



Appeal Decision

Site visit made on 26 March 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/Z0116/W/23/3326527

9 South Liberty Lane, Ashton, Bristol City, Bristol BS3 2SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Gibbs and Tregidgo Ltd against Bristol City Council.
 - The application Ref is 22/06114/F.
 - The development proposed is roof extension and conversion of upper floors from commercial, business, and services (Use Class E) to self-contained maisonette (Use Class C3), with associated works.
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Decision

1. The appeal is dismissed and planning permission for roof extension and conversion of upper floors from commercial, business, and services (Use Class E) to self-contained maisonette (Use Class C3), with associated works is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. The main parties were given the opportunity to provide any comments on these changes. This decision is based on the current Framework and has taken account of representations made.
4. The appellant submitted revised plans with the appeal, reducing the number of bedrooms proposed from two to one, and reducing the size of the roof dormer. I consider this to represent a fundamental change to the scheme. It is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. It is unclear whether consultees and interested parties have been made adequately aware of these revisions, and I cannot be sure that such parties would not be disadvantaged by my acceptance of the revised plans. Therefore, in the interests of fairness, this appeal must be determined based on the plans submitted to the Council and which have been subject to formal consultation.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the host building and the surrounding area;
- whether the proposed development would provide adequate living conditions for future occupiers with regard to internal space;
- whether the proposed development would result in an unacceptable loss of employment floorspace;
- whether the proposed development would make appropriate provision for cycle parking; and
- The effect of the proposed development on highway safety with regard to parking provision.

Reasons

Character and appearance

6. The appeal building lies on the edge of an enclave of residential development formed by terraced housing on Nelson Street, Trafalgar Terrace, and Hardy Road. There is considerable variation in building types and styles in the local area resulting from the changing land uses and periods of development. However, the residential terraces have a striking regularity in scale, form, and architectural features including rooflines and fenestrations. Whilst not designated in its own right or as part of a wider area, the terraces maintain a consistent and attractive street scene, with elevations comprising a characterful mix of coloured render, pebble-dash, and brick detailing. The appeal building currently makes a neutral contribution to this character, reflecting some of the details and proportions of the adjacent terraces, but creating a break in the regularly stepped gable rooflines.
7. The proposed change from a low-hipped to a pitched roof would continue the stepped regularity of the adjoining rooflines, positively reflecting this prevailing characteristic. However, the proposed dormer would create a bulky and dominating feature, failing to sensitively respect the proportions of the host building, and interrupting the regular pattern of roof lines. Sited immediately adjacent to the road, it would form a prominent addition, undermining the positive changes brought by the proposed pitched roof form. While there are a small number of dormers in the terraces, they are set well back from the road and are not common or prominent elements that provide a context for this aspect of the proposal. Moreover, the aluminium cladding of the dormer would not relate well to the adjacent render walls or the roof tiles, and would accentuate the incongruous form of the dormer, increasing its prominence in the street scene, and detracting from the character of the area.
8. The large feature window on the side elevation would create a highly visible feature of a scale and form that would not reflect the attractive and simple regularity of the terrace. While it may allow passive surveillance of the adjacent street and would facilitate views from within the property, such functions could be achieved without the introduction of a large and incongruous feature.

9. My attention has been drawn to the commercial use of the ground floor and other commercial metal sheeted buildings on the opposite side of the road. While I recognise the appellant's intention to create an intermediary architectural response to these neighbouring uses, the commercial use on the ground floor, including any retained signage, does not alter the overall residential appearance of the building in this context. There is also a clear and legible distinction between each side of the road at this point, and I see no benefit from introducing an intermediary style of architecture or materiality in this location. Rather, it would create visual confusion in an otherwise coherent relationship between neighbouring development uses.
10. Accordingly, I conclude that the proposal would result in unacceptable harm to the character and appearance of the host building and the surrounding area. It would therefore conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (the Core Strategy), and Policies DM26 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014) (SADMP). Taken together, amongst other matters, these policies seek development which contributes positively to an area's character and identity, reflecting locally characteristic architectural styles and features taking account of their scale and proportion.
11. There would also be conflict with the guidance contained in the Council's Supplementary Planning Document Number 2: A Guide for Designing House Alterations and Extensions (2005). Amongst other matters, this guidance identifies that large, box-like dormers are inappropriate for the majority of domestic properties.

Living conditions

12. Policy BCS18 of the Core Strategy sets out that residential development should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards. Reference is made to the space standards used by the Homes and Communities Agency. These standards have since been superseded by the Technical housing standards – nationally described space standard (2015) (the NDSS).
13. The NDSS sets out requirements for, amongst other things, the minimum gross internal area (GIA) of new dwellings at a defined level of occupancy. The evidence indicates that the two-bedroomed maisonette would have a floor area of between 66 sqm and 68 sqm, some 2 – 4 sqm smaller than the minimum GIA of 70 sqm for this type of property. The double and single bedrooms would meet the individual GIA and size requirements for bedrooms, but the proposal would also appear to fall short of the requirements for built-in storage by approximately 1m.
14. The NDSS also requires a minimum floor to ceiling height of 2.3m for at least 75% of the GIA. Very limited information on ceiling heights is provided on the plans. Average storey heights are provided as part of the energy statement calculations, however it is not clear whether these include or exclude measurements for floor and ceiling structures. The plans show where the ceiling height on the second floor would be below 1.8m and 1.5m, which are relatively small areas of the second storey. However, no indication of the area that would be above 2.3m has been provided. It is therefore not possible to be certain that the proposal would meet the minimum standard, and a shortfall is possible.

