



Appeal Decisions

Site visit made on 17 October 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal A Ref: APP/Z0116/W/23/3314531

22 Regent Street, Clifton, Bristol, BS8 4HG

- 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 Jasbir Baryah against the decision of Bristol City Council.
 - The application Ref 21/05126/F, dated 14 October 2021, was refused by notice dated 15 July 2022.
 - The development proposed is first floor single storey flat with a green roof and courtyard area above the ground floor shop extension to the rear of No. 22 Regent Street. To create an additional bedroom to the existing attic flat with matching tiled mansard roof between 22 and 24 Regent Street. To renovate and restore the old shopfront to new arched windows to match previous existing.
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Appeal B Ref: APP/Z0116/Y/23/3314532

22 Regent Street, Clifton, Bristol, BS8 4HG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Jasbir Baryah against the decision of Bristol City Council.
 - The application Ref 21/05127/LA, dated 14 October 2021, was refused by notice dated 15 July 2022.
 - The works proposed are first floor single storey flat with a green roof and courtyard area above the ground floor shop extension to the rear of No. 22 Regent Street. To create an additional bedroom to the existing attic flat with matching tiled mansard roof between 22 and 24 Regent Street. To renovate and restore the old shopfront to new arched windows to match previous existing.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issues

4. The main issues for both appeals are the effect of the proposal upon the significance of the grade II listed building known as 22 Regent Street¹, and whether it would preserve or enhance the character or appearance of the conservation area.

¹ List entry number: 1202497

5. An additional main issue for appeal A is the effect of the proposal on the living conditions of the occupiers of the existing first floor flat.

Reasons

Listed building and conservation area

6. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. No. 22 Regent Street dates from the early to mid 19th century. A modern shopfront occupies the ground floor of the building. Above this, the front façade is classically composed and constructed in plain ashlar stone with an even placement of 6 over 6 sash windows arranged in three bays over two storeys. The front wall is topped by a projecting cornice and parapet, behind which sits a mansard roof containing an attic storey. The building extends to the north with a narrow section that is lower than the main façade but has matching detailing and therefore reads as part of No. 22. The whole façade steps slightly forward of its neighbours, which, although a subtle detail, serves to increase its presence and status within the streetscene.
8. In contrast the rear of the building has a much more modest appearance. Openings are arranged informally within a rendered wall that is without a parapet. The entire ground floor area of the plot at the rear is occupied by a modern flat roof extension to the shop. The original back wall of the building is however easily viewed above this.
9. The fine appearance of the building's carefully composed front façade that includes historic joinery and ashlar stone is the primary focus of the building, and is a significant positive contributor to its special interest. Although the rear face is much simpler, it retains a traditional appearance and elements of historic fabric. It is illustrative of the status of the building and the way it functioned; and contributes to its overall integrity. For these reasons, the rear façade also contributes to the special interest of the listed building.
10. The building stands within the Clifton and Hotwells conservation area (CHCA). The Council's appraisal for the CHCA refers to the area's terraces which tend to be directly accessed from the street and feature many of the details found at the appeal building. The document also establishes the importance of original joinery with a particular reference to sash windows that are typically 6 over 6. It is clear that the appeal building is a significant positive contributor to the character and appearance of the CHCA.
11. The variation in the parapet height of the building and the buildings nearby, and the differing form of their mansard roof extensions adds some interest to the streetscene, as does the lower part of the appeal building which terminates with a clean parapet without a mansard addition and thereby retains its original form. The variety to the form of the buildings reflects the range of uses and the commercial development of this part of Regency Street. The appeal building is prominent from the road opposite, where this identified variety in form and

scale presents a pleasing contrast to the uniform appearance of Royal York Crescent.

12. In contrast to the narrow extensions at the back of adjacent buildings, the proposed rear extension would extend across almost all of the rear of the building at first floor level. It would follow the footprint of the existing ground floor extension save for a strip that would be retained along the north edge and along part of the extension's inner face. It would have the harmful effect of obscuring a further storey of the building and exacerbate the adverse impact of the existing ground floor extension. It would fail to be subservient to the existing building as it would dominate its rear aspect, and would utilise a modern flat roof form that would be wholly at odds with the traditional massing of the existing building.
13. The extension would be visible from numerous perspectives from the adjacent flats. Where such views are from a higher level, owing to the narrow gap that would be left between the extension and the existing building, the proposal would appear more like an additional building that has been squeezed awkwardly into a small space directly behind an existing building, without any regard to the existing building's characteristics or form. For these reasons the proposal would cause considerable harm to the special interest of the listed building.
14. The building has already been extended along the entirety of its rear elevation. However, given the surrounding ground levels, numerous boundary walls and the raised level of the grounds associated with the flats opposite, the existing extension is not overly prominent. It is suggested that the proposal would offer some enhancement to the rear elevation by introducing sash windows that would reflect the proportions of the existing second floor windows. However, the informal arrangement of existing openings at the rear and its more modest appearance is a characteristic of the building that has significance. I can see no benefit in rationalising its appearance, particular without any evidence to suggest that the building previously had a more ordered rear façade.
15. The proposal would also see a mansard roof extension added to the lower part of the building. An upward extension in this location would erode the simple appearance and clean line of the parapet, which is a strong element of the building's original design. This would also harm the special interest of the listed building by diluting its original form.
16. I have already identified that the existing variety of heights and building forms is of value to the character and appearance of this historic streetscene. The proposal would dilute this by bringing the roof up so that it is closer to the height of the neighbouring roofs, and building up behind the parapet would make it a less defined element of the streetscene. For these reasons this element of the proposal would also fail to preserve the character and appearance of the CHCA.
17. I have found that the proposal would cause considerable harm to the special interest of the listed building and would fail to preserve the character and appearance of the CHCA. In terms of the National Planning Policy Framework (the Framework) the harm to both the listed building and the CHCA would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.

