



Appeal Decision

Site visit made on 9 October 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/Z0116/W/23/3321336

33 Pooles Wharf Court, Hotwells, Bristol BS8 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Chris Montford against Bristol City Council.
- The application Ref: 23/00876/H, is dated 23 February 2023.
- The development proposed is installation of solar panels on south facing roof slope.

Decision

1. The appeal is allowed and planning permission is granted for the installation of solar panels on south facing roof slope, at 33 Pooles Wharf Court, Hotwells, Bristol BS8 4PB, in accordance with the terms of application Ref 23/00876/H and the submitted details, and 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, Proposed Block Plan No. 036 EX03, Proposed Elevations Plan No. 036 PR01 and Proposed Roof Plan/Proposed South Elevation No. 036 PR02.

Procedural Matter and Main Issue

2. The Council failed to determine the application to which this appeal relates within the prescribed period. The Council has also not submitted a statement of case in this appeal process. However, the Council has submitted development plan policies and guidance documents relevant to this proposal.
3. The main issue in this case is the effect of the proposal on the character or appearance of the City Docks Conservation Area.

Reasons

4. The appeal property is a semi-detached dwelling with a shallow hipped roof of clay tiles. It is at the end of the Marina and is flanked by a Victorian stone building and terraced dwellings. Surrounded by apartments and terraces, the appeal property and its paired dwelling have a unique quality. However, their front elevations are rendered to match the neighbouring terrace and divided by only a narrow alley from that terrace, the appeal property appears a coherent part of the modern development fronting the Marina.
5. Pooles Wharf Marina is a narrow spur of water off the Floating Harbour, at the northwest end of the City Docks Conservation Area (CA). Commercial dock activities ceased many decades ago, and much of the area has been

regenerated in a classic interpretation of waterfront development. However, while now predominantly lined by residential development the Floating Harbour retains a distinct dockside ambience.

6. The Marina is now strongly characterised by late 20th Century residential waterfront development, and the appeal property is part of this. The neighbouring mid-Victorian stone building, which has been converted to apartments, is a notable exception to the predominantly 20th Century development. This Victorian building is identified as a character building in the CA. However, the remaining properties around the Marina, including No 33, are considered neutral buildings in this part of the heritage asset.¹
7. This said, I saw that this closeknit residential development has a degree of consistency at their front elevations, including small first floor terraces and traditional roof forms of clay or slate tiles. These features give a rhythm and consistency to the built form, particularly on the east side of the Marina which includes the appeal property. This development provides a pleasing frame to the Marina and has an intimate quality that sits comfortably alongside the dockside aesthetic of the wider Harbour.
8. This pleasant residential character and the remaining historic interest of the Victorian building is apparent from the nearby public footbridge at the mouth of the Marina. Moreover, the form and materials palette of this 20th Century residential development appears consistent with the wider redevelopment of the waterfront, which is now valued for its cultural and leisure interest. In this regard the appeal property and its immediate surroundings positively contribute to the generally coherent character of the area and in turn the special interest that contributes to the significance of this part of the CA.
9. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
10. The proposed solar panels would cover a substantial section of a roof slope of the appeal property. However, the panels have a shallow depth, and their slim profile would ensure that they would not harmfully alter the existing hipped roof form of the property. The solar panels would also be limited to the southern roof slope, such that the visual change would be largely limited to the roofscape of this southern elevation of the appeal property. This southern elevation is separated from the Victorian building by the paired dwelling of No 33. Moreover, this southern elevation and southern roof slope are largely concealed from surrounding views at the Floating Harbour by the protruding gable end of the neighbouring terrace.
11. With the above existing features, views of the solar panels would generally be limited to from the upper floors of the properties immediately to the front and rear of the appeal property, or from a small section of the public footbridge. Even from these limited vantage points, given the high level of the panels and the degree of screening, the solar panels would only be seen in glimpsed views, such that this alteration would not appear prominent or an intrusive feature in the street scene.

¹ Ref: Conservation Area 17 - City Docks Character Appraisal and Management Proposals.

12. Confined to the side roof slope, the visual change resulting from this proposal would not harmfully disrupt the existing consistency in the front elevations facing the Marina. Also, the solar panels would be on the side of the building where red clay tiles currently sit alongside dark slate tiles, such that the dark coloured solar panels would be readily absorbed without visual harm at this existing point, where there is already a similar contrast in materials.
13. Furthermore, with the degree of separation and screening outlined above, the proposed alteration at roof level would not harmfully interfere with the appreciation of the historic features of the Victorian stone building at the end of the Marina. For these reasons, the proposal would not harm the existing features that contribute to the positive appearance and special interest in this area. Consequently, the proposed alterations to the appeal property would preserve the character of this part of the CA.
14. In light of the above, I find that the proposal would not have a harmful effect on the character or appearance of the City Docks Conservation Area. In this regard, this proposal would accord with Policies BCS21 and BSC22 of the Bristol Development Framework Core Strategy and Policies DM26, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies. These Policies collectively state that proposals will safeguard heritage assets and the character and setting of areas of acknowledged importance, and that energy efficiency measures in conservation areas will be permitted, provided that the works are the minimum required to achieve the energy efficiency improvements. The Policies also state that proposals that would retrofit existing buildings with sustainability measures will be encouraged subject to, amongst other matters, they respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene.
15. The proposal would also accord with guidance set out in the Supplementary Planning Document Number 2 - A Guide for Designing House Alterations and Extensions which, amongst other things, encourages high standards of development and environmental quality in Bristol.

Conditions

16. In addition to the statutory time limit, compliance with the approved plans is necessary in the interest of certainty and to preserve the character of the area.

Conclusion

17. For the reasons stated above and having regard to the development plan, and material considerations, the appeal should be allowed and planning permission should be granted.

A J Sutton

INSPECTOR