



Appeal Decision

Site visit made on 20 May 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/Z0116/W/25/3358781

Land Behind Portland View, Dean Street, Bristol BS2 8FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Weybridge Land and Properties Limited against the decision of Bristol City Council.
 - The application Ref is 23/02886/PIP.
 - The development proposed is described as: Residential development comprising of a new building, containing between six and eight apartments, with associated cycle store, refuse store and communal amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name was initially set out in the application form in the manner set out in the banner heading above. The appeal form additionally included a named individual, however I have confirmed the appeal should proceed only in the name shown above.
3. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these two stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.
5. Plans have been submitted as part of the appeal which indicate how development could be accommodated on the site. I have taken these plans into account for indicative purposes only.
6. The appeal site is located within the Brunswick and Portland Square Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention be given to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The submitted Planning Officer's Report identifies that the site is located within the CA,

but it does not include an assessment of the effect of the proposal on the character and appearance of the CA.

7. The main parties were given the opportunity to comment on the effect of the appeal proposal on the CA during the appeal process. I have taken the comments received into my reasoning.

Main Issues

Having regard to the above, the main issues are whether the location, land use and the amount of development is suitable with particular regard to:

- the effect of the proposal on the living conditions of future occupiers and neighbouring occupiers, and;
- whether the proposal would preserve or enhance the appearance of the Portland and Brunswick Square Conservation Area (CA).

Reasons

Living conditions

8. The appeal site is an irregular shaped piece of undeveloped land with an existing access from Dean Street. At the time of my visit, the site was being used for car parking, which I understand is not an authorised use.
9. The main parties agree that the site is in a sustainable city centre location where, in land use terms, the principle of residential development is not resisted. Residential use in this location is therefore acceptable, in principle.
10. Whilst detailed matters pertaining to the design and layout of development would be considered at the TDC stage, I must also be content at this initial stage, that the proposed amount of development could feasibly be accommodated at the site, having regard to the living conditions of future occupiers and neighbouring occupiers.
11. The site is landlocked by adjacent built development. Portland View is a large five storey L-shaped residential apartment block to the south of the site. The elevations of Portland View which face the site include windows serving the residential apartments of all 5 storeys. There are also outdoor amenity areas adjacent to the ground floor apartments enclosed with tall timber fencing. To the north of the site are double height light industrial units, the blank rear and flank elevation walls of which face the site.
12. Compared to the scale and mass of surrounding development, the site is compact in size. It is clear that the shape of the site, and the constraints posed by the existing development on its boundaries, limit the ways in which a development of 6 to 8 apartments could be accommodated. Built development could only feasibly be located in the widest central part of the site, adjacent to the rear and side elevations of the neighbouring industrial units. Based on my observations on site, and the indicative layout plans, to accommodate the amount of development proposed, would most likely require a building of 3 or 4 storeys to be sited at proximity to parts of Portland View which face the central part of the site.
13. The size of the site, relative to adjacent development, and the proximity at which development would need to be sited in relation to surrounding buildings would

mean the amount of development proposed feeling shoehorned in between the existing development. This would, in my judgement, result in cramped and oppressive living conditions for future occupiers.

14. To avoid windows in elevations directly facing Portland View, at least some of the apartments would need to be single aspect. The indicative plans suggest where windows could be in elevations facing Portland View, they would be high level and/or obscure glazed to avoid overlooking. This gives rise to concerns in relation to the levels of natural light that the apartments would receive.
15. The appellant suggests that the submitted rendered images show the site is not shaded by Portland View. However, these images do not constitute a detailed assessment which satisfies me that development on the site would receive adequate levels of natural light and would not be overshadowed. This concern is compounded by my observations during my site visit, which took place on the morning of a sunny day and during which, the site was shaded by the Portland View building.
16. It is suggested that if the appeal site does not receive adequate light, that means the existing apartments facing the site would also have inadequate levels of light. However, I have not been provided with any evidence to substantiate this point and, as such, this consideration does not lead me to an alternative conclusion on this matter.
17. Based on the evidence before me, and my observations on site, I am not content that the amount of development proposed could be provided within the site, with adequate levels of natural light, resulting in harm to the living conditions of future occupiers.
18. Turning to the living conditions of neighbouring occupiers in Portland View. The outlook from the windows of the ground floor properties in Portland View is somewhat restricted by the fencing to the outdoor amenity areas, but the upper floors currently benefit from an outlook across the undeveloped site. Built development of the size required to accommodate the amount of units proposed and the proximity at which it would need to be located, would unacceptably affect the outlook from windows of those properties of Portland View which face the central part of the site.
19. The indicative plans suggest that windows serving the proposed development could be angled to avoid directly facing Portland View. This would avoid any direct intervisibility between the proposed apartments and the apartments in Portland View. There would be the potential for oblique views over the ground floor outdoor amenity areas of Portland View. However, I note that these areas already experience overlooking from the upper floors of Portland View. As such, the living conditions of neighbouring occupiers would not be harmed in this regard.
20. Taking all of the above into account, I conclude that whilst the principle of residential use in this location is acceptable, the amount of development proposed would result in harm to the living conditions for future occupiers and the living conditions of occupiers of Portland View. As such, it would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM27 and DM29 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (SADMP). Together these policies require, amongst other things, for the design and layout of development to create a

high quality environment for existing and future occupiers with appropriate levels of daylight.

