



Appeal Decision

Site visit made on 16 July 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2024

Appeal Ref: APP/Z0116/W/23/3330772

11-16 Claro Homes, Philip Street, Bedminster, Bristol City, Bristol BS3 4EA

- 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 Mr Oli Bliss of Optima Care Partnership against Bristol City Council.
 - The application Ref is 23/00760/F.
 - The development proposed is new external escape staircase to replace existing provision deemed unsafe (located elsewhere on building).
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Decision

1. The appeal is allowed and planning permission is granted for new external escape staircase to replace existing provision deemed unsafe (located elsewhere on building) at 11-16 Claro Homes, Philip Street, Bedminster, Bristol City, Bristol BS3 4EA in accordance with the terms of the application, Ref 23/00760/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 1863-CMS-XX-XX-DR-A-LOC (Site Location Plan), 1863-CMS-XX-XX-DR-A-SK01 (Existing Site/Roof Plan & Elevation), 1863-CMS-XX-XX-DR-A-SK10 (Proposed External Staircase).
 - 3) The development hereby permitted shall not be brought into use until details of the refuse and recycling storage area have been submitted to and approved in writing by the local planning authority. The storage area shall be implemented and made available for use prior to the development being brought into use, and shall thereafter be kept available at all times for the storage of refuse and recycling.

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, and it has provided a putative reason for refusal. I have had regard to the parties' submissions in establishing the main issue below.

Main Issue

3. The Council raised no objection in respect of living conditions for future residents or neighbouring occupiers. Although it found conflict with several

policies, in the absence of any identified harm, neither issue formed part of the Council's putative reason for refusal. It has therefore not been necessary for me to consider these matters further. The remaining main issue is therefore whether the proposal would preserve or enhance the character or appearance of the Bedminster Conservation Area (CA).

Reasons

4. The appeal site lies within the CA, within the Bedminster Parade character area. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
5. There has been no heritage statement submitted with the appeal. However, the CA's significance is described in the Bedminster Conservation Area Character Appraisal (2013) (the CAA). I am satisfied I have sufficient evidence before me in the form of the CAA and my own observations. Despite the lack of an assessment of significance I am therefore able to reach a finding on this issue.
6. The CAA sets out that the significance of the CA as a whole is derived in part from its surviving historic route structure and plot layout, comprising Georgian and Victorian terraces and some fine examples of industrial, commercial, civic, and institutional buildings. The Bedminster Parade character area is focussed on the central ancient route formed by Bedminster Parade, with particular interest present in the historic street pattern of the back land. While the appeal site area is not as clearly defined as nearby Stillhouse Lane, the plot pattern formed by Philip Street and Bartley Street contains several character buildings representing the historic industrial nature of the area.
7. The appeal proposal would sit within a recessed area of the building elevation fronting Bartley Street. This road has an industrialised character, comprising several warehouse-style buildings with roller-shutter doors and security features. The proposal would be positioned adjacent to an existing security-fenced service area. Its materials, form, and overall appearance would reflect the industrial context of the street and the functional nature of the staircase, maintaining a subservient scale to the three-storey buildings enclosing the recessed space. With regard to the significance of the CA, the proposal would not alter or otherwise detract from the historic street and block pattern of the area. Reflecting the functional use of the proposal, the form and appearance of the staircase would sit comfortably alongside the existing features of the appeal building and the industrial features of Bartley Street.
8. I therefore conclude that the proposed development would preserve the character and appearance of the CA. Consequently, the proposal would comply with Policies BCS21 and BCS22 of the Core Strategy, and Policies DM26, DM27, DM30 and DM31 of the SADMP. Taken together, amongst other matters, these policies seek development proposals that respect the materials, details and the overall design of the host building and the broader street scene, responding appropriately to the scale, character and function of streets. They also seek to safeguard heritage assets and preserve elements which contribute to the special character or appearance of conservation areas.
9. In preserving the character and appearance of the CA, the proposal would also accord with the expectations of Section 72 of The Planning (Listed Buildings

and Conservation Areas) Act 1990 (as amended) (the Act), along with the relevant provisions of the Framework. In relation to this main issue, the Council has also found conflict with Section 66 of the Act, which relates to listed buildings. However, in its submission the Council has indicated that the proposed development would not affect a listed building or its setting, and there is no evidence to indicate otherwise. Accordingly, I find no conflict with the provisions of Section 66 of the Act.

Other Matters

10. The appeal site is within Flood Zone 3 with a medium risk of surface water flooding. No site-specific flood risk assessment (FRA) has been provided, representing a conflict with paragraph 173 and Footnote 59 of the Framework which require a FRA for all development in Flood Zone 3. Policy BCS16 of the Core Strategy does not require a FRA, but is broadly in accordance with the Framework in respect of flood resilience and management of flood risk. The Council has not objected in respect of flooding, finding no conflict with the development plan.
11. The proposal would be of a light-weight construction, not affecting the movement or levels of flood waters which would be able to pass freely through the structure. I therefore also find no conflict with Policy BCS16 in so far as it requires development to be resilient to flooding and not increase flood risk elsewhere. Despite the conflict with national policy caused by the absence of a FRA, in this instance this conflict is not of sufficient weight to change my decision.

Conditions

12. The Council provided a list of suggested conditions, which I have reviewed with regard to the Framework and the Planning Practice Guidance. In addition to conditions relating to the statutory timescale and a list of approved plans for the purposes of clarity, a condition requiring details of the relocated refuse and recycling storage area is necessary to protect the character and appearance of the area and in the interests of highway safety.

Conclusion

13. For the reasons given above the appeal should be allowed.

K Jones

INSPECTOR