15. Overall, while the individual shortfalls identified may not be significant, the failure to provide accommodation that meets national minimum standards indicates that future occupiers would have insufficient internal space.
16. For this reason, I conclude that the living conditions of future occupiers of the proposed development would be inadequate, with regard to internal space. The proposal would therefore conflict with Policies BCS18 and BCS21 of the Core Strategy, and Policy DM29 of the SADMP. Amongst other aspects, these set out that residential developments should provide sufficient space for everyday activities and meet appropriate space standards, and expect development to create a high-quality environment for future occupiers. The proposal would also be inconsistent with the Framework in relation to providing a high standard of amenity for future users.
17. Although the Council has also found conflict with Policy DM2 of the SADMP in relation to this issue, as this policy relates to the subdivision or other alteration of existing dwellings and specialist housing, it is not directly relevant to the scheme before me. Accordingly, I find no conflict with this policy.

Employment Floorspace

18. In relation to this main issue, my attention has been drawn to the previous planning permission¹ for the site, which allowed the loss of both the ground and first floor employment floorspace. The evidence indicates that this permission was not implemented and has since expired. It was determined a number of years ago, under a different local and national policy framework. Although I have been provided with the approved plans, I have very limited information on the considerations before the decision maker at that time with which to any draw meaningful comparisons to the appeal scheme. Accordingly, the presence of the expired consent carries very limited weight in my assessment of the appeal scheme, which I have considered on its own merits.
19. The appellant also contends that they could apply for prior approval for the proposed change of use under Class MA², as a fallback position. However, very few details have been provided. Additionally, there is little before me to indicate that the alternative suggested is a greater than theoretical possibility or, that if the appeal is dismissed, it would be pursued. Consequently, I find the suggested fallback position to have limited weight in my consideration of this main issue.
20. Policy DM12 of the SADMP provides protection to employment sites outside the city's Principal Industrial and Warehousing Areas (PIWAs), seeking to retain such sites except in certain circumstances. These include where there is no demand for the use. While the Council's marketing guidelines are several years old and the appellant states that the first-floor office space is not currently needed, the lack of any marketing information means that it is not possible to ascertain if there is, or would be, any commercial demand for the upper floor of the appeal site.
21. The policy also allows for a net reduction in employment floorspace where such a reduction is necessary to improve the existing premises. The appellant indicates that the proposal would generate funding and investment in the

¹ Application reference 02/02887/F/S

² Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015.

premises including a new roof and overhaul of the ground floor commercial unit. However, it is not clear if these are necessary improvements to the existing premises that could only be delivered by a net reduction in employment floorspace, or general maintenance works to the building that could be funded by the proposal. In my view, the latter of these is not the objective of the policy. As such, the loss of employment floor space to the first floor would not clearly meet the circumstances outlined by Policy DM12.

22. Nevertheless, the accompanying text to the policy identifies that such sites outside the PIWAs will be retained where they make a valuable contribution to the economy and employment opportunities. It notes that they may have particular economic importance to the local area due to a lack of alternative employment sites in the vicinity, and that retaining these sites helps to provide employment and business opportunities close to where people live.
23. The appeal site and the surrounding dwellings lie very close to large employment areas on South Liberty Lane and Winterstoke Road. The extensive and varied alternative employment opportunities available in the immediate area moderate the contribution the appeal premises makes to the local employment offer. Accordingly, and on the basis that the ground floor would retain an active employment use, I consider that the harms Policy DM12 is seeking to prevent would not be caused by the partial loss of employment floorspace in this instance. Therefore, and on balance, the proposed development would not result in an unacceptable loss of employment floorspace, in accordance with Policy DM12 of the SADMP.

Cycle parking

24. A bicycle store is proposed in a rear courtyard, accessed externally. It includes two Sheffield type stands, which would accommodate four bicycles. This is more than the storage space for two bicycles outlined in the Council's Parking Standards³ for a two-bedroomed dwelling.
25. To ensure that cyclists can get to and from any cycle parking easily, the Bristol Transport Development Guidance (BTDG) sets out further standards, including the need to provide 1m distance between cycle stands, and 0.6m distance to any side wall of the storage area. The cycle stands illustrated on the plans would not meet this spacing guidance. However, the plans show that there is sufficient space in the courtyard to widen the storage area to meet the standard. I also note that a single stand in this area would meet both the Parking Standard for number of cycle spaces, and the width parameters of the BTDG. Minor changes of this nature could be secured by condition.
26. The BTDG also requires a minimum access width of 1.2m to any storage areas for an individual dwelling. The plans and elevations are not clear on the dimension of the gateway into the courtyard, but it appears to be a standard gated access; narrower than 1.2m but wide enough to allow passage of a normal bicycle. The entrance is a single gateway a short distance from the storage area, with no steps, corridors, or other hindrances to access. As a small facility unlikely to have people passing with bicycles, any harm from not meeting the access width standard of the guidance would, in my view, be minimal, and would not discourage the use of the facility.

