



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: 11 December 2023

Appeal A Ref: APP/Z0116/W/22/3310457

6 Sussex Place, Bristol, BS2 9QW

- 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 Julian West against Bristol City Council.
 - The application Ref 22/02521/F is dated 29 June 2022.
 - The development proposed is conversion of a single dwelling into two flats and a maisonette, including renovation of the property.
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Appeal B Ref: APP/Z0116/Y/23/3315206

6 Sussex Place, Bristol, BS2 9QW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Julian West against Bristol City Council.
 - The application Ref 22/02522/LA is dated 18 May 2022.
 - The works proposed are conversion of this single dwelling into two flats and a maisonette, including the renovation of the property as a listed building.
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Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for the conversion of a single dwelling into two flats and a maisonette, including renovation of the property, at 6 Sussex Place, Bristol, BS2 9QW, in accordance with the terms of the application, Ref: 22/02521/F, dated 29 June 2022, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for the conversion of this single dwelling into two flats and a maisonette, including the renovation of the property as a listed building, at 6 Sussex Place, Bristol, BS2 9QW, in accordance with the terms of the application, Ref 22/02522/LA, dated 18 May 2022, and the plans submitted with it subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs were submitted by Mr Julian West. These applications are the subject of separate decisions.

Preliminary Matters

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

5. Additional drawings were submitted during the appeal process following ongoing discussions with the Council and these drawings are listed at the end of the Council's appeal statement. The Council has confirmed that necessary consultations were carried out. I am therefore satisfied that no party would be prejudiced if I take these drawings into account, and I shall therefore determine the appeal on the basis of the additional drawings.

Background and Main Issues

6. The appeals result from the Council's failure to determine the applications within the prescribed period. There is no formal decision on the applications, as jurisdiction over that was taken away when the appeals were lodged. The assessment and conclusions of the Council submitted during the appeal process indicate that it would have granted listed building consent. The Council has also indicated that it would have granted planning permission, although it suggests that the lack of an energy strategy could have constituted a reason for refusal.
7. The appeal building is a grade II listed building within a conservation area. 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.
8. Accordingly, I consider the main issues for both appeals to be the effect of the proposal upon the significance of the grade II listed building known as 6 and 8 Sussex Place¹, and whether the proposal would preserve or enhance the character or appearance of the conservation area.
9. An additional main issue for appeal A is whether the proposal would contribute to mitigating and adapting to climate change in accordance with the development plan.

Reasons

Listed building and conservation area

10. The appeal building is one half of a listing that covers a pair of attached houses, circa 1840 in date. The appeal building compromises the significance of the pair by virtue of its modern plain PVCu windows, brash signage, and general poor state of repair. No. 6 also appears to have lost its cornice, which is referred to in the list description and retained on No. 8.
11. Despite this, No. 6 retains its overall form and placement of openings to its upper stories which matches No. 8. Additionally, the stone architrave surrounding the front door survives, and this is a detail that matches the door surround at No. 8. Thus, while the special interest of the listed building can largely be attributed to No. 8 by virtue of its original appearance that includes its fine multi paned sash windows, the appeal building still modestly contributes to the overall special interest of the listed building by its overall form and the retention of its original stone door surround.

