



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: 30th August 2023

Appeal Ref: APP/Z0116/W/23/3318159

The Mechanics Arms, 123 Clouds Hill Road, St George, Bristol BS5 7LH

- 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 T Hallard against the decision of Bristol City Council.
 - The application Ref P22/02099F, dated 27 April 2022, was refused by notice dated 15 December 2022.
 - The development proposed is described as the 'adapting the Mechanics Arms public house to six modern apartments.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the development upon the social well-being of the local community;
 - the effect of the development on the living conditions of occupiers of existing properties, with regard to privacy and outlook;
 - whether the proposal provides adequate living conditions for future occupiers with respect to outlook, light, access, refuse storage and cycle parking provision; and
 - the effect of the development on the character and appearance of the existing building and surrounding area.

Reasons

Protection of community facilities

3. The appeal site comprises of a public house, known as the Mechanics Arms, a two/three storey end of terrace building with a basement, and a residential unit on the upper floors.
4. The development plan and the National Planning Policy Framework (the Framework) recognise the important role public houses can have in helping to support the social well-being of communities. Policy DM6 of the Site Allocations and Development Management Policies (2014) (DMP) deals specifically with the subject of public houses. It makes clear that the loss of established public houses will not be permitted unless it is demonstrated that the pub is no longer economically viable, or that a diverse range of public house provision exists within the locality.

5. Further detail on what is required to comply with DMP Policy DM6 is set out in the practice note 'Public Houses Practice Note' (October 2022). I acknowledge that this was introduced during the consideration of the application by the Council, however, it provides useful detail on how to comply with the existing adopted policy, rather than introduce new policy. In any case, I must determine the appeal on the basis of the currently adopted policy and guidance.
6. The submitted information sets out that the public house has been closed for a 'substantial amount of time' but does not specify a timeframe. The Council put this as at least since September 2021, which the appellant does not dispute.
7. A marketing note¹ has been submitted which sets out that the property has been marketed since September 2021, with 3 offers received, 2 of which were based on the possible conversion of the property. This represents a timeframe of 6-7 months when submitted. This does not meet the at least 18 months marketing requirements of the practice note.
8. The appellant has provided a statement of accounts from 2010 – 2016, which show periods of loss and periods of modest profit. The practice note also asks for evidence of attempts to improve the public house, details regarding the valuation and information regarding attempts to diversify. These are not provided.
9. I note that the appellant points to high level of crime and that food and draught alcohol are not options. However, this is not substantiated and as such I cannot give this any weight. As such, the proposal has not demonstrated that the pub is no longer economically viable in accordance with DMP Policy DM6.
10. With regards to the range of public house provision within the locality, the appellant has pointed to '*a diverse range of alternative pub provision provided in the locality*', and that other no public house community facilities are available within 800m.
11. Other than a screenshot of (presumably) google maps, and a list of community facilities within the wider Clouds Hill Road area, a map or schedule, noting the location of all public houses within approximately 10-minute walking distance and any barriers to movement, as set out in the practice note, is not provided. In addition, the practice note calls for information regarding the nature of the diverse range of the nearby public houses, and whether they would provide an alternative provision for the needs of the community that made use of the public house that would be lost. This is also not provided.
12. Whilst the details set out in the practice note are recommendations, it provides useful context to what is expected to be provided to meet the requirements of DMP Policy DM6. In the absence of this information, it has not been demonstrated that a diverse range of public house provision exists within the locality. As such, neither condition of DMP Policy DM6 has been met.
13. I therefore conclude that it has not been demonstrated that the facilities offered by The Mechanics Arms do not need to be retained to serve the needs of the local community. There is therefore conflict with the protection of community facilities goals of Policy BCS12 of the Bristol Core Strategy (2011) (CS) and DMP Policies DM5 and DM6. These policies are consistent with the

¹ By Fleurets, dated 22 April 2022

promoting healthy and safe communities goals of the Framework, which requires policies and decisions to guard against the unnecessary loss of valued facilities.

