
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: 11 November 2025

Appeal Ref: APP/Z0116/W/25/3360835

St. Nicholas House, 31-34 High Street, Bristol BS1 2AW

- 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 Corvette Rengen St Nicholas Limited against the decision of Bristol City Council.
 - The application Ref is 24/04291/COU.
 - The development proposed is a change of use of part of ground floor, and floors 1-5, from office (Use Class E(g(i))) to 23no. studio flats (Use Class C3a), including refuse, recycling and cycle storage at basement level (1no. commercial unit retained at ground floor level).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the application process the appellant sought to change the proposal, including, amongst other things, reducing the number of studio flats from 23 to 21 and altering the storage areas for waste and recycling bins, and for bicycles, within the building. Revised plans were submitted to show the changes and after some delays were accepted by the Council.
3. However, the Council did not advertise the revised proposal; the title on the Council's officer report still stated the proposal was for (inter alia) 23 flats; and the Council's Decision Notice states the refusal of prior approval was for a proposal for (inter alia) 23 flats.
4. The Council lists the drawings that it considered in refusing prior approval on the decision notice. However, the references given are not accurate and so I asked the Council to confirm the drawings it considered in refusing prior approval. The Council provided a further list which was still not accurately referenced, and which refers to drawings showing different things at ground floor level¹.
5. However, setting aside the inconsistencies, if I were to accept the Council considered the proposal shown on the proposed basement and ground floor plan drawings 230653-1303 rev P03 and 230653-1304 rev P03 respectively, as stated, the proposal would be for (inter alia) 21 flats. This would seem to be consistent with the content of the officer report, if not the title. The appellant, whilst

¹ For example, Proposed Site Plan 230653-1051 rev P01 shows 3 ground floor studio flats, whilst Proposed Ground Floor Plan 230653-1304 rev P03 shows 1 ground floor flat and a bicycle store.

recognising there was a substantial discrepancy with the description of the proposal on the decision notice has based their appeal submissions on the revised proposal for (inter alia) 21 flats.

6. Only the original proposal for (inter alia) 23 flats was advertised and the Council's Decision Notice refusing prior approval clearly states the proposal that was refused was for (inter alia) 23 flats. Given the inconsistent evidence before me and notwithstanding the subsequent views of the parties, I have considered the appeal on the basis of the Council's formal decision, which is a proposal for (inter alia) 23 flats shown on the originally submitted drawings.
7. I also considered the revised proposal with reference to the *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)* judgement and I do not consider it would pass the substantive or procedural tests from that judgement.
8. The appellant was given the opportunity to add to their appeal submissions in the circumstances, particularly with regard to natural light to the ground floor west-facing flat, but has not provided any further evidence.
9. The appellant sought to apply for costs against the Council but this application was made outside the timescales set out in Planning Practice Guidance (PPG)². In the circumstances, I allowed an application to be made. However, I was not satisfied with the reasons for why a late costs application should be accepted and so did not accept the late costs application.
10. I have had regard to the National Planning Policy Framework 2024 (the Framework) insofar as it is relevant to the subject matter of the appeal³, including with regard to the delivery of housing, economic growth, healthy and safe communities, making effective use of land and achieving well designed places.

Main Issues

11. The main issues are the effect of the proposal on:
 - Transport, particularly to ensure safe site access;
 - The character and sustainability of the City and Queen Square Conservation Area; and,
 - The living conditions of future occupiers with particular regard to natural light in habitable rooms.

Reasons

Transport

12. The proposed development would entail the storage of bicycles and waste/recycling bins in separate rooms within the basement of the building⁴.
13. To reach the street from either of the storage rooms would entail passing through some four internal doors, making a number of sharp turns, ascending from basement to ground level and descending to street level via stairs / a lift / a platform lift, before passing through the external door onto St Nicholas Street.

² PPG Appeals Paragraph: 035 Reference ID: 16-035-20161210 Revision date: 10 12 2016

³ GPDO Schedule 2, Part 3, paragraph W(10)(b)

⁴ Shown on drawing Proposed Basement Plan 230653-1303 rev P02

14. The Council was concerned the routes were complicated making it difficult if not hazardous for the transportation of bicycles and bins to and from street level; for some residents it may not even be practical. Further concerns were raised regarding the size of the bins relative to the lifts, and with reference to the submitted drawings I also have concerns relative to the width of some of the doorways.
15. The appellant has referred to a number of other prior approval appeals where the Inspector has deemed that waste/recycling and bicycle storage are not matters to be considered, or where they have considered them, they have typically taken a 'pragmatic' approach 'commensurate with the prior approval process'.
16. Whilst I recognise the prior approval process is very different to the planning application process, I am not familiar with any of the referenced appeals and I am not certain whether the proposals in those cases are similar to the appeal proposal. In any event, each proposal should be considered on its individual merits, which is what I have done in this case.
17. I am satisfied that waste/recycling and bicycle storage are matters to be considered with regard to the transport impacts of the proposal, in particular to ensure safe site access, in this case. Furthermore, I consider that the movement of bicycles and bins to and from the street and the proposed basement storage areas would be a complicated and inconvenient operation, regardless of this being a prior approval proposal. I consider this would be somewhat hazardous and no compelling evidence has been provided to cause me to reach a different conclusion.
18. The appellant has supplied a Waste Management Plan detailing how waste and recycling would be managed at the building. However, in a further inconsistency, this document states the proposal is for 22 flats, not 23 as originally proposed, or 21 in the revised proposal. Whilst the principles of the strategy are not affected by this mistake, and I am satisfied the principle of this matter could be controlled by a suitably worded planning condition⁵, the submitted drawings do not demonstrate that bins of the size shown could be safely moved to and from the street collection point by employees of the management company. Even if the waste and recycling bins issue could be satisfactorily addressed, the issue of the safe movement of residents' bicycles remains unresolved.
19. For these reasons, the transport impacts of the development, particularly to ensure safe site access, would be unacceptable.

Character and sustainability

20. The appeal building is located in the City and Queen Square Conservation Area (CQSCA). No works to the exterior of the building are proposed or would be permitted by Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). With reference to the Character Appraisal for the CQSCA, the Council is concerned a change of use from commercial office space to residential would be harmful to the historic character of the area.

⁵ GPDO Schedule 2, Part 3, Paragraph W(13)

21. The Council's first concern is that one of the flats would contain windows next to the footpath on High Street. The Council, not unreasonably, considers this would mean that these windows would need to be completely or largely screened to protect the privacy of the future occupiers, which would detract from the character of the CQSCA.
22. However, I do not consider the proposed residential use would have a significantly different effect than the existing office use in this regard. In both cases the windows are likely to be screened for significant periods of the day, and I agree with the appellant that illuminated rooms in the evening from the residential use would provide more visual interest than non-illuminated offices.
23. The Council's second concern is that the proposed bin storage arrangements would lead to the storage of bins on the footpath outside the building, which would detract from the character and appearance of the CQSCA. Bins were stored outside the building on St Nicholas Street at the time of my visit, despite the building being almost entirely vacant, and did look somewhat unsightly.
24. Nevertheless, the temporary storage of bins on the street for collection would be essential for the building's operation and so would not be unacceptable if properly managed, and this is something that could be controlled by a suitably worded planning condition. However, as stated above, the inadequacies of the proposed waste storage and transfer arrangements within the building render this a moot point.
25. For these reasons, the proposal would have an acceptable effect on the character and sustainability of the CQSCA.

Living conditions / natural light

26. The Council considered that the proposed west-facing flats at first, second and third floor levels would not receive adequate natural light. In response, an Internal Daylight Assessment (IDA) was submitted with the appeal showing an internal room layout of the proposed flats. The IDA states that the proposal would comply with the Average Daylight Factor standards from the 2011 BRE guidance, and the Daylight Distribution standards from the 2022 BRE guidance.
27. However, the BRE guidance upon which the assessment is based is not in the evidence before me, and in any event, is guidance rather than a minimum standard to be achieved. Furthermore, the IDA is based on a specific internal layout that is not shown on the plan drawings submitted, resulting in a further inconsistency in the submitted evidence.
28. Even if I were to accept the room layouts shown on the IDA, from my observations on site I do not consider that the first floor west-facing flat would achieve adequate levels of natural light in all habitable rooms.
29. Furthermore, no evidence has been provided that the proposed west-facing flat at ground floor level would achieve adequate levels of natural light in all habitable rooms. Given the ground floor position of this flat and from my observations on site, I do not consider this would be achievable.
30. Paragraph W.(2A) of Schedule 2, Part 3 of the GPDO provides that prior approval must be refused if adequate natural light is not provided in all habitable rooms.

31. For these reasons, the proposal would not provide for adequate natural light in habitable rooms and so would be unacceptable.

Other Matters

32. The Council's decision notice includes reference to conflicts between the proposal and policies in the development plan. A prior approval development should not be determined, expressly or otherwise, on the basis of s38 (6) of the Planning and Compulsory Purchase Act 2004, or as though the development plan must be applied; the principle of development is established through the grant of permission by the GPDO. I have not, therefore, had determinative regard to the development plan policies referenced by the Council.
33. I am concerned with the effect of the very likely requirement for the windows of the proposed ground floor flat by High Street to be largely or completely screened, in order to protect the privacy of future occupiers. Setting aside the adverse effect this would have on the outlook of future occupiers, because this is not a matter to be considered under Class MA, this would also affect natural light levels. Were the proposal otherwise acceptable I would need to have sought the views of the parties on this matter. However, as the appeal is being dismissed for other reasons, there is no need to do so in this instance.

Planning Balance and Conclusion

34. Notwithstanding the acceptable effect of the proposal on the character and sustainability of the CQSCA, the adverse transport effects of the proposal would outweigh this, whilst the inadequate levels of natural light in habitable rooms require the refusal of prior approval.
35. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR