



Appeal Decision

Site visit made on 11 March 2025

by **A Dawe BSc (Hons), MSc, MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/Z0116/W/24/3355248

Midland Mews, 24 Waterloo Road, Bristol BS2 0PL

- 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 23/01562/F.
 - The development proposed is the replacement of all existing timber windows and external doors with matching white UPVC ones.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address set out on the original planning application form is stated to be 24 Midland Mews, Flat 1, Waterloo Road, St Philips, Bristol City, Bristol BS2 0PL. It is clear from the submissions that this is not an accurate address, with the correct one, as in the above header, reflecting the address stated on the Council's decision notice and confirmed to be the case by the Appellant.
3. I note that the Council's reason for refusal in its decision notice refers to adjacent Grade II* listed buildings. From the submissions, I understand the buildings concerned relate to Nos 22 and 28 & 30 West Street, these being the addresses referred to by the Council in its Delegated Officer Report. The Official list entries for those buildings refer to them as Grade II and not II*. I have therefore taken that of the Official list entry to be the correct listing.
4. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.
5. There has been another appeal¹ relating to phase 2 of the Midland Mews development. That phase relates to apartments connected to the eastern ends of the north and south wings of phase 1 as well as a separate block on the eastern side of the central parking courtyard. That appeal also related to a proposal for the replacement of all existing timber windows and external doors with matching white UPVC ones. My colleague, who determined that appeal, has issued that decision with the appeal having been dismissed. As it relates to Midland Mews and involves similar works to those concerning the current appeal, that decision is a material consideration in my determination of this appeal. I have however determined the

¹ Case Ref. APP/Z0116/W/24/3356523 - 20A West Street, St Philips, Bristol BS2 0BH

appeal on its own merits, based on all of the submitted evidence and my observations. Both the Appellant and the Council have had an opportunity to comment on that other appeal decision and so would not be prejudiced by it being taken into consideration.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the host building and surrounding area bearing in mind the extent to which it would preserve or enhance the character or appearance of the Old Market Conservation Area (CA) and the special attention that should be paid to the desirability of preserving the setting as it relates to the special interest of the nearby Grade II Listed buildings, known as 22 West and 28 and 30 West Street (Refs: 1202680 and 1219469 respectively) (the LBs).

Reasons

7. The CA is characterised by a variety of building types, designs and ages, including along West Street and Waterloo Road. The appeal site is wholly within the CA, the southern edge of which includes those properties on the northern side of Waterloo Road.
8. The CA relates to the eastern gateway into the city and is centred on Old Market Street and West Street which together, for a significant part of Bristol's history, formed the main route in and out of the city towards London. It also includes the back lanes that served the long, narrow plots behind the main route. Furthermore, there are a significant number of listed buildings in the CA, including close to the site on West Street. These factors contribute strongly to the CA's significance and special interest.
9. There are also more modern buildings such as many of those to the south of the West Street frontage buildings, including that relating to the appeal site, where there is now little evidence of the historic narrow burbage plots. Along West Street there are also a number of relatively modern shopfronts of varying designs and quality.
10. Nevertheless, there remains a strong use of traditional materials within the CA, including painted timber framed windows and doors of varying colours, albeit with a large proportion of those on the upper floors being white. Whilst those features may be in varying states of repair and appearance, such traditional materials generally help to retain a degree of connection to the historic nature and significance of the CA. There are some exceptions to the use of timber frames including the use of coloured aluminium, such as is seen in the adjacent building to the west of the site on Waterloo Road, and UPVC. I also acknowledge the presence of buildings to the east of the site on Waterloo Road recorded in the Council's Conservation Area 16: Old Market Character Appraisal (the CA Appraisal) as negative buildings.
11. Of those other properties within the CA that have UPVC window and doors frames, including that referred to by the Appellant at 16 West Street, I do not have full details of their planning circumstances. I have in any case determined this appeal on its own merits. Furthermore, as previously referred to, there still remains a strong use of traditional materials in the CA generally. Additionally, the extent of use of UPVC locally, which is generally distinctive, when compared to traditional timber frames, by its very smooth and uniform manufactured appearance with

- limited moulding features and sometimes thicker frame profile, is not to such an extent as to fundamentally change the character and appearance of the CA.
12. In light of the above CA characteristics, whilst Midland Mews is a modern building and recorded as neutral in the CA Appraisal, the use of white painted timber framed windows and doors, albeit not all of the same design or degree of visibility, is nevertheless a positive aspect of the building's design and appearance, particularly as they provide a degree of continuity with the surrounding CA.
 13. I note the intention to utilise white UPVC to continue the white colour of the existing window and door frames at the site, and for the trims to match the existing. I also acknowledge options mentioned by the Appellant for a wood grain effect, flush UPVC units, and variable windows along the Waterloo Road elevation.
 14. Plan and section drawings and an opening image relating to casement design windows, and a sash design diagram image, have been submitted. However, it is unclear as to how these relate to the nature of the particular openings in the building concerned, and it is unclear from the submissions as to how the proposed windows and doors would actually appear in detail. Notwithstanding the intention to match the existing design, the extent to which that would be the case is unclear, as there are insufficient details to demonstrate the intended type and design of windows and doors specific to the appeal building. In the absence of sufficient details, including in relation to those other options referred to above, I cannot be certain as to the likely appearance of the proposals, including the extent of matching, particularly in light of the proposed use of the modern UPVC material that is in conflict with the general character and appearance of the CA.
 15. It is claimed that such details and actual mock-ups could be secured by condition. However, in the absence of sufficient details at this stage, there is not enough certainty as to whether what is intended is feasible or appropriate. It would therefore be inappropriate to leave this to a condition, particularly in the important context of considering the effects of these significant elements of the building's design and appearance, including on the integrity of the CA.
 16. Any lack of public visibility is not necessarily a determinative factor in considering effects on conservation areas and I saw that the proposals would not be visible from West Street at street level. Nevertheless, along with private views from the site's parking courtyard and various immediately surrounding properties, in this case, the harmful nature of the works would be clearly seen in relation to the Waterloo Road elevation. There would also be a lesser degree of visibility of some of the inner courtyard facing elements of the proposals, via the vehicle entrance to the site from Waterloo Road and obliquely over the high side boundary wall from further east along that road.
 17. Although recorded in the CA Appraisal as a neutral building, that does not in itself justify any works that would detract from its current appearance in the context of the CA. Furthermore, although Midland Mews is a modern building, it does incorporate the timber framed windows and doors, a material that is characteristic within the CA, as referred to previously.
 18. The Appellant highlights that the existing timber door and window frames have defects and have started to rot, and that they require replacement. I do not have any substantive evidence of the extent of any such deterioration relating to phase 1 that is under consideration in this appeal. I did see some evidence of weathered

