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## Appeal Decision

Site visit made on 27 August 2024

**by U P Han BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 September 2024**

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**Appeal Ref: APP/Z0116/W/24/3344630**

**56B Hampton Park, Bristol BS6 6LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Peter Bacon against the decision of Bristol City Council.
  - The application Ref is 23/02444/F.
  - The development proposed is erection of freestanding electric roller type double garage door and fence with associated pedestrian access gate to secure the rear of the property and private parking.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal site is within Whiteladies Road Conservation Area (WRCA) wherein I have a statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
3. The site is also within the setting of the adjacent Cotham and Redland Conservation Area (CRCA). Although no statutory protection for the setting of a conservation area is present under the requirements of the LBCA, paragraph 201 of the National Planning Policy Framework (the Framework) requires the impact of a proposal on the significance of a heritage asset to be taken into account, including by development affecting the setting of a heritage asset (in this case the CRCA).

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the street scene, including whether it would preserve or enhance the character and appearance of WRCA and its effect on the setting of CRCA.

### Reasons

#### *Significance and settings of heritage assets*

5. WRCA includes a principal shopping street along Whiteladies Road, as well as residential areas that contain a variety of house types and sizes. The significance of WRCA is derived from its architectural and historical qualities which include the contribution made by numerous listed buildings, the layout of the area with its irregular street grids, the plot layouts, and trees and

garden spaces that all form an integral part of the conservation area. I note the contents of the Council's Whiteladies Road Conservation Area Enhancement Statement (1993) which highlights that the character of the area relies, to a large extent, on the subtle combination of domestic qualities, such as the stone boundary walls which complement the buildings and harmonise the ground level environment, as well as the trees and gardens. It notes the pressure for additional car parking from conversion of villas to flats as a risk to the character of the area which needs to be managed. While the document is over 30 years old and does not contain detail on rear parking areas, it is, nonetheless, current and relevant to this appeal.

6. The appeal site is also within the setting of CRCA, the western boundary of which runs along Hampton Road and directly adjoins WRCA. I note the Cotham and Redland Conservation Area Character Appraisal and Management Proposals (September 2011) which describes the significance of the area. This includes its high quality Victorian townscape and verdant character inherited from earlier estate layout of parklands, and its local topography which provides views and panoramas that extend out of the conservation area.

*Effect of the proposal on the WRCA and setting of the CRCA*

7. The appeal site comprises an elegant four-storey semi-detached property with a rear outdoor amenity area enclosed by timber fencing. It also includes two car parking spaces which are accessed from Hampton Road.
8. The proposal is for the erection of a timber fence, gate and roller garage door to enclose the two car parking spaces to the rear. The proposed garage door would have an anthracite grey metal finish.
9. I note the variety of rear boundary treatments in the vicinity, including timber fencing, stone wall and hedge and stone wall and railings. Within this context, the proposed timber fencing would not be incompatible with the existing rear boundary treatments in the vicinity. However, the only roller type garage door that I saw nearby was at 54 Hampton Park (No 54) and this was set within an externally rendered double garage with pitched roof so is materially different to that of the proposal.
10. The appellant has drawn my attention to other rear parking areas in the wider area within WRCA and CRCA which include roller type garage doors, timber fencing and other mixed boundary treatments. All but one of the roller type door examples were fixed to garages, rather than free-standing, so are not directly comparable to the appeal proposal. Furthermore, I am not aware of the full circumstances of these cases, including No 54, or the policies that applied at the time of their consideration. In any event, I have considered and determined the appeal proposal on its own individual merits.
11. Although the appeal site is on private land and set back approximately 30 metres from Hampton Road via a lane which provides access to the rear car parking area, it would, nonetheless, be highly visible from Hampton Road within WRCA and also from the adjacent CRCA. This is because, while the lane is narrow, it is immediately next to another lane. The combined width of the two lanes provides a wide opening in the street frontage to allow clear views of the appeal site between the single storey petrol station and the three storey flats on Hampton Road.

12. Due to its height, width and materials, the proposal would be a visually prominent and unsympathetic feature in the street scene, exacerbated by the sloping topography of the appeal site. Its utilitarian design, expansive scale, and the material and colour of the garage door would be incongruous with the elegance and diminutive features of the host building and low stone wall to the side of the property, as well as the character and appearance of the surrounding area. The proposal would therefore fail to preserve or enhance the character and appearance of WRCA and as a result harm its significance. It would also harm the significance and setting of CRCA. I judge that the harm, both to WRCA and CRCA, would be less than substantial.
13. The appellant states that the existing appeal site makes a limited contribution to the character and appearance of WRCA but has not explained why this is so. In my view, the appeal site forms an integral part of the conservation area and its qualities, such as its elegant front and rear façade and the front and side stone boundary wall, contribute significantly to the character and appearance of the area.

*Public benefits and conclusion on the main issue*

14. Paragraph 208 of the Framework establishes that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset (in this case the WRCA and CRCA), this harm should be weighed against the public benefits of the proposal.
15. In terms of benefits, the appellant argues that the proposal would help to clearly define private space and safeguard the amenity, security and privacy of the occupiers of the appeal property. As this is a private benefit to the occupiers of the property, I can only give this benefit very limited weight.
16. Paragraph 205 of the Framework establishes that great weight should be given to the conservation of a designated heritage asset. With this in mind, the very limited public benefits I have found would not be sufficient to outweigh the harm that would be caused to the significance of WRCA and CRCA, to which I attach great weight.
17. Consequently, I conclude that the proposed development would harm the character and appearance of the street scene and would neither preserve or enhance the character and appearance of WRCA. It would also have a detrimentally harmful effect on the setting and significance of CRCA. Hence, it would conflict with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (June 2011) (the BSC) and Policies DM26, DM28, DM30 and DM31 of the Bristol Local Plan Site Allocations and Development Management Policies (July 2014) (the SADMP). Together these policies seek to ensure development contributes positively to the character and identity of an area, respects the character of the host building and street scene and safeguards or enhances heritage assets and their settings. It would be contrary to the Whiteladies Road Conservation Area Enhancement Statement (1993) and the Cotham and Redland Conservation Area Character Appraisal and Management Proposals (September 2011) which set out management proposals for the preservation and enhancement of the areas. It would also be contrary to the design and historic environment objectives of the Framework.

## **Other matters**

18. Criticisms of the Council's handling of the planning application have not factored into my decision, and I have determined the appeal only on the planning merits of the case.
19. The appellant contends that the Council cannot demonstrate a five-year supply of deliverable housing sites and, therefore, paragraph 11(d) of the Framework is engaged whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, no information has been provided to identify the level of undersupply. Even if there was a substantial undersupply of housing, it is clear from footnote 8 to paragraph 11(d), that the 'tilted balance' applies to housing proposals. As the appeal proposal would not contribute to the housing supply, paragraph 11(d) of the Framework is not applicable.

## **Planning Balance and Conclusion**

20. The appellant argues that the Council's development plan is out of date, and therefore paragraph 11(d) of the Framework is engaged. The policies most relevant to the proposal are policies BCS21 and BCS22 of the BCS and policies DM26, DM28, DM30 and DM31 of the SADMP. While both the BCS and the SADMP predate the current Framework, it is clear existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.<sup>1</sup>
21. Policies BCS21, DM26, DM28 and DM30 seek to ensure all development achieves high standards of design, respect and contribute towards local character and distinctiveness and create high quality public realm. I find these policies to be reasonably consistent with the design aims of the Framework. Policies BCS22 and DM31 requires development to conserve or enhance heritage assets and the character and settings of areas of acknowledged importance. These policies are generally consistent with the historic environment objectives of the Framework. As such, I afford significant weight to the conflict of the proposal with these policies.
22. In light of the above, the appeal proposal would not accord with the development plan, when considered as a whole. Furthermore, the outcome of the above balancing exercise for the designated heritage assets is that the application of policies in the Framework that protect these also provide clear reasons for refusing the development proposed.
23. My overall conclusion is that the appeal proposal would not accord with the development plan and there are no other relevant material considerations, including the provisions of the Framework, that indicate the proposal should be determined otherwise than in accordance with the development plan. Accordingly, for the reasons given, the appeal should be dismissed.

*U P Han*

INSPECTOR

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<sup>1</sup> Annexe 1, paragraph 225 of the Framework