of the residential units and thereafter retained in perpetuity.

- 10)The development hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority that the solar PV system has been installed as approved, including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate. A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by the percentage shown in the approved 'Sustainability Statement' and 'Energy Strategy' prepared by Fenton Energy dated 08 September 2022 must also be submitted to and approved in writing by the Local Planning Authority.
- 11)Prior to occupation of the development hereby permitted, the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the approved 'Sustainability Statement' and 'Energy Strategy' prepared by Fenton Energy dated 08 September 2022.
- 12)Detailed drawings of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.
- glazed elements (at a scale of 1:10);
 - swept pathing.
- 13)All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

End of Conditions