



Appeal Decisions

Site visit made on 6 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal A Ref: APP/Z0116/W/25/3359080

267 Hotwell Road, Hotwells, Bristol BS8 4SF

- 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 Mrs Paula Willmore against the decision of Bristol City Council.
 - The application Ref is 23/01841/F.
 - The development proposed is a change of use from existing office use (Architects office) to residential accommodation, comprising of five apartments. The proposal features minor internal alterations to the listed building fabric and limited changes to the exterior, preserving the Early Georgian appearance.
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Appeal B Ref: APP/Z0116/Y/25/3359084

267 Hotwell Road, Hotwells, Bristol BS8 4SF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Paula Willmore against the decision of Bristol City Council.
 - The application Ref is 23/01842/LA.
 - The works proposed are associated with a change of use from existing office use (Architects office) to residential accommodation, comprising of five apartments. The proposal features minor internal alterations to the listed building fabric and limited changes to the exterior, preserving the Early Georgian appearance.
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Appeal A: Decision

1. Appeal A is dismissed.

Appeal B: Decision

2. Appeal B is dismissed.

Applications for costs

3. An application for costs was made by Mrs Paula Willmore against Bristol City Council. This application is the subject of a separate Decision.

Preliminary Matters

4. I have amended the description of the proposal for Appeal B in the banner heading above; a change of use does not require listed building consent.
5. The appeal site forms part of a Grade II listed building¹ and is located in the vicinity of a number of other listed buildings within the Clifton and Hotwells

¹ The Bear Public House (263) and attached ramped walls and steps to number 265 (List Entry Number: 1202306). Although not mentioned in the list entry title, the statutory address and the detail show the appeal building is part of this listing.

Conservation Area (CHCA). Consequently, I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

6. As set out above there are two appeals on this site for the same proposal, Appeal A and Appeal B. I have considered each appeal on its individual merits and with regard to relevant legislation, policy and guidance. However, to limit duplication I have dealt with the two appeals together, except where otherwise indicated.
7. There are two other linked appeals at this site for a different proposal². These appeals are the subject of a separate decision.
8. The initial proposal was for the creation of five flats in the building. During the application process, and in light of an objection from the Environment Agency on flood risk grounds, the appellant sought to change the proposal to a scheme for three dwellings, with the basement retained as office use and the creation of a maisonette at ground and first floor level, with two flats on the floors above.
9. The appellant considered the revised proposal had been accepted for determination by the Council and used the revised description, for a scheme for (inter alia) three dwellings, on both appeal forms.
10. In the Council's officer reports, reference is made to the original proposal being superseded by the revised proposal. Furthermore, section G of the planning application report concludes that flood risk would be acceptable. This is clearly based upon an assessment of the revised scheme, given the evidence and the strong objection of the Environment Agency to the original proposal.
11. However, the titles on both of the Council's officer reports refer to the original proposal (inter alia) a scheme for five flats and the listed building consent report lists the originally submitted drawings that were considered.
12. Furthermore, the Council's formal decision notices also state the scheme that was refused planning permission and listed building consent was for (inter alia) five flats. The Council's decision notice refusing listed building consent correctly lists the plan drawings for the original proposal. However, the Council's decision notice refusing planning permission lists the drawings and documents for the revised proposal, not the original proposal.
13. In addition, under Regulations 5 / 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended) (the Regulations) the Council is required to publicise the proposal, including through a press advertisement; only the original proposal has been advertised in this way.
14. These inconsistencies were noted when the appeals were validated by the Planning Inspectorate and following an exchange of correspondence the parties were advised at that time that the appeals would be determined on the basis of the original proposal for (inter alia) five flats. The appellant signalled they were content to proceed on this basis.
15. However, given the errors and inconsistencies with the drawings listed on the decision notices, I asked the Council to confirm the drawings that were considered in refusing planning permission. Following several exchanges of correspondence,

² Ref. APP/Z0116/W/25/3361577 and APP/Z0116/Y/25/3361579

the Council was unable to confirm the drawings it considered in refusing planning permission for the proposal.

16. Given this remarkable position, and the inconsistent evidence before me, and notwithstanding the views of the parties, I have considered the appeal on the basis of the Council's formal decision, which is for a proposal for (inter alia) five flats. This is also the only proposal that has been advertised in accordance with the Regulations. Consequently, I have considered the originally submitted drawings from 2023 showing a proposal for (inter alia) five flats, in determining these appeals.
17. I have 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.

