



Appeal Decision

Site visit made on 19 March 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/Z0116/D/23/3331773

7 Glentworth Road, Redland, Bristol, BS6 7EG

- 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 Ed Hall against the decision of Bristol City Council.
 - The application Ref 22/04333/H, dated 7 September 2022, was refused by notice dated 1 September 2023.
 - The development proposed is described as '*Alterations to the front garden area and boundary wall to accommodate one no. off street parking space (resubmission of application 21/06021/H)*'.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matter

2. Planning permission was refused on appeal (Ref APP/Z0116/D/22/3293728) in August 2022 for development described as '*alterations to front garden area and boundary wall to accommodate one no. off-street parking space*' (the original application). The current appeal follows a planning application that was submitted in an attempt to overcome the reasons for the refusal of the original application.
3. The appellant's appeal submissions make frequent reference to '*the Bristol Planning Inspectorate*'. The submissions state that adjustments to the original application were made at the request of the Bristol Planning Inspectorate. To avoid confusion, and for clarification, the previous Planning Inspector's appeal decision letter, dated 3 August 2022, made no recommendations for an alternative scheme. Neither would it have been appropriate for the Inspector to have done so. This would have gone beyond the remit of his role and would have potentially fettered the local planning authority in any future decision making. I have taken the appellant's reference to the Bristol Planning Inspectorate to mean the development management department of Bristol City Council.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the Cotham and Redland Conservation Area.

Reasons

5. The appeal property is a two-storey, semi-detached dwelling set behind a reasonably shallow front garden enclosed with a low stone wall adjacent to the back edge of the footpath. It is set within a wider residential neighbourhood comprising similar style and aged properties and which falls within Character Area 8 of the larger Cotham and Redland Conservation Area (CA). I concur with the previous Inspector's view that retained front boundary walls is a key characteristic of most properties to the north side of Glentworth Road, within which the appeal property sits, and that the area's significance as a CA is more broadly derived from the visual uniformity of the dwellings and their settings. In this regard, the appeal property makes a positive contribution to the character and appearance of the CA.
6. The Council has identified the loss of front boundary walls for the creation of off-street parking as a weakness to the character of this part of the CA as well as being a continued threat. In 2012 an Article 4 Direction was put in place within the area which removed permitted development rights for the removal of front boundary walls and the creation of hard standings.
7. The proposal would involve demolition of part of the front boundary wall to create a 3m wide opening for a vehicular entrance in an approximate central position, with the remaining eastern stretch of wall rebuilt using the reclaimed stone and with an existing pedestrian gate repositioned adjacent to the boundary with No 9.
8. I recognise the appellant's efforts to reduce the width of the opening compared with the 4.4m gap that was previously proposed. However, a significant gap would still be created. The original function of the boundary wall as a means of enclosing the property's front garden would be lost, along with the aesthetic value of its continuous form, save for a narrow-gated pedestrian opening. Despite the narrower opening now proposed when compared with the original application, there would be significant change to the existing arrangement which would detract from the historic pattern of development.
9. In addition, a major proportion of the property's front garden setting would be lost in favour of an open-faced hard surface, provided with the specific intention of creating a vehicle parking space. Notwithstanding the potential for new planting around the remaining area of garden, the setting of the appeal property would be significantly dominated by provision for a motor vehicle. This negative impact would be exaggerated at times when a vehicle would be parked.
10. Consistent with the previous Inspector, I have noted the examples nearby where driveway and frontage parking exists. These are far more prevalent on the opposite side of Glentworth Road. However, it remains unclear when any of these changes occurred. I also concur with the previous Inspector's view that they do not provide justification for the perpetuation of an ahistorical feature, and one which is recognised by the Council as a weakness for the area and a continued threat.
11. Overall, I find that the changes to the wall to the front of No 7, together with the changes in appearance and purpose to the front garden area, would detract from the positive contribution made by the appeal property to the CA, neither preserving nor enhancing its character or appearance.

12. Having regard to paragraph 205 of the National Planning Policy Framework (the Framework), the harm arising from the proposal to the significance of the CA would be less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset requires clear and convincing justification in line with paragraph 206. Furthermore, in line with the Framework's paragraph 208, such harm should be weighed against the public benefits of the proposal.
13. Given the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I have attached significant weight to the harm that I have identified to the historic environment.
14. The appellant has pointed to the disrepair of the front boundary wall, which I saw for myself. However, a repair would not necessitate any partial removal. Neither is additional new planting within the frontage dependent upon the proposed works. I attach very little weight to any public benefit from the appeal proposal in this regard.
15. I appreciate the appellant's intent to create an electric vehicle charging point. Compliance here with national and local commitments to a more sustainable, low carbon emissions future would bring some public benefit in terms of reduced emissions. However, the weight I attribute to this factor is insufficient to outweigh the harm to the character and appearance of the CA.

Conclusion

16. For the reasons given, I find that the proposal would harm the character and appearance of the Cotham and Redland Conservation Area. As such, there would be conflict with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy – Adopted June 2011, and Policies DM26, DM30 and DM31 of the Council's Site Allocations and Development Management Policies Local Plan 2014, which between them seek to ensure, amongst other things, that development proposals display a quality of design that contributes positively to an area's character and identity and which safeguard or enhance heritage assets, including conservation areas.
17. I note that there were no objections to the scheme. I also note the appellant's frustration after some apparent support from the Council for the modifications made to the original application. Nevertheless, the level of harm that I have identified is not outweighed by public benefits. Accordingly, having regard to the conflict with local and national policy, and all other matters raised, I conclude that the appeal should fail.

John D Allan

INSPECTOR