¹ List entry number: 1202610

12. The Council suggests that the only element of the interior of the appeal building that possesses any special interest is its staircase; although it is early 20th century in date, so a later insertion. At my visit I saw nothing that would cause me to come to a different view.
13. The appeal building stands within the Ashley Road character area of the Montpelier Conservation Area (MCA), as defined by the Montpelier Character Appraisal 2008. This area is characterised by three storey buildings set back from the street. Buildings have a vertical emphasis and roofs are often concealed behind a parapet that is continuous along its terraces. The appeal building can be described in this manner and thus has a form and appearance that is typical of the MCA and contributes to its character and appearance.
14. The proposal would see the internal staircase retained to provide access to each floor of accommodation. A plain staircase that currently links the top two floors at the rear of the building would be removed. This does not appear to have any significance. A replacement flight would be fitted to extend the existing staircase up to the attic level, in a matching style. Although it is likely that access to the attic accommodation was originally via a secondary stair that was more modest than the primary staircase, given the limited significance of the building's interior and the fact that the main stair is a later insertion, I am satisfied that this intervention would not cause harm.
15. Externally, harmful replacement windows would be removed and more appropriate timber units in a style to match the 6 over 6 sash windows of No. 8 would be fitted. This would significantly improve the building's appearance, and would also enhance the character and appearance of this part of the MCA.
16. Two bin storage units would be erected at the front of the building, within its open front garden. They would be positioned away from the front façade and tucked into a front corner of the garden alongside an existing boundary wall. On the basis that the front area is already laid to tarmac and used for parking I am satisfied that the impact of these units would be neutral especially when I consider the potential to add additional landscaping to this area to improve its appearance. This can be secured by an appropriately worded condition if the appeal is allowed.
17. In summary, the proposal would not harm the significance of the listed building and would preserve the character and appearance of the MCA. In coming to this view I have had regard to the duty placed on me by the LBCA. The proposal would accord with Policy BCS22 of the Bristol Development Framework Core Strategy 2011 (CS) and Policies DM30 and DM31 of the Bristol Local Plan Site Allocations and Development Management Policies. Together these Policies seek to ensure that development proposals safeguard heritage assets and retain or reinstate traditional or distinctive architectural features and fabric.

Mitigating and adapting to climate change

18. Policies BCS13-15 of the CS require development proposals to be designed to mitigate and adapt to climate change and to meet targets to reduce emissions. This can be achieved through the provision of on-site renewable energy generation with the aim of reducing emissions by at least 20%. An energy or sustainability statement did not form part of the submissions, so there is

nothing before me to show how this matter would be addressed in the proposed conversion.

19. It is however the case that on-site renewable energy generation is likely to be difficult given the small size of the plot and the constraints posed by the listed building and its setting within the MCA. However, the proposed works to the building's interior would be extensive, and the internal significance of the appeal building is very limited. As such, retro fit measures to make the building more thermally efficient should be feasible, subject to a careful specification to account for the building's traditional construction. Achieving reduction of at least 20% may not be possible, however I note that Policy BCS14 of the CS accepts that an exception can be made in cases where it is demonstrated that meeting the required standard would not be feasible or viable.
20. On this basis, I am satisfied that imposing a condition to secure the submission of an energy statement before the development commences would be sufficient to ensure that the proposal would contribute to mitigating and adapting to climate change in accordance with the development plan.

Conditions

21. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty.
22. I have imposed a condition [3] to secure the submission of an energy statement for the planning permission. This condition is necessary to ensure that the development accords with the requirements of the development plan, by ensuring that it contributes to minimising the effects of and can adapt to a changing climate. I have adapted the wording suggested by the Council, to allow for the limitations and constraints posed by the heritage interests of the existing building and its prominent position within a conservation area. I have also combined the two separate conditions suggested by the Council to avoid the need for a second trigger for the appellant as this is not necessary, whilst still ensuring that matters of ongoing maintenance and management are secured and that the measures are in place in a timely manner.
23. I have imposed condition 4 to secure appropriate measures to protect the existing trees in the rear garden from damage during the construction phase on the basis that they contribute to the character and appearance of the area. I have modified the condition suggested by the Council by removing the need for two weeks' notice to be given before work commences, as this seems unnecessarily onerous if the protection measures have already been agreed.
24. I have imposed condition 5 to secure the submission of a landscaping scheme to protect and enhance the character and appearance of the site. I have removed the part of the condition suggested by the Council that refers to the retention of trees and measures for their protection as this is already covered by condition 4.
25. Conditions 6 and 7 are necessary to ensure that adequate provision is made for the storage of cycles, recycling and refuse. These conditions are necessary to safeguard the character and appearance of the area, avoid harm to the safe

functioning of the highway, and promote the use of sustainable modes of transport for future occupiers of the development.