Main Issues

18. Appeal A: The main issues are the effect of the proposal on:
 - The living conditions of future occupiers, with particular regard to bin storage and internal space;
 - Climate change, with particular regard to future energy use and carbon dioxide (CO₂) emissions;
 - Flood risk; and,
 - The significance of designated heritage assets
19. Appeal B: The main issue is the effect of the proposal on the significance of the Grade II listed building.

Reasons

Living conditions – bin storage and internal space

20. Concerns were raised by the Council regarding the storage and collection of waste and recyclable materials from the property. An area within the site edged red boundary for the proposal is identified at the rear of the property where bins would be stored, before being moved into the shared courtyard area for collection.
21. There is no indication that the courtyard is highway land. I note the comments of the appellant regarding the existing arrangements for the collection of waste from the appeal building and others in the area. However, the proposed temporary storage of bins in the courtyard area, prior to and following collection, would be on land not owned by the appellant.
22. The courtyard area is used for various purposes: as a car park, as part of a pedestrian route and for the storage of bins for collection from other premises. The appeal premises has a doorway connecting its rear yard to the shared courtyard, and there is an area by this doorway and next to a low wall that could be used for the storage of bins prior to collection.
23. Were the proposal otherwise acceptable, and despite being outside the site edged red, I am satisfied that the temporary storage of bins by the wall in the rear courtyard, immediately prior to and following the collection of waste and

recyclable material, could be controlled by a suitably worded Grampian condition attached to any grant of planning permission.

24. For these reasons, the proposal would not adversely affect the living conditions of future occupiers with particular regard to bin storage. It would, therefore, accord with policy BCS21 (quality urban design) of the Bristol Core Strategy 2011 (BCS) and policy DM32 (recycling and refuse provision in new development) 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.
25. There is disagreement between the parties regarding whether the dwellings in the proposal would meet the Nationally Described Space Standards (NDSS). The wording of the Council's officer report indicates it has considered the revised proposal rather than the original proposal for (inter alia) five flats.
26. Nevertheless, from my observations on site I am not satisfied the proposed top floor flat is accurately shown on the submitted plan drawings. The shape, size and position of the dormers is shown on the existing and proposed roof plans. However, the consequent effect on internal space on the top floor of the building is not shown on the proposed top floor plan.
27. Whilst part of the roof at the front and rear of the building is shown on the proposed top floor plan, alongside the dormer windows at front and rear, the plans do not provide an accurate indication of the limited internal space that would be caused by the roof shape.
28. From the submitted evidence, it is not possible to determine whether the top floor flat would meet the NDSS. However, regardless of this, from my observations on site the roof shape would significantly limit the usable space in the top floor flat in the rooms at both the front and rear of the building.
29. For these reasons, the proposal would adversely affect the living conditions of future occupiers of the top floor flat, with particular regard to usable internal space. It would, therefore, conflict with policies BCS18 (housing type) and BCS21 of the BCS, and with the Framework in this regard.
30. I find no conflict with Policies DM27 (layout and form) and DM29 (design of new buildings) of the SADMPLP which concern new plots, streets, spaces and buildings, because the proposal manifestly does not concern a new building. The Council's first reason for refusal also refers to a conflict with its Waste Management guidance, which is not in the evidence before me and would seem to have no relevance to internal space.

Climate change

31. The submitted Sustainability Statement and Energy Strategy (SSES) sets out the approach of the appellant to reducing greenhouse gas emissions, whilst recognising that there are constraints due to the appeal building being a listed building.
32. The appellant proposes to install an Air Source Heat Pump (ASHP) which would achieve a 65.5% reduction in CO₂ emissions compared to the identified baseline. However, the use of an ASHP is said to be aspirational, given it may not be possible to find a suitable location for the equipment on site. The fallback position

would be to use improved efficiency gas boilers instead, which would achieve a 7.3% reduction in CO₂ emissions compared to the identified baseline. LED lights and water saving devices would also be fitted.

33. The Council expressed concerns the proposal has not fully investigated measures to reduce CO₂ emissions as part of its third reason for refusal and has not followed the heat hierarchy. However, the Council's officer report does not address energy use or efficiency for the proposal and so it is not clear how the Council has reached this position.
34. The use of an ASHP would result in a policy-compliant reduction in greenhouse gas emissions from the proposal. However, the originally submitted drawings do not show an ASHP and so this does not form part of the appeal proposal.
35. From the evidence the appellant intends to proceed with the fallback option of improved efficiency gas boilers. Notwithstanding the constraints of the listed building, no substantive evidence has been provided to show that an ASHP could not be installed. The fallback position, which also concludes that solar panels are not viable due to the building's listed status, would not achieve a policy compliant reduction in greenhouse gas emissions.
36. For these reasons, the proposal would have an unacceptable effect on climate change in terms of CO₂ emissions. It would