and pealed paintwork, exposing the underlying timber. However, it was not clear that such condition amounted to rotting or a state requiring replacement as opposed to refurbishment and redecoration. Furthermore, whilst the proposed replacement UPVC units would be likely, at least initially, to have a consistent appearance, I have no substantive evidence to indicate that the same could not be achieved with refurbishment and redecoration or other appropriate replacement options in the context of the CA. There is also no substantive evidence that such UPVC windows would be necessary to enable a prolonged lifespan.

19. For the above reasons, in the absence of sufficient evidence to the contrary, the proposed works relating to replacing existing timber framed windows and doors with UPVC units would therefore be to the detriment of the integrity of the CA. I also have no substantive basis to consider that those existing variations referred to above, relating to other buildings locally within the CA with non-traditional materials, provide sufficient justification for the proposed appeal works.
20. The listed buildings adjacent to the site, fronting West Street, comprise Nos 22, 28 and 30. With the presence of the relatively modern Midland Mews to their rear, that has substantially compromised their setting on that side of the LBs, their key setting relating to their significance relates to the streetscene of West Street. In this respect, as referred to above, from street level on West Street, the proposals would not be visible over the top of the frontage buildings, including the LBs. Therefore, whilst the appeal proposals relating to the north elevation of Midland Mews phase 1 would be noticeably visible from the rear of the LBs, albeit to differing degrees due to angle of view and intervening structures or vegetation, the special interest of the LBs would be preserved. However, this would be no more than a neutral factor on the basis that I have no substantive basis to consider that the proposals would enhance the setting of the LBs.
21. There are other listed buildings further to the west along West Street. However, there is a degree of separation between them and the appeal site, with other properties in between. As such, their settings would not be harmfully affected by the proposals and would therefore be preserved, but again, not enhanced.
22. For the above reasons, whilst I have found that the setting of the LBs would be preserved as it relates to the special interest of those LBs, the proposed development would cause unacceptable harm to the character and appearance of the host building and fail to preserve the character and appearance of the CA. The proposals would therefore fail to satisfy the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, for the same reasons, the proposed development would be contrary to policies BCS21 and BCS22 of the Bristol Development Framework: Core Strategy, adopted June 2011 and policies DM26, DM30 and DM31 of the Bristol Local Plan: Site Allocations and Development Management Policies Local Plan, adopted July 2014, which together state, amongst other things, that new development should deliver high quality design and will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness; will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including conservation areas; and that the design of development proposals will be expected to contribute towards local character and distinctiveness by, amongst other things, responding appropriately to historic assets and features, reflecting locally characteristic architectural styles and features, and reflecting the predominant materials, colours and textures in the area.

23. The proposed development would also be contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.
24. For the purposes of the planning balance, which I shall come on to, that harm identified above carries considerable importance and weight.
25. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
26. Given the relatively small-scale nature of the proposals in relation to the CA as a whole, the harm caused to the CA would be less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there would be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing their optimum viable use.
27. I have had regard to the existing condition of the window and door frames in the appeal building. However, for the reasons previously set out above, I have no substantive evidence to indicate that the windows and doors concerned are in such a condition as to require replacement as opposed to refurbishment and redecoration. In any case, even if needing to be replaced, I have no substantive evidence to indicate that the use of UPVC is the only, or appropriate, option in terms of maintaining or enhancing the building's performance, such as its ongoing insulation thermal efficiency, to provide a high degree of consistency in appearance, or to enable a prolonged lifespan.
28. The Appellant highlights that no objections to the proposals were received from local residents. However, I have determined the appeal on its merits based on all of the evidence and my observations. I also acknowledge the importance cited for providing suitable housing in the city, and that the proposals relate to housing for a significant number of people. However, for the above reasons, there is no substantive basis to find that the proposed UPVC units are the only option to enable suitable provision and acceptable living conditions. Furthermore, having considered this appeal on its planning merits, taking account of all the evidence before me, with my findings fully set out and explained above, I do not consider that the occupants of the building concerned would be indirectly discriminated against in the event of the appeal being dismissed.
29. For the above reasons, the public benefits would be insufficient to outweigh the harm and my finding that the proposed development would fail to preserve the character and appearance of the CA.

Conclusion

30. I have found that the setting of the LBs would be preserved as it relates to the special interest of those LBs. However, I have found that the proposed development would cause unacceptable harm to the character and appearance of the host building and fail to preserve the character and appearance of the CA. The proposed development would therefore fail to accord with the development plan taken as a whole, and there are no material considerations that indicate a decision

should be made other than in accordance with it. As such, for the reasons given above, I conclude that the appeal should be dismissed.

A Dawe

INSPECTOR