26. Conditions 2 and 4 of the listed building consent are necessary to safeguard the special interest of the building and the character and appearance of the conservation area. Condition 3 of the listed building consent is necessary to ensure that the benefits of the proposal are secured.

Conclusion

27. For the reasons above I conclude that both appeals should be allowed, and the applications for planning permission and listed building consent should be granted.

A Tucker

INSPECTOR

Schedule of Conditions – Appeal A – Planning Permission

Ref: APP/Z0116/W/22/3310457

- 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: 9394.01, 9394.02, 9394.01D, 9394.03C, 9394.04A, 9394.05, and 9394.06.
- 3) Prior to the commencement of the development hereby approved, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall demonstrate how the energy hierarchy has been followed, how the heat hierarchy has been applied and whether a 20% reduction in carbon dioxide emissions beyond residual emissions through renewable technologies can be achieved including full technology specifications and locations.

The energy statement shall include details of ongoing management and maintenance to ensure that the measures continue to achieve the predicted CO2 emission reduction for the lifetime of the development. The agreed measures shall be installed prior to the first occupation of the development hereby approved.

- 4) Prior to the commencement of the development hereby approved, full details of tree protection measures to British Standard 5837:2012 (Trees in relation to design, demolition and construction: Recommendations), including location and detailed specification, shall be submitted to and approved in writing by the Local Planning Authority.

No work of any kind shall take place on the site until the protective measures have been put in place to the approved specification. The approved protection measures shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery, and surplus materials have been removed from the site. Within the protected areas there shall be no scaffolding, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, and no dumping of toxic chemicals. No retained trees shall be used for winching purposes. If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

- 5) Prior to the first occupation of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the first occupation of the development. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those

originally required to be planted, unless the Local Planning Authority gives written consent to any variation.

- 6) Prior to the first occupation of the development hereby approved, revised cycle storage details that incorporate the provision of the Sheffield stands within the lockable cycle stores shall be submitted to and approved in writing by the Local Planning Authority. Once approved the cycle stores shall be provided prior to the first occupation of the development hereby approved and retained and maintained as such thereafter.
- 7) Prior to the first occupation of the development hereby approved, the refuse store and area / facilities allocated for the storing of recyclable materials, as shown on the approved plans, shall be provided. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store / area, as shown on the approved plans or internally within the building. No refuse or recycling material shall be stored or placed for collection on the adopted highway including the footway, except on the day of collection.

Schedule of Conditions – Appeal B – Listed Building Consent

APP/Z0116/Y/23/3315206

- 1) The works hereby approved shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of each of the elements listed below, the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Typical 1:5 section details and 1:10 elevation details of all new internal doors, linings and architraves, showing materials and reveal depths,
 - b) Typical 1:5 section details of new internal partitions to include skirting details and at key junctions with walls, floors and ceilings,
 - c) Typical 1:5 section details showing fire and acoustic separation to floors, walls and areas associated with the retained staircase,
 - d) Details at an appropriate scale showing all structural interventions required to support internal floors, including the new mezzanine level for the ground floor unit,
 - e) Details at an appropriate scale to show the new opening within the boundary wall and details of the new gate, and
 - f) 1:5 joinery details of all windows, and dormers showing proposed materials, frames, glazing bars, openings, glazing and fabric connections at head, cill and reveals.Once agreed, the works shall be carried out in accordance with the agreed details.
- 3) The replacement windows shall be constructed in accordance with the agreed details and shall be installed and adjacent areas of fabric made good before the flats hereby approved are first occupied.
- 4) All new external work, finishes and making good shall match the existing in terms of materials, execution and finish, except where indicated otherwise on the approved drawings.