18. The appellant suggests that the mansard extension would improve the current arrangement by obscuring some of the blank side gable of the existing building. This broad blank wall is substantial. However, at my visit I observed that when facing the building along the length of Royal York Crescent the wall is viewed at an oblique angle rather than side on and is not a prominent element of the streetscene. Additionally, from street level, and particularly as one moves away from the building to the north, the blank side wall soon goes out of view. Therefore, I am not satisfied that the appearance of the existing blank side wall is harmful to the character and appearance of the CHCA, and this cannot then weigh in favour of the proposal.
19. The proposal includes a replacement shopfront. The replacement shopfront would include much more appropriate joinery, which would sit well with the round arches of the adjacent shopfronts. This would enhance the appearance of the building and the CHCA, although the weight I should give to this is lessened by the failure to address the overly deep fascia.
20. The proposal would deliver a dwelling in a location suited to new housing. This is a clear public benefit, but the weight I give to it can only be moderate as the proposal would deliver only a single additional dwelling.
21. The building is already divided into a sizeable retail unit, and three well appointed flats; and appeared to be in a good state of repair when I visited. There is nothing to suggest that additional investment is necessary to secure the building's future. I therefore give little weight to this matter.
22. The existing attic windows are uPVC and would be replaced with more appropriate timber units as part of the proposal. Whilst this can be considered a public benefit, the building was listed in 1977, which would most likely pre-date the existing windows, and there is nothing to suggest that they received listed building consent. I therefore give little weight to this matter.
23. Together the public benefits carry moderate weight. Paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. As such, I am not satisfied that the public benefits are sufficient to outweigh the harm identified.
24. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and fail to preserve the character or appearance of the CHCA. It would be contrary to Policy BCS22 of the Bristol Development Framework Core Strategy 2011 (CS) and Policy DM31 of the Bristol Local Plan Site Allocations and Development Management Policies (SADMP), which together seek to ensure that development proposals safeguard heritage assets.

Living conditions

25. Occupants of the existing first floor flat enjoy a pleasant outlook from the kitchen at the rear towards adjacent flats and a pleasant area of intervening garden. This is a quiet and relatively tranquil area, and a welcome contrast to the bustling commercial street over which the other windows of the flat look out. The kitchen has space for a table and is likely to be used for extended periods by the occupants of this large flat, particularly as it is away from the busy road.

26. The proposal would result in an awkward narrow open space retained between the existing kitchen window and the back wall of the extension. Evidence demonstrates that the extension would still allow a reasonable level of light to enter the kitchen. However, whilst it would be possible to look up to the sky, outlook from the kitchen would be primarily towards a solid masonry wall, just 2 metres from the window. This would be oppressive and cause the occupants of this flat to feel hemmed in.
27. The drawings suggest that the appearance of the area could be improved by the positioning of some pot plants, and on one plan the area is referred to as a patio; however, the submissions elsewhere refer to it as an area that would only be accessed for maintenance and the plans show that access could only be achieved through a window. Its southern end would receive no direct sunlight and due to its narrow form sunlight would be restricted particularly during the winter months. It is therefore likely to become an area that would become grotty and unkempt, further increasing the harmful impact of the proposal on the outlook of those occupying the existing first floor flat.
28. It is suggested that the arrangement would be typical for urban development. It is however difficult to think of many situations where such a tight relationship would be accepted in a planned manner such as this. I cannot agree that it would be typical or normal and no comparable examples are put forward by the appellant. The arrangement would certainly be very different to the generous and pleasant outlook enjoyed by those looking out from the rear of the existing flat and by those who occupy the other flats that face out onto this area.
29. It is suggested that the outlook at the rear from the other flats in the appeal building would be improved as the proposed roof would be green, and the existing roof lantern fittings would be removed. I do accept that there would be a modest visual benefit to views out from the upper floor flats, however it would not be sufficient to outweigh the harm to the living conditions of the occupants of the first floor flat.
30. In summary, the proposal would harm the living conditions of the occupiers of the existing first floor flat. The proposal would therefore not accord with Policies BCS21 of the CS and Policy DM30 of the SADMP, which together seek to ensure that development proposals safeguard the amenity of existing occupiers.

Conclusion

31. For the reasons above, both appeals should be dismissed.

A Tucker

INSPECTOR