14. The appellant references CS Policy BCS2, which relates to Bristol City Centre. The Council set out that the appeal site is not located within the designated City Centre. There is no information before me to dispute this.

Living conditions for neighbouring units

15. The proposal includes a two storey rear extension, set over the lower ground floor and ground floor levels. This would replace an existing part single part two storey rear projection, however, would be substantially larger in width and depth, particularly on the eastern boundary.
16. On this side sits the attached neighbour, No 125, which has been split into a number of residential units. The amenity space of the ground floor unit sits next on the boundary, and there are a number of rear facing windows serving the flats.
17. Whilst similar in projection to the existing extension on the western boundary, the proposal would result in substantial massing on the eastern boundary, far in excess of the existing built form and the guidance set out within the Supplementary Planning Document 'A guide for designing house alterations and extensions' (2005) (SPD). The SPD recommends that two storey extensions are unlikely to be acceptable beyond 2.75 metres, particularly on narrow width terraced properties.
18. Given the depth and height of this projection, the extension would be visually dominant when viewed from the nearest window of the ground floor unit of No 125. The occupants of this unit would be faced with a blank, brick elevation in close proximity which would restrict the existing outlook to a degree greater than present. The development would adversely affect the quality of living conditions available to users of the room served by the window as a result.
19. The proposal also would provide external terrace areas to the upper ground floor units, which would sit on an elevated position above the side boundaries of the appeal site.
20. Given dense urban surroundings, each rear amenity area is currently overlooked by a number of properties. I acknowledge that the terraces are intended to allow for sitting out, however screening on both side boundaries would prevent direct overlooking of both adjoining neighbours, in addition to each other. Given the surrounding context and the common use of balconies and terraces to provide some external amenity space in urban areas, I am satisfied that any additional overlooking or perception of overlooking would not be significantly greater than existing. Consequently, there would be no marked loss of privacy to the occupiers of any neighbouring unit.
21. Nevertheless, I conclude that the development would harm the living conditions of the occupiers of the ground floor unit of No 125, with respect to outlook. Accordingly, it would conflict with CS Policy BCS21 and DM Policies DM27 and DM30 which, amongst other matters and in accordance with the Framework, seek to provide quality urban design and safeguard the amenity of neighbouring occupiers.

Living Conditions for Future Occupiers

22. CS Policy BCS18 requires development to meet appropriate space standards. I acknowledge that all 6 units meet Nationally Described Space Standards in terms of floor space. However, CS Policy BCS21 requires development to create a high-quality environment for future occupiers.
23. As basement flats, the two units on this level would be restricted in their outlook and light levels. However, due to the sloping land levels, the rear of the units would be served by large glazing areas opening onto the rear garden areas. As such, the main living areas, despite facing north, would be served by sufficient light which would extend back into the kitchen areas. The outlook from these areas would be over the rear garden areas, which would provide a pleasant aspect. Whilst the bedrooms would be served by windows facing the access way or the lightwells at the front of the building, this is not unusual for basement units, particularly in urban environments.
24. As such, these two units would be provided by acceptable light and outlook. The Council has not raised any issue with the ground floor and upper floor units, and based on the information before me, I have no reason to disagree.
25. The cycle storage and bin storage areas serving the development would be sited at the rear and accessed through the path at the side of the building. This path is lengthy and narrow and would also provide access to the basement unit.
26. The Council measure this access path as 1m in width, and I observed on my site visit that it was appeared restricted and tight. Given its length and the siting of the doorway to the basement flat, there is a high possibility of awkward conflict between persons wishing to access the unit and occupiers pushing a bicycle or indeed waste bins along the path. There is no room for 2 people to pass each other comfortably. This is compounded by the slope of the path up to road level. This does not represent safe and adequate access as required by DM Policy DM23.
27. Were I minded to allow the appeal, further details of appropriate cycle and waste storage in terms of their scale and design would be appropriate, however, given this access, the development would not provide a satisfactory arrangement for the storage of refuse, as required by CS Policy BCS15 nor well-located cycle parking, as required by DM Policy DM23 and DM32.
28. I therefore find that there is conflict with the high quality development and appropriate access requirements of CS Policies BCS10, BCS15, BCS18 and BCS21 and DM Policy DM23, DM27, DM30 and DM32.

Character and appearance

29. The proposal would result in a substantial extension to the rear of the building, in addition to alterations to its front, including providing a lightwell. The existing building is a traditional two storey brick building with a glazed ground floor frontage.
30. The surrounding street scene is characterised by terraced mostly residential two-three storey properties of differing age, with variations in ridge height, roof form, fenestration pattern and finish, with render, brick and stone evident.

31. The proposed alterations to the front would replace the two existing first floor windows with three and replace the entire glazed ground floor frontage with two windows either side of the central doorway. Whilst the brick finish to the first floor would be replaced by a rendered finish, and the ground floor glazing would be replaced, the resultant frontage would be simple, symmetrical, and would comfortably sit with in the surrounding context. Were I minded to allow the appeal, a condition to secure the retention of detailing such as the projecting brick detail under the eaves, would be appropriate to retain some original character.
32. Whilst the proposed basement lightwell at the front would introduce a new element to the street scene, it and the surrounding railings would have a limited visual impact and would not harm the mixed character of the existing building or surroundings. Similarly, there are numerous examples of bin storage visible to the frontage of properties in the immediate area, and the proposed bin storage areas would not appear incongruous in this context.
33. The proposed full width rear extension is sizable; however, it would replace an existing number of rear projections and simplify the rear elevation. It would sit significantly below the eaves height of the existing building and would retain a sense of subservience. The existing character and form of the building would remain evident.
34. I therefore conclude that the proposed property would maintain the character and appearance of the existing building and surrounding area. The proposal would therefore comply with CS Policy BCS21 of the Bristol City Council Core Strategy (2011) and DMP Policies DM26, DM27, DM30 and DM32, which set out that development, including extensions to existing buildings, should be appropriate to the immediate context, be of a high quality, and specifically that development of garden land should not result in harm to the character and appearance of an area. These policies are in broad conformity with the Framework which requires, amongst other matters for developments to add to the overall quality of the area and be sympathetic to local character. There is also no conflict with the advice set out in the SPD which sets out that extensions should respect the style of the existing property and locality.

Planning Balance and Conclusion

35. The appellant points to the Council's housing shortfall. This is not disputed by the Council; however, the level of shortfall is not before me. Nevertheless, having regard to Framework footnote 8, the presumption in favour of sustainable development in Framework paragraph 11 applies.
36. The proposal would result in 6 additional units of accommodation which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. As 1-2 bed units, the proposal, would contribute to the housing mix and supply in a location with good access to services and facilities.
37. I note that the appellant raises issue with the Council's lack of dialogue, lack of site visit, consultation process and delays in assessing the application, however this should be taken up with the Council, and is not a matter for consideration under this appeal. I acknowledge that a letter of support was submitted, however this does not alter my conclusions on the main matters.

38. I have taken full account of all the matters advanced in support of the proposal. Even if the shortfall was significant, provision of 6 additional units would be a minor social benefit attracting limited weight in favour of the scheme. The failure to demonstrate that the facilities offered by The Mechanics Arms do not need to be retained to serve the needs of the local community, the harm to the living conditions for the occupants of No 125 and the lack of adequate living conditions for future occupiers are matters to which I attribute great importance. I therefore consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
39. Whilst I have found the proposal to be acceptable in terms of character and appearance, this does not overcome the conflict with the development plan in relation to matters set out above. For the reasons given above I find that the proposal would conflict with the development plan when considered as a whole. None of the other considerations, which include the Framework, indicate that this appeal decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

B Phillips

INSPECTOR