



Appeal Decision

Site visit made on 13 June 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/Z0116/W/23/3314702

2-10 Hanover Place, Hotwells, Bristol BS1 6XT

- 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 LiveWest against the decision of Bristol City Council.
 - The application Ref 21/05358/F, dated 1 October 2021, was refused by notice dated 18 July 2022.
 - The development proposed is window replacement works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the City Docks Conservation Area and the effect of the proposal on the setting of a nearby listed building and a locally listed building.

Reasons

3. The appeal site comprises a row of terraced properties. I have no reason to doubt the appellant's evidence that they were built in the mid-1990s. However, given their careful design, use of traditional materials, and architectural design features, including clay tiled mansard and ridged roofs, a curved bay feature above an entrance door, Georgian style entrances and the use of timber sash windows, the properties appear as a coherent group of buildings with a uniformity of design features that due to their scale, form and materials make a positive contribution to the character and overall sense of place of the CA.
4. The appeal site is located within the City Docks Conservation Area (CA). From my observations and the City Docks Conservation Area Character Appraisal (CACA), the significance of the CA derives from the impressive mix of land uses and building types which retain a good balance of domestic, commercial, and industrial accommodation adjoining the harbour that gives the CA its interesting character. The appeal site is located in an area which has an interesting mix of land uses, with residential properties being two to four storeys arranged in terraces.
5. The appellant considers that as the CACA does not constitute SPD and is about ten years old it should be given limited weight. However, having visited the CA, I consider it helpful in informing my own judgment on the significance of the CA and I have had regard to it on that basis.

6. That said, as the properties on the appeal site were constructed in the mid-1990s, I accept that the CACA may have incorrectly identified some of the buildings on the appeal site as being early Victorian. I also accept that given the age of the properties they do not have any particularly special historic interest in their own right. However, given my findings above about the positive contribution the existing buildings on the appeal site make to the CA, it does not seem unreasonable that the CACA has identified them as Character Buildings which are buildings that make a positive contribution to the overall character and sense of place of the CA. This is also consistent with the appellant's heritage impact assessment (HIA) which found that the existing buildings on the appeal site make a positive contribution to the character and appearance of the CA through their traditional modest artisan appearance and their likely resemblance (at least in scale and form) to the historic dwellings that once stood on their site.
7. No 129 Cumberland Road (No 129) is a part two/three storey listed building that is located on the corner of Hanover Place and Cumberland Road. The front two storey element is older than the rear three storey part and has an Italianate style. The components of significance of the listed building relevant to this appeal derive from the historic construction, scale and materials. Of particular significance is the use of some traditional timber sash windows on the elevation of the two storey part of the building that fronts Hanover Place.
8. There is a locally listed old industrial building/warehouse located at the other end of Hanover Place (Hanover Place warehouse) opposite the appeal site. The significance of this building derives from its use of traditional stone materials, its scale and its historic interest as a warehouse linked to Bristol's port.
9. The buildings on the appeal site make a positive contribution to the setting of the listed building at No 129 and the locally listed Hanover Place warehouse due to their careful design, use of traditional materials, including timber sash windows and architectural design features as outlined above. They are also likely to be similar physically in form and scale to the historic appearance of the original properties on the site. Again, this finding is consistent with the appellant's HIA, albeit they consider that the positive contribution is slight whereas as outlined, I consider the contribution to be more significant than that.
10. The proposal would involve the replacement of all the timber windows with uPVC replacements. Although, I agree with the appellant that some of the attic windows appear to be uPVC, due to their position they are barely perceptible in the street scene. Whereas, the existing timber sash windows, being an integral element of the carefully designed existing buildings on the appeal site contribute to the significance of the CA. Although to a certain extent the replacement windows would try to replicate the existing windows and would include glazing bars, visually the difference would be harmfully discernible as the frames would be thicker. Further, typically uPVC windows maintain a uniform manufactured finish that would lack the more natural appearance of the existing timber windows and consequently the proposal would appear harmfully out of place in this sensitive location.
11. I have taken account of the mix of window materials, including uPVC used on other buildings in the area. However, these other examples are predominantly on different streets, such as Sydney Row and so the context is materially

different. In any event, the existence of these other examples does not justify development that would harm the character and appearance of the CA. Similarly, the absence of any mention in the CACA that uPVC is a negative material or a threat to the significance of the CA, does not mean that the harm I have identified can be justified.

12. The appellant has drawn my attention to properties at 31 and 32 Sydney Road where planning permission has been granted by the Council for replacement windows. However, it is clear from the information provided that the replacement windows in that case were for the same material as existing, i.e., replacing uPVC windows with uPVC windows and therefore the circumstances are materially different. I have also taken account of the appeal decisions that have been provided by the appellant. However, it is clear from reading these that they do not involve the same area, or even the same CA so again the circumstances are materially different. Therefore, these other examples do not justify harmful development at the appeal site.
13. I therefore conclude that the proposal would not preserve or enhance the character or appearance of the CA and would harm the setting of both the listed building at No 129 and the locally listed Hanover Place warehouse. This would lead to harm to the significance of heritage assets. Therefore, the development does not comply with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy adopted June 2011 (BDFCS) and Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies Local Plan adopted July 2014 (SADMPLP).
14. Amongst other matters these policies seek to deliver high quality urban design that contributes positively to an area's character, reinforces local distinctiveness, reflects locally characteristic architectural styles, retain or reinstate traditional or distinctive architectural features and fabric. Further, development will be expected to preserve or enhance the character or appearance of a CA and development within the vicinity of a historic building both nationally and locally listed will be expected to have no adverse impact on their setting.
15. In addition, the proposal would be at odds with guidance in the National Planning Policy Framework (Framework) which seeks to ensure that heritage assets should be conserved in an appropriate manner. The proposal would also not comply with the guidance contained in Supplementary Planning Document Number 2 – A guide for designing house alterations and extension, October 2015 which encourages good design and amongst other matters advises that alterations should be in character with the host property and the surrounding neighbourhood.
16. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified. In this case I consider that the harm to the significance of the heritage assets is less than substantial and in such a situation the Framework also sets out that this harm should be weighed against the public benefits of the proposal.
17. The appellant has highlighted health, energy efficiency, sound proofing and more effective future maintenance as reasons to justify the replacement windows. I accept that the existing windows are in a poor state of repair, and this could cause some of the issues identified by the appellant to exist such as condensation and mould, high heating costs and lack of sound proofing. The

proposal would also be easier to maintain than the existing windows. However, I have limited evidence before me to demonstrate that these concerns could not be addressed, or the optimum viable use of the building could not be met through different options with appropriately designed windows.

18. Further, even if I were persuaded that the issues identified by the appellant could not be satisfactorily addressed by appropriately designed replacement windows, I am not satisfied that the issues identified by the appellant would be of a nature or scale to be of benefit to the public at large. Rather, the benefits would be restricted to the appellant as a registered social landlord and the private interests of their tenants. As a result, there are no public benefits before me that would outweigh the identified harm to the heritage assets.

Conclusion

19. For the reasons given above, the proposal would not preserve or enhance the character or appearance of the CA and would harm the setting of both the listed building at No 129 and the locally listed Hanover Place warehouse. Overall, having taken account of all matters raised, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including adequate public benefits which indicate that the decision should be made otherwise in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR