
Appeal Decision

Site visit made on 7 October 2025

by **A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/Z0116/W/25/3359041

Land to the rear of 68 Old Market Street, St Philips, Bristol BS2 0EJ

- 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 Abbeyman Investments Ltd against the decision of Bristol City Council.
 - The application Ref is 23/04193/F.
 - The development proposed is construction of a 4-storey building providing 4.no 2-bedoom flats, and associated landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is inaccurate, and was amended by the Council on its decision notice and accepted by the appellant on the appeal form. I have used the amended address, which is consistent with the site edged red location plan, in the banner heading above.
3. The appeal site is located to the rear of a Grade II listed building¹, in the vicinity of other listed buildings, and is within the Old Market Street Conservation Area (OMSCA). I have had regard to sections 66(1) and 72(1) of the Act in determining this appeal.
4. In addition to refusing planning permission for the proposal, the Council also refused listed building consent; both decisions were appealed by the appellant. I have addressed the listed building consent appeal Ref. APP/Z0116/Y/25/3359042 separately.
5. Revised plans were submitted by the appellant in April 2024, in response to concerns raised by the Council regarding the proposal. This was some four months prior to the refusal of planning permission. The Council states that it did not formally accept these revised plans because they did not fully address their concerns, and consequently, they did not advertise or consult upon the revisions. However, the Council's statement is disputed by the appellant, who claims the Council did not respond to the revisions at all.
6. The Council clearly considered the revised plans in order to be able to conclude that they did not fully address its concerns with the proposal, but equally clearly it did not consider them in refusing planning permission for the proposal, given the drawings referenced on the decision notice.

¹ 68 Old Market Street (List Entry Number: 1279654)

7. Under Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (the Regulations) the Council is required to publicise planning applications affecting the setting of a listed building or the character or appearance of a conservation area.
8. In my view the revised drawings represent a different proposal that would need to be publicised in accordance with the Regulations, but has not been. I have therefore determined this appeal on the basis of the information considered by the Council in refusing planning permission, not the revised proposal.

Main Issues

9. The main issues are the effect of the proposal on:
 - The living conditions of future occupiers, with particular regard to space standards, natural light, outlook and privacy, and of nearby occupiers with regard to privacy; and,
 - The significance of designated heritage assets.

Reasons

Living Conditions

10. Each of the four flats would have a similar internal layout, and overall, each would exceed the minimum internal space standards set out in the Nationally Described Space Standards 2015 (NDSS). However, in each of the flats the dimensions of Bedroom 2 would be below the minimum internal space standard for a double / twin bedroom contained in the NDSS, and the requirement for 2sqm of built-in storage space is not shown.
11. The appellant has not disputed this, and their statement refers to the revised drawings submitted in April 2024 that show that the NDSS requirements could be achieved. However, as set out above I have not considered the revised drawings in determining this appeal.
12. The Council raised concerns regarding levels of natural light / sunlight and outlook from the ground floor flat, given the design of the proposal and the size and position of the boundary wall between the appeal site and No 69 next door.
13. The appellant has submitted an Internal Daylighting Assessment, which shows that whilst the Average Daylight Factor in habitable rooms would be met, the Daylight Distribution would not be, in half of the rooms considered. Whilst I note the caveats regarding flexibility for these BRE guidance standards, in any event, the Internal Daylight Assessment is based upon the revised drawings submitted in April 2024, and which I have not considered in determining this appeal.
14. There is no evidence that demonstrates that the habitable rooms in the proposed development would achieve satisfactory levels of natural light and sunlight. From the submitted evidence and my observations on site, I consider that the bedrooms in the ground floor flat, and bedroom 1 on floors 1 – 3 would not achieve satisfactory levels of natural light / sunlight. Furthermore, due to their orientation and position, future occupiers would have an unacceptably poor outlook from these locations.
15. The Council has also raised concerns that the French windows to the lounge/kitchen/dining rooms in the proposed building would result in harmful

overlooking of the residential development on the southern side of Jacob Street. I consider this would be the case from the proposed upper floor flats and furthermore, there would also be harmful overlooking of the occupiers of the proposed development from the existing residential accommodation.

16. For these reasons, the proposal would adversely affect the living conditions of future occupiers, with particular regard to space standards, natural light, outlook and privacy, and nearby occupiers with particular regard to privacy. It would, therefore, conflict with policy BCS21 (quality urban design) of the Bristol Core Strategy 2011 (BCS) and with policies DM27 (layout and form) and DM29 (design of new buildings) of the Site Allocations and Development Management Policies Local Plan 2014 (SADMPLP) and with the National Planning Policy Framework 2024 (the Framework), in this regard.

Designated Heritage Assets

17. 68 Old Market Street is a five storey (including basement and mansard roof), Grade II listed building dating from the mid-18th century, with some 19th century alterations. It has a Georgian design with a terracotta coloured stucco finish on its front elevation, facing onto Old Market Street.
18. The rear elevation of the five storey building also has a terracotta coloured stucco and faces towards Jacob Street. At the rear is a smaller, two storey hipped roof building, with a white render and occupying around half the plot width.
19. Whilst not clearly shown, the Council considers that the original plot of No 68 extended to Jacob Street in the south, and that the rear boundary walls that extend towards Jacob Street are curtilage listed as part of No 68.
20. The significance of this listed building, insofar as it relates to this appeal stems from its historical development over time, from the design and materials used in its construction and from its visual and historical relationship to nearby buildings and spaces.
21. 68 Old Market Street makes a positive contribution to the character and appearance of the OMSCA, within which it is located. The OMSCA covers a significant area of central Bristol, and has experienced considerable change over time. It is focused upon Old Market Street, and the buildings to be found there, together with the historical street layout that has developed.
22. Insofar as it relates to this appeal, the significance of the OMSCA stems from its historical function and development, including the buildings, streets and spaces to be found there.
23. The appeal site is a surface car park to the rear of 68 Old Market Street that gently rises from Jacob Street. The width of the plot is the same as the width of the plot containing No 68. Whilst there is some evidence the side boundary walls are curtilage listed as part of No 68, this is not conclusive.
24. The appeal site is dominated by the western gable wall of the former Drill Hall, on much of its eastern side. The Drill Hall is an imposing stone building that dates from the early 20th century and is an unlisted building of merit within the OMSCA.
25. To the west of the appeal site a new red brick building with a tiled roof is being constructed to the rear of 69 Old Market Street. This building is of a smaller scale

- than the Drill Hall, and is set back from the boundary wall. The rear of No 68, including the white stucco building, is currently largely unobstructed in views from Jacob Street, through the vehicular access to the surface car park.
26. The proposal is for a four storey building positioned close to the western gable wall of the Drill Hall, with waste bins stored in a timber shed by the front boundary wall on Jacob Street, and with bicycle storage in a timber shed by the rear of the white stucco building at No 68. The bicycle and bin stores, and the building itself, would be accessed from a private footway that connects the rear of No 68 to Jacob Street through the existing access.
 27. The flats would be accessed via a lobby on the western elevation and by a stairwell, with one flat on each of the four floors; the ground floor flat would include fenced garden areas at either end of the building.
 28. The building would have a 'butterfly' roof with a central valley gutter, and with glass fronted balconies on the southern elevation at first, second and third floor levels. The southern elevation facing Jacob Street would be faced in red bricks, whilst the flank elevations would have a roughcast render finish.
 29. The proposed building would be readily visible in views from Jacob Street, over the front boundary wall and through the site entrance. It would largely obscure views of the rear of No 68 from the public realm, adversely affecting its setting. This would cause less than substantial harm to its significance, towards the lower end of the spectrum.
 30. Furthermore, the proposed building would obstruct and detract from views of the prominent western gable wall of the Drill Hall in immediate views from Jacob Street, whilst the upper southern part of the building would be obtrusive and incongruous in longer distance views from the east along Jacob Street, projecting above the roof profile of the Drill Hall.
 31. This would be visually harmful to the townscape of the area and together with the effect upon the setting of No 68, this would cause less than substantial harm to the significance of the OMSCA, again towards the lower end of the spectrum.
 32. Any harm to a designated heritage asset attracts considerable weight². Where less than substantial harm is proposed to a designated heritage asset, this harm should be weighed against the public benefits of the proposal³.
 33. There would be some social and economic benefits associated with undertaking the proposed works, but the limited scale and duration of such works means they carry very limited weight. Four dwellings would be provided at a sustainable brownfield location within central Bristol, with a policy compliant provision of renewable energy generation on site. However, I have already concluded that these dwellings would not provide adequate living conditions for future residents and so this benefit carries very limited weight.
 34. For these reasons, the scale, massing, design, materials and position of the proposed building would detract from the setting of No 68 Old Market Street, and from the character and appearance of the OMSCA, causing less than substantial harm to their significance. This harm would not be outweighed by the public

² Paragraph 212 of the National Planning Policy Framework December 2024 (the Framework)

³ Paragraph 215 of the Framework

benefits of the proposal. The proposal would, therefore, and insofar as relevant, conflict with policies BCS21 and BCS22 (conservation and the historic environment) of the BCS; with policies DM26 (local character and distinctiveness), DM27, DM29 and DM31 (heritage assets) of the SADMP; with policies B1 (protection of historic buildings), B2 (beautiful new buildings) and C6 (site specific policies / principles)(JB3) of the Old Market Quarter Neighbourhood Development Plan 2016, and with the Framework, in this regard.

Planning Balance

35. The Council accepts it cannot currently demonstrate a deliverable five-year housing land supply⁴ and so consideration of the presumption in favour of sustainable development at paragraph 11 d) of the Framework is needed⁵.
36. As set out above, the proposal would deliver four dwellings on a brownfield site in an accessible and sustainable location, including on-site renewable energy generation. There would also be some short term social and economic benefits from the construction. However, and again, as set out above, the proposal would conflict with a number of policies in the development plan. I am satisfied that these policies are generally consistent with the Framework and so I give this conflict weight and I consider the proposal would, therefore, conflict with the development plan as a whole.
37. Furthermore, the harm that would be caused to designated heritage assets by the proposal provides a strong reason for refusal.⁶ Consequently the proposal is not sustainable development with reference to paragraph 11 d) i) of the Framework.

Other Matters

38. Were the proposal otherwise acceptable, a pre-commencement condition to investigate potential archaeological remains beneath the site could have been attached to any grant of planning permission.
39. Reference is made to the proposal affecting the redevelopment of the land to the rear of 69 Old Market Street and the maintenance of the eastern boundary wall of the site / western gable wall of the former Drill Hall. Development to the rear of No 69 is underway, and as I am dismissing the appeal for other reasons, I do not need to consider the maintenance issue further in this case.

Conclusion

40. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan.
41. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin
INSPECTOR

⁴ The Council's officer report mistakenly refers to a four-year housing land supply, under para 226 of the previous version of the Framework, which has now been superseded

⁵ Footnote 8 of the Framework

⁶ Footnote 7 of the Framework