



Appeal Decision

Site visit made on 14 August 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/Z0116/W/23/3318672

1 Eastfield Road, Cotham, Bristol BS6 6AA

- 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 FPC Build Ltd against the decision of Bristol City Council.
 - The application Ref 22/03665/F, dated 25 July 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as a 'proposed extension and alterations to existing end of terrace house to form seven no. one bedroom self-contained flats and one no. two bedroom self-contained flat over four floors'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended drawings were submitted with the appeal which provided two options for air source heat pumps (ASHP), one incorporating the ASHP within or behind louvred panels incorporated into the glazing of windows on 1st and 2nd floors, and one showing the ASHP sited within the garden space at the front and rear of the property and on the valley gutter of the roof.
3. I have considered the revised plan under the principles established by the Courts in *Wheatcroft*¹. The amended drawings have not been the subject of consultation, and in my view, they materially amend the proposal, particularly given the importance of the impact of the proposal on the character and appearance of the building and surroundings. The appeal process should not be used to evolve a scheme. Therefore, were I to accept them then that may prejudice the interests of interested parties. Consequently, I have determined the appeal on the basis of the scheme considered by the Council.

Main Issues

4. The main issues are:
 - effect of the proposed development on the character and appearance of the Cotham and Redland Conservation Area (CA); and
 - whether the proposed development would demonstrably mitigate its impact on climate change.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

Reasons

Character and Appearance

5. The appeal site is located within the Cotham and Redland CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The Cotham and Redland Character Appraisal & Management Proposals (2011) (CAMP) sets out that that the CA is a large, principally residential area, characterised by a high-quality Victorian townscape within a sloping topography and leafy context. The significance of the CA as a heritage asset is, in part, derived from the various scales and forms of period properties, the spacing in between, along with a rich landscape quality and verdant character.
6. The appeal property is an end of terrace unit. Whilst the existing property is at present unkempt, the terrace is generally high quality and consistent in its design. There is a consistent architectural rhythm on the eastern side of Eastfield Road, with an evident vertical emphasis and general consistency of fenestration pattern, materials, widths and roof form. Despite some minor differences in finish and window placement and extensive alterations to the rear, I consider that the characterful coherence and architectural harmony of the terrace frontage, including the appeal building, make a positive contribution to the surrounding area and to this part of the CA.
7. Indeed, I note that the appeal property, along with its neighbouring properties, are identified within the CAMP as a 'Character Building'. The CAMP describes this area of the CA as characterised by *'pitched roofs, variation in style from neo-Classical to late Victorian Baroque, paired round head sash windows, stone detailing and painted bargeboards.'*
8. In addition, given its corner location, the property is prominent from Cotham Brow, and is also visible from the nearby Redland Road, Arley Hill and Cotham Brow junction. The properties surrounding these junctions are set back from the highway, giving both junctions an open character.
9. The element of the proposed extension directly next to the existing building would follow the existing roofline rhythm and include fenestration that would match the pattern set along the terrace. However, the corner element of the extension, incorporating a pitched roof that appears narrower than the existing roof, appears squeezed into the corner of the plot, and would relate poorly to the remainder of the terrace frontage. The angled corner facing fenestration would also sit awkwardly and prominently detract from the existing building and the balanced and harmonious wider terrace.
10. The proposed extension would infill the corner of the plot towards Cotham Brow. The set back to Eastfield Road would be retained and some planting to this frontage would be incorporated. In addition, the existing structure projects some 1m from this boundary and the end of the extension would be chamfered. I further acknowledge the examples provided by the appellant of Victorian terraces that abut the pavement. However, the proposed built form, sat on the Cotham Brow boundary, would, particularly when viewed from the south along Cotham Bow and from the Redland Road, Arley Hill and Cotham Brow junction, add a massing on the corner that would enclose the existing open character of this junction to its detriment.

11. The appellant points to numerous examples of corner infills within the CA. However, the CAMP identifies unsympathetic infill and new development as one of the negative features in the CA. Whilst some examples sit comfortably within the street scene, a number of the additions are unsympathetic, and the original character of the CA has been eroded to a degree. Nevertheless, I consider that it is important to the area's character to avoid further alterations that would be detrimental.
12. For the above reasons, I therefore find that the proposed development would neither preserve nor enhance the character or appearance of the Cotham and Redland CA. It would not accord with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011), and Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies (2014), insofar as these collectively seek to ensure that development is not harmful and contributes positively to an area's character and identity, and that development proposals safeguard or enhance heritage assets in the city. These policies are consistent with the design and heritage protection policies of the Framework, which, amongst other things, requires development be sympathetic to local character and that heritage assets are conserved.

Low carbon heating

13. The submitted Sustainability Statement and Energy Strategy² (SSES) has sought to demonstrate that the proposed new flats would marginally exceed the requirement of Policy BCS14 of the CS that development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use by at least 20%.
14. However, the policy also specifies that new development is expected to demonstrate that the heating systems have been selected according to a six level heat hierarchy and the supporting text emphasises that the lowest carbon solution feasible for the development should be achieved.
15. The SSES records that all the space heating and water heating will be provided by combi gas boilers. It is stated that ASHP were discounted due to their potential external visual impact. As stated above, amended drawings were submitted however illustrating two options for ASHP.
16. It is therefore apparent that gas combi boilers would not be the lowest carbon solution feasible. Consequently, the proposed development would not make appropriate use of low carbon heating systems. As such, it would conflict with Policy BCS14, as described above, which seeks to ensure development contributes to both mitigating climate change and to meeting targets to reduce carbon dioxide emissions. It would also conflict with section 14 of the Framework which promotes the transition to a low carbon future in a changing climate.

Other Matters

17. Given the localised impact of the development the harm it would cause to the significance of the CA is considered to be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) makes it clear that in such circumstances, this harm should be weighed against the public benefits of the development.

² By As Built Testing, dated 20/6/22

18. The proposal would result in 8 units of accommodation which would contribute to addressing the Government's broader objective of significantly boosting the supply of homes. As 1-2 bed dwellings, the proposal, would contribute to the housing mix and supply in a location with good access to services and facilities.
19. There would also be short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new units over. However, given the quantum of development in this case, I give this matter limited weight.
20. I note that the existing condition of the site is very poor both internally and externally. Examples of fly tipping provided by the appellant, and the redevelopment or improvement of the site would be welcomed, as would the reinstatement of a high-quality boundary wall and additional landscaping. I note letters of support for the proposal in this regard. However, it has not been demonstrated that an extension is necessary for the improvement of the existing site nor that a more suitable and less visually intrusive design would not achieve the same. As such, this benefit attracts modest weight.
21. I therefore find that the sum of wider public benefits associated with the appeal scheme would not outweigh the less than substantial harm to the significance of the CA as a designated heritage asset, to which I attach great weight as required by paragraph 199 of the Framework. In addition, I have found that the proposed development would not demonstrably mitigate its impact on climate change, to which I also give significant weight.
22. The Council accept that it is unable to demonstrate a five year housing land supply. The appellant puts this figure currently at 3.7 years, a significant shortfall, which the Council does not dispute. However, with regard to paragraph 11d)i of the Framework, the policies in the Framework which seek to protect designated heritage assets provide a clear reason for refusing the development and as such the presumption in favour of sustainable development would not apply.

Conclusion

23. The proposed development would conflict with the development plan as a whole and there are no material considerations, which indicate that the decision should be made otherwise than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

B Phillips

INSPECTOR