³ Bristol Local Plan – Site Allocations and Development Management Policies: Appendix 2: Parking Standards Schedule

27. For these reasons, I conclude that the proposed development would make appropriate provision for cycle parking, and would therefore accord with Policy BCS10 of the Core Strategy, and Policy DM23 of the SADMP. Amongst other things, these policies require proposals to provide safe, secure, accessible and usable parking provision having regard to the parking standards, and seek to maximise opportunities for cycling. The proposal would also accord with the Framework where it seeks to support secure cycle parking.

Highway safety

28. The proposed development includes no parking provision for future occupiers. The surrounding area forms a small enclave of houses surrounded by a railway, busy main roads, and employment uses, throughout which there are extensive areas of road markings preventing parking. The Home Zone formed by Nelson Street, Trafalgar Terrace, and Hardy Road presents the only realistic opportunity for parking for existing properties, the majority of which have no access to off-street parking. As a result, demand for on-street parking near the site is very high. I am also mindful of the number of concerns raised by residents which suggest that the area experiences significant parking stress.
29. The existing permitted employment use of the first floor of the building totals some 45 sqm. The Council's Parking Standards indicate a parking requirement for this use of approximately 1 parking space. The same standards indicate a requirement for 1.25 parking spaces for a two-bedroomed dwelling; an increase of 0.25 parking spaces following the proposed conversion. While I accept that different uses place pressure on parking availability at different times of the day, an increase of this nature would be unlikely to significantly worsen the pressures on parking locally.
30. In addition, the Council's Parking Standards for cars are described as a maximum, allowing flexibility for small scale developments. Suitable cycle parking would be provided, and the appeal site is in a location that is a short walk from several services and is well connected by public transport. This would reduce the reliance on future occupiers needing to have access to a private vehicle.
31. While I note the Council's concern regarding the absence of a parking survey, the existing pressures on vehicular parking in the area are evident. However, for my reasons above, I do not consider that the proposed development would unduly worsen the existing parking situation, or cause unacceptable harm to highway safety with regard to parking provision. It would therefore accord with Policy BCS10 of the Core Strategy and Policy DM23 of the SADMP. These require schemes to be designed and located to ensure the provision of safe streets, and to provide an appropriate level of parking provision having regard to the parking standards and the level of accessibility by walking, cycling and public transport. The proposal would also accord with the Framework, where it seeks safe places which minimise the scope for conflicts between pedestrians, cyclists, and vehicles.

Planning Balance

32. The appellant indicates that the Council's current land supply position is approximately 2.45 years, and that the Housing Delivery Test shows a persistent under delivery of housing. There is little to counter the appellant's view on these matters. On this basis, I find that the Council has a significant

shortfall in its supply of housing, and paragraph 11d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

33. The proposal would provide much needed housing against a significant shortfall, re-using previously developed land, and would contribute to the Government's objective to significantly boost the supply of homes. There would also be economic and social benefits both during the construction and in the subsequent occupation of a dwelling with convenient access to services and facilities. A two-bedroomed maisonette would make a modest contribution to the housing mix in the local area. In addition, the dwelling would include energy efficiency measures including fabric upgrades and renewable energy technologies which would exceed the Council's adopted requirements. However, as only a single unit of accommodation would be provided, I attribute these benefits moderate weight.
34. The proposal would also generate investment in the whole building, safeguarding the existing employment use, and the appellant has indicated that the new courtyard would create an opportunity to reduce surface water run-off. However, there is limited detail as to what form these benefits would take, and how they could be secured by the proposal. As such, they carry only limited weight in the balance.
35. While the development plan predates the current Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. The proposal would result in unacceptable harm to the character and appearance of the area, and would fail to provide appropriate living conditions for future occupiers. In these matters, Policies BCS18, BCS21, DM26, DM29, and DM30 are generally consistent with the Framework in terms of its aims regarding achieving well-designed and beautiful places and providing a high standard of amenity for future users. As such, I afford significant weight to the conflict of the proposal with these policies.
36. There are other areas of policy compliance, including the provision of cycle parking and highway safety, and I have found that the proposed reduction in employment floorspace would not harm local employment and business opportunities. Even if I were to also identify an absence of harm to the living conditions of neighbouring occupiers, these would be neutral matters.
37. Taking all of the above into account, the harms are such that adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework taken as a whole.

Conclusion

38. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed, and planning permission be refused.

K Jones

INSPECTOR