Conservation Area

21. The site is within the Portland and Brunswick Square CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
22. The Portland and Brunswick Square CA represents one of the best surviving examples of formal Georgian town planning in Bristol. The focus of the Conservation Area is on the mid-Georgian residential development that centres upon Portland and Brunswick Squares and the service streets that run from them. As described in the Portland and Brunswick Square Character Appraisal (2008) and confirmed on my site visit, the CA is characterised by its formal Georgian terraces set in a regular grid street layout. Buildings are generally of a consistent scale, with a vertical emphasis and building lines that tend to front directly onto the street.
23. The appeal site is close to Portland Square, and Dean Street is a service road running north from the square. The buildings in the immediate vicinity of the appeal site are predominantly modern, purpose built apartment buildings. They are not historic buildings, but their form and layout reinforce the historic plot rhythm. They are of similar scales and have a street frontage, reinforcing traditional characteristics of the historic streets.
24. I appreciate the site is not readily visible from the public realm within the CA and the building could be designed to complement the surrounding modern buildings. However, the part of the site in which development would most feasibly be sited, behind other buildings, means it would not have a street frontage and would not reinforce the historic plot rhythm. The size of the plot means that it could only accommodate a smaller scale development than is typical of the surrounding development. As such, development on the appeal site would fail to conserve or enhance these consistent characteristics of the CA.
25. I have had regard to the Council Conservation Officer's comments that the adjacent industrial buildings on Dean Street have been identified as having a negative impact on the architectural and historic character of the CA. Their concern follows that development on the appeal site may prevent the future comprehensive redevelopment and enhancement of the area. I have not been provided with details of any proposed redevelopment but based on my observations on site, I am of the view that the proposed mid-plot development has the potential to constrain the opportunities to redevelop this area in a way which would reinforce the historic plot rhythm and building layout that characterises the CA.
26. The appeal proposal would thus fail to preserve or enhance the character or appearance of the CA. As such, it conflicts with Policy BCS22 of the CS and Policy DM31 of the SADMP which together require proposals to safeguard or enhance heritage assets and for development within conservation areas to preserve those elements which contribute to their special character and appearance.

Public Benefits

27. Taking all of the above into account, I find the harm to the CA to be less than substantial. Paragraph 215 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
28. The proposal would deliver new dwellings in a sustainable location and deliver some economic uplift in the local economy during the construction process and from the future spending of occupiers. The provision of housing is a clear public benefit that carries considerable weight. However, the weight I give to this is lessened by the fact that the proposal would not provide adequate living conditions for future occupiers and would harm the living conditions of neighbouring occupiers. Therefore, these benefits do not outweigh the great weight that should be given to the asset's conservation, as required by the Framework.

Other Matters

29. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the setting of listed buildings in the vicinity of the appeal site.
30. The Council states that there would be negligible harm to surrounding Listed Buildings, although they do not identify which particular buildings. The nearest listed buildings are identified in the Portland and Brunswick Square CA Character Appraisal as those fronting Portland Square. From this location, the site is shielded by Portland View and there would be no intervisibility between it and the listed buildings. Notwithstanding the comments by the Council in relation to negligible harm to nearby listed buildings, I am satisfied there would be no harmful effect.
31. My attention has been drawn to an appeal decision¹ relating to another Permission in Principle proposal. In that case the Inspector concluded that the maximum amount of development that could be accommodated on the site, in that site's particular context, was to be determined at the TDC stage. However, I have not been provided with full details of that case, nor the evidence on which that case was determined. I do not know whether the circumstances in that case are the same as the case before me and, as such, I cannot be satisfied that the two are directly comparable. Therefore, this matter does not influence my consideration of this appeal proposal, which I have determined on its own merits.
32. I appreciate that the Council raises no objection in relation to access and the potential for the provision of amenity space and refuse facilities, subject to detailed design considerations. However, these matters do not outweigh the harm I have identified.
33. I understand that the current proposal is a revised scheme following a previous refusal by the Council, but this does not materially affect my consideration of the merits of the appeal proposal.
34. Concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision.

¹ Reference APP/W1145/W/21/3269210

Conclusion

35. I therefore conclude that the proposal would fail to satisfy the requirements of the Act, paragraph 215 of the Framework, and it would not be in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

A O'Neill

INSPECTOR