



Appeal Decision

Site visit made on 28 January 2025

by **Tamsin Law BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Appeal Ref: APP/Z0116/W/24/3354526

1 High Street, Westbury, Bristol, BS9 3DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part [3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by 1 High Street Limited against the decision of Bristol City Council.
 - The application Ref is 24/03326/COU.
 - The development proposed is described as “Prior Approval (Class MA) of a proposed change of use from a bank (Use Class E(c(i))) to 3no. self-contained flats (Use Class C3a).”
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Decision

1. The appeal is allowed and planning permission is granted for Prior Approval (Class MA) of a proposed change of use from a bank (Use Class E(c(i))) to 3no. self-contained flats (Use Class C3a) at 1 High Street, Westbury, Bristol, BS9 3DR in accordance with the terms of the application, Ref 24/03326/COU, and the plans submitted with it, subject to the following conditions:
 - 1) Prior to the beneficial use of Flat 1 and Flat 2 as detailed on drawings Proposed Ground Floor Plan – 690-PLA-111 Rev A and Proposed First Floor Plan – 690-PLA-112 Rev A, details of the glazing and ventilation specifications for these rooms shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the use of Flat 1 and permanently maintained thereafter.
 - 2) The development hereby permitted shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

2. The actions required above shall be completed in full accordance with the following
guidance: Land Contamination Risk Management (Environment Agency, 2023).

Background and Main Issue

3. Article 3(1) and Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) provides for a permitted development right for the change of use of a building falling within use class E (Commercial, Business and Service) to class C3 (Dwellings). This is subject to limitations and conditions, as set out in subsequent paragraphs of Class MA.
4. The appeal site comprises a two-storey former bank which was vacant at the time of my site visit. Prior approval was refused by the Council on the grounds that the proposal fails to respect the character and sustainability of the Westbury-On-Trym Conservation Area (CA).
5. The main issue is therefore whether or not prior approval should be granted having regard to the impact of the development on the character and sustainability of the CA.

Reasons

6. The appeal site comprises a two-storey building, a former bank, located within the CA. The appeal site is located within a town centre location and within the primary shopping area. It is located on a mini-roundabout where four roads converge, with the centre of the roundabout containing Grade II listed war memorial.
7. This part of the CA is identified as the ‘commercial core’ within the Westbury-On-Trym Conservation Area Character Appraisal. It derives its significance from its historic architecture, road layout (main roads leading to the war memorial with smaller lanes behind), and consistent street frontage. Most of the buildings surrounding the appeal site, along High Street, Westbury Hill and Canford Lane, have commercial uses to the ground floor. There are a variety of commercial uses nearby, including supermarket, bank, general store, cafés and salons. This gives the area a busy and vibrant feel. During my site visit I noted that only the appeal building, and another were vacant.
8. The Council’s concerns relate to the removal of a ground floor use, the creation of a ‘dead frontage’ and the impact this could have on the town centre. Evidence before me details that two of the ground floor windows had blinds/privacy screening as these were the bank offices. Further, the remaining windows had large posters restricting views inside.
9. The proposed development seeks to change the use of the building to 3 self-contained flats. No external alterations are proposed, with the subdivision of the internal space being the only physical alterations in order to facilitate the change of use. The commercial use of the building would cease, and the building would be utilised for 3 flats. The entire ground floor of the building would be one flat, with road facing windows providing light and ventilation for three bedrooms and a living room. Whilst future occupiers may introduce blinds or privacy screens to the front

windows, similar features, blocking views in to the building, were already utilised by the bank. This, combined with the absence of any external alterations, means that the proposed development would preserve the character of the CA.

10. The Council's reason for refusal states that the proposed development would also harm the sustainability of the CA. Whilst I have not been provided with any substantive evidence relating to this, the appeal building is one building in the commercial centre of the town. Many other businesses appear to operate successfully with only one other building, another former bank, vacant. As such, the conversion of one of these buildings to a residential use would not have a harmful impact on the town centre, which appears to be functioning successfully.
11. The Council consider that allowing the proposed development could cause a precedent to similar applications being submitted. However I have determined this appeal on its own merits, and the context of the appeal building is likely to differ from other nearby buildings that have differing uses and architectural merits.
12. In the absence of any evidence to the contrary, the proposed development would preserve the character and sustainability of the CA and would therefore comply with condition MA.2 (2)(e) of Schedule 2, Part 3, Class MA of the GPDO.

Conditions

13. Development permitted under Class MA of the GPDO must adhere to the conditions set out at Paragraph MA.2. These include that the development must be completed within a period of 3 years starting with the prior approval date, and that any dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Class Order. The provisions at Paragraph W(12) of Part 3 further require that the development must be carried out in accordance with the approved details.
14. I have included the Council's recommended conditions relating to noise insulation and unexpected contamination in the interest of the living conditions of future occupiers. I have amended the wording of the conditions to comply with the Planning Practice Guidance.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

Tamsin Law

INSPECTOR