



Appeal Decision

Site visit made on 2 October 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/Z0116/W/24/3340606

**Wadham Mansions, Balmoral Road, Montpelier, Bristol City, Bristol
BS7 9AU**

- 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 White of Peter White Properties against the decision of Bristol City Council.
 - The application Ref is 23/00980/FUL.
 - The development proposed is a new building alongside Wadham Mansions, St Andrews, containing 1 no. 2-bedroom maisonette and 2 no. studio flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A previous appeal¹ for a 4 storey building at the appeal site comprising 2 no. studio apartments and 1 no. duplex was dismissed in 2019. I have had regard to this appeal decision insofar as it is relevant to the appeal. However, I have assessed the appeal on the basis of the submitted plans and the evidence before me.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and the area.

Reasons

4. Wadham Mansions is an existing block of flats which is located near the junction of Balmoral Road and Hurlingham Road.
5. The appeal site comprises a roughly triangular area to the south of the building where it is proposed to construct a circular building, which would be connected to the main building by a flat roof glazed link structure containing the staircase. The upper floor of accommodation would be contained within a conical roof, served by a number of dormer windows.
6. Policy DM21 of the Site Allocations and Development Management Policies (adopted July 2014) (SADMP) seeks to avoid development involving the loss of gardens unless (amongst other things) the proposal would represent a more efficient use of land at a location where higher densities are appropriate. It was established through the previous appeal that development on the site was

¹ APP/Z0116/W/18/3212105

acceptable in principle. However the policy goes on to state that in all cases, any development of garden land should not result in harm to the character and appearance of an area. The previous Inspector found conflict with this part of the policy.

7. The wider area surrounding the appeal site is generally characterised by traditional detached and semi-detached dwellings in a relatively regular linear layout which gives a degree of consistency and formality to the area. Buildings in the area tend to address the street but are generally set back behind front gardens which provides a sense of spaciousness to the area.
8. Some of the buildings in the immediate context of the appeal site exhibit more variety in terms of architecture, materials and layout. However, they generally echo the linear form which is characteristic of the area and are set away from the back edge of the pavement, reflecting the spacious character.
9. Wadham Mansions comprises a relatively large, linear building which occupies a prominent position near a bend in the road, meaning that its front and side elevations are prominent on approach from the north, southeast and southwest. The mass of the existing building is broken down by a recessed section between the two main parts of the building, projecting gables and dormers which serve the upper floor. Moreover, the space to the front and sides of the building ensures that, although the building is relatively large, it does not appear cramped and assimilates well into the area.
10. The proposal would result in a significant reduction in the space around the southern end of Wadham Mansions. It is said the appeal site is not regularly used as amenity space by existing residents and an existing outbuilding and fencing are located in this area. Nevertheless, the development of this space with a relatively large building which would be in very close proximity to the boundary of the site would result in a cramped appearance which would conflict with and erode the spacious character of the area.
11. Furthermore, although the eaves height of the proposed structure would be similar to that of the host building, the overall height of the roof would exceed that of the main building and the majority of buildings nearby. In addition, its circular form and conical roof would be completely at odds with the prevailing linear character of the area and of the host building. As a result, the proposal would be an incongruous and excessively prominent addition to the street scene, which would fail to respond to the character and appearance of the area and the host building. Given the visibility of the appeal site from the surrounding area, this would result in significant harm to the character and appearance of the area.
12. I recognise that efforts have been made to address the concerns raised in respect of previous proposals at the appeal site by reducing the height of the building and aligning the fenestration with that of the host building. Nevertheless, for the reasons given, I find that the proposal would have an unacceptable effect on the character and appearance of the area. I also note that the appellant wishes to construct a landmark tower in the vernacular of northern France in memory of the D-Day landings. However, this is not sufficient justification for allowing the harm I have identified to occur.
13. I conclude that the proposal would have a harmful effect on the character and appearance of the host building and the area. It would therefore conflict with

Policy BCS21 of the Core Strategy (adopted June 2011)(CS) and Policies DM21, DM26, DM27 and DM29 of the SADMP. Together these seek to ensure that new buildings are designed to a high standard of quality and design which contributes positively to an area's character, identity and local distinctiveness including layout and form and does not harm the character and appearance of the area. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development achieves well-designed and beautiful places.

14. The appellant contends that Policy DM21 (Development of Private Gardens) should not be included as the previous Inspector did not find issue with the loss of the garden area. However, this policy includes a follow-on requirement that any development of garden land should not result in harm to the character and appearance of the area. In this respect the previous Inspector found conflict with this policy as have I.
15. In common with the previous Inspector, I have not found Policy DM30 of the SADMP to be determinative in this instance as it relates to extensions and alterations to existing buildings and the proposal is for a self-contained building which although attached, is not linked to the host building.

Other Considerations

16. Set against the harm identified, the proposal would deliver a net gain of 3 new dwellings which would provide satisfactory living conditions for future occupiers. The proposal would make efficient use of the land and would be in a location with good access to services and facilities, capable of supporting a car-free lifestyle. This would support the Government's aim of significantly boosting the supply of homes and improve the current shortfall in the City's housing land supply. However, the addition of three dwellings would be limited in this context and I attach modest weight to this benefit.
17. There would be both temporary and ongoing economic benefits from the development, including employment opportunities during the construction phase and local expenditure from future occupiers. A social benefit would also arise through future occupiers making a contribution to supporting the local community. The proposal would include low carbon technologies and would ensure a net gain in biodiversity. However, given the small scale of the development, these benefits would attract minor weight.
18. Future residents would pay Council Tax, however this would largely mitigate the effect of new residents on local infrastructure. The lack of harm in respect of ecology, living conditions, and highway safety are neutral factors in the appeal.

Planning Balance

19. The appeal proposal would cause significant harm to the character and appearance of the host building and the area. There would be conflict with Policies BCS21 of the CS and DM21, DM26, DM27 and DM29 of the SADMP. These policies are consistent with the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also requires that developments are sympathetic to local character and visually attractive. As there are no local plan policies which positively favour

development of this kind in this location the proposal would therefore not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.

20. However, the Government's objective is to significantly boost the supply of homes and the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, paragraph 11d) of the Framework is engaged and planning 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.
21. As described above, the benefits would be relatively minor even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and makes development acceptable to communities. It also gives significant weight to development which reflects local design policies.
22. Consequently, the adverse impacts of the proposal on the character and appearance of the host building and the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

E Pickernell

INSPECTOR