



Appeal Decision

Site visit made on 27 October 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2023

Appeal Ref: APP/Z0116/W/23/3321745

Second Floor Flat, 19 York Gardens, Clifton, Bristol BS8 4LN

- 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 K Hussain against Bristol City Council.
- The application Ref 22/05130/F is dated 21 October 2022.
- The development proposed is described as adding a rear dormer to the rear aspect of the flat and a new roof light to the existing bathroom on the side elevation.

Decision

1. The appeal is allowed and planning permission is granted for adding a rear dormer to the rear aspect of the flat and a new roof light to the existing bathroom on the side elevation at the Second Floor Flat, 19 York Gardens, Clifton, Bristol BS8 4LN in accordance with the terms of the application, Ref 22/05130/F, dated 21 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun within three years of the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Existing Block Plan (Drawing No. 21); Proposed Rear, Side Elevations and Section (Drawing No. 12 Rev C) and Proposed Floor Plan (Drawing No. 11 Rev C) and retained as such.
 - 3) Samples of the proposed lead cladding, aluminium framed windows, and balustrade shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Preliminary Matters, Background and Main Issue

2. Despite the requirement to provide copies of relevant development plan policies and following additional requests to provide these, the Council failed to provide any. In the absence of any local policies, I have therefore considered the appeal against the National Planning Policy Framework ("the Framework") and any relevant legislation as set out below.
3. The proposal lies within the Clifton and Hotwells Conservation Area (the CA). Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on decision makers with respect to any buildings or land within a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4. I note that the Council have, since the submission of the appeal, provided an Appeal Statement Note. The Appellant has seen this note and been given opportunity to comment. I have therefore used the Council's purported refusal reasons as the main issue in this appeal.
5. The main issue is therefore whether the proposed development would preserve or enhance the character or appearance of the area including the CA.

Reasons

6. The significance of this part of the CA is defined, in part, by the integration of buildings into the dramatic climb from Cornwallis Crescent, across Cornwallis Grove and onto York Gardens. The rear of the dwellings, including the appeal site, along York Gardens have a pleasing group consistency and this adds positive value to how the CA is experienced. They also sit in a wider high-quality townscape which features listed buildings such as Cornwallis Crescent.
7. The Cornwallis Crescent facing roofscape of the dwellings in York Gardens have significantly less group consistency, with a range of dormer window sizes, layouts and designs present. Some of these are more traditionally designed and some more modern. Additionally, roof materials vary between darker slates and brown tiles.
8. This variation adds some interest to the roofscape of these properties and invites the observer to consider the evolution of this part of the CA since its original construction.
9. Some of the existing dormer windows are successfully executed and enhance the CA, while some of the others detract from its character and appearance. The Council also suggest that one of the dormer windows, at 20 York Gardens, may be unlawful.
10. Notwithstanding No 20, roof level windows of varying size and appearance are a well-established feature of this area. The proposed development responds to this existing context and adopts a more contemporary flat roof, lead clad design with a glass balustrade.
11. While the dimensions of the proposed dormer window would be generous, it would be well separated from the flank sides, the eaves, and the ridge of the existing roof. Its proportions would therefore respond subserviently to the host building and it would also not be significantly larger than some of the existing dormer windows elsewhere in this locality.
12. The contrasting design of the proposed development would complement and coherently distinguish between the old and new fabric. This would allow the observer to comprehend the history and evolution of this part of the CA.
13. The proposed development would therefore sympathetically integrate into the host building while also respecting the group consistency of the surrounding buildings from both long and close-range views. It would preserve the character and appearance of the area including the CA.
14. Additionally, given its siting, proportions, design and my findings as set out above, the proposed development would also not harm any other heritage assets.

15. The proposal would therefore comply with the relevant provisions of the Framework. These, amongst other things, seek to preserve or enhance the significance of the character or appearance of the area including heritage assets.

Other Matters

16. The Appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the Appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.
17. The Appellant is also concerned that the Council has been given opportunity to comment on the appeal. However, it is common practice for councils to be given the opportunity to comment in cases where an applicant has appealed against a failure to give notice within the prescribed period of a decision on an application for planning permission.

Conditions

18. I have attached conditions on the time limit for development and plans in the interests of certainty. The incorporation of appropriate high-quality materials is essential to the success of this proposed development and how it will integrate into the CA. Therefore, a condition to agree the proposed materials is also necessary.

Conclusion

19. For the above reasons, having regard to the approach in the Framework and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR