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## Appeal Decision

Site visit made on 20 February 2025

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 March 2025**

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**Appeal Ref: APP/Z0116/W/24/3356523**

**20A West Street, St Philips, Bristol BS2 0BH**

- 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 Midland Mews RTM Company Ltd against the decision of Bristol City Council.
  - The application Ref is 23/01563/F.
  - The development proposed is the replacement of all existing timber windows and external doors with matching white UPVC ones, within the Old Market conservation area of Bristol.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Old Market Conservation Area (CA).
3. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving 22 West Street and 28/30 West Street or their setting or any features of special architectural or historic interest which they possess.
4. There is a current appeal<sup>1</sup> relating to phase 1 of the Midland Mews development which also proposes to replace all existing timber windows and external doors with matching white UPVC windows and doors. That appeal will be the subject of a separate decision.

### Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the host buildings and the CA and (ii) the setting of the grade II listed buildings at 22 and 28/30 West Street.

### Reasons

#### *Conservation area and host building*

6. The appeal site includes parts of two larger apartment blocks and a single standalone block. The Old Market Character Appraisal 2008 (OMCA) sets out that the special interest of the Old Market Conservation Area is derived from its historic development and quality of built form combined with the legibility of the historic

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<sup>1</sup> APP/Z0116/W/24/3355248

street layout and traditional plot boundaries. The OMCA also outlines the dominant characteristics of the CA which includes reference to timber windows, doors, shopfronts and shopfront surrounds in the material palette section. The appeal property is not a historic development and is classed as a neutral building in the OMCA. Nonetheless, the use of timber windows and doors represents an appropriate material in its surroundings, it contributes positively to the appearance of the buildings, and it has aided in integrating the development into the wider CA.

7. The elevational drawings that have been provided are of a scale that does not allow it to be readily ascertained as to how the proposed replacement windows and doors would actually appear, including in terms of the full design of the units, their method of opening and the thickness of their frames. Whilst a sectional detail and a plan detail have been provided, alongside a diagram image and an opening image, these provide only limited details of how the proposed units would appear. Indeed, they do not appear to cover all aspects of the proposal such as the replacement doors. Given that some of the existing units, and in particular the more prominent doors and windows facing Waterloo Road have some interest arising from the joinery and profile of their frames, I am not sure on the basis of the information that is before me that the existing windows or doors could be replaced on a matching basis as the description of the development suggests.
8. As a consequence, the term 'matching' is undefined in the context of the submissions made in support of the application. This leaves, in the absence of full details of what is proposed, considerable uncertainty and imprecision as to what would actually be approved if the appeal were to be allowed. As this is a fundamental consideration in terms of the visual impact that would arise on the host buildings and the CA, it is not a matter which could be addressed post decision by way of a planning condition as the appellant suggests. In addition, there would be likely to be noticeable visual differences in the appearance of UPVC as compared to the white painted units which are currently in place on the appeal buildings. In that respect, UPVC is a modern material which would have a notably different finish from painted timber.
9. Whilst there is not uniform fenestration on display on the buildings and some higher windows are set back behind parapets, the materials used are consistent and this is to the benefit of the appearance of the buildings. Reference is made to some other buildings in the CA that have UPVC, including a development at the eastern end of Waterloo Road and a development permitted at 16 West Street. However, whilst there may be such examples present, I do not have full details of the circumstances of those developments. Furthermore, there are also examples of the use of traditional materials in the area, such as that present on the appeal site at the current time.
10. Taking these considerations together, I conclude the proposal as presented would not preserve or enhance the appearance of the CA and that there would be harm too to the appearance of the host buildings. The Waterloo Road facing elevation is positioned at the edge of, but within, the CA and views are also possible from Waterloo Road towards the internal buildings in the site. Replacement uPVC windows and doors would visually weaken the overall appearance of the host buildings, resulting in harm to the appearance of both the buildings themselves and to the CA. The absence of any real visibility from West Street does not overcome that harm, and the difference in material would be readily apparent from within the Midlands Mews development itself. Given the nature of the proposal and

that the harm would be localised, I consider that less than substantial harm to the CA would be caused. That being the case, it is necessary to weigh any public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 215 of the National Planning Policy Framework (the Framework).

11. In that regard, the benefits that have been outlined refer primarily to benefits to the residents of the flats on which the new windows and doors would be installed, in terms of an improvement to their living conditions. However, it is not evidenced why any such improvements could also not be achieved through the use of an alternative material. There is also no substantive evidence to show that UPVC units would improve thermal performance or would have environmental benefits in comparison to timber equivalents. Whilst some of the existing windows and doors do appear in a poor condition and this detracts to some degree visually from both the buildings and the CA, there are no details provided of how they have been maintained in the time since the buildings were constructed. Furthermore, this impact too could equally be addressed by the use of a different material which, if correctly maintained, would retain its condition and appearance.
12. Consequently, it has not been shown that there would be public benefits arising from the use of UPVC which could outweigh the less than substantial harm I have found to the CA. I also have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and the harm that I have found would arise to the designated area is a matter which carries considerable importance and weight. In conclusion, the proposed development would cause harm to the appearance of the host buildings and the CA and thus fail to accord with Policies BCS21 and BCS22 of the Core Strategy 2011 (CS) and Policies DM26, DM30 and DM31 of the Site Allocations and Development Management Policies Local Plan 2014 (SADMP), where they collectively seek to deliver high quality urban design and to preserve or enhance the character or appearance of CAs. There would also be a conflict with the Framework, where it seeks to achieve well-designed places and because the harm to the CA is not outweighed by public benefits.
13. Whilst the appellant considers that Policy BCS21 of the CS and Policy DM26 of the SADMP are not relevant as the appeal proposal is not new development, the replacement windows and doors are new development for which a planning application has been made. Therefore, I am satisfied that they are relevant policies for the purpose of determining this appeal. However, in any event, I have found that the proposal also fails to accord with other development plan policies, and with the aims of the Framework.

#### *Listed buildings*

14. The northernmost block of the appeal development is located immediately behind the listed buildings at 28/30 West Street. Although close to other parts of the wider Midland Mews development, the building at 22 West Street is further away and less affected by the parts of the building subject to this appeal. The main elevation of 28/30 West Street fronts onto West Street and is of considerable height. It is not possible to see the appeal building when stood on West Street at street level other than a small part of it which is visible through an archway. Furthermore, the environs of the listed building have already been considerably compromised by the presence of the appeal building.

15. Whilst the Council have not set out what they consider to constitute the setting of the listed buildings, in the above context the proposal would not alter the amount of built development around them, nor would it have any effect on how they are appreciated from West Street. It is reasonable on that basis to conclude that the appeal proposal would not cause harm to the setting of the listed buildings at either 22 or 28/30 West Street. Therefore, the proposal would accord with Policy BCS22 of the CS and Policies DM26 and DM31 of the SADMP, where they collectively seek to protect the setting of listed buildings. There would also be no conflict with the aims of the Framework in the same respect.

### **Other Matters**

16. Although reference is made to a current housing quantity crisis, there is nothing to suggest that the dwellings to which the appeal proposal relates would not remain as available residential units if this appeal were to be unsuccessful. There were no objections from members of the public to the proposal and the appellant considers that this represents the will of local residents to permit the proposal, including that of the 60 dwelling owners and an estimated 150 occupants of the appeal development. However, the absence of objection does not in itself justify the permitting of a harmful development. I do not concur that the occupants of the appeal development would suffer from discrimination if the appeal were dismissed, as the justification for my decision on the planning merits of the case is set out in full above.

### **Conclusion**

17. Whilst I have not found harm to the setting of the listed buildings, I have found that harm would arise to the appearance of the host buildings and the CA. Consequently, the proposal would fail to accord with the development plan taken as a whole, and there are no other considerations which indicate that a determination should be made otherwise than in accordance with the plan. For these reasons, the appeal should be dismissed.

*Graham Wraight*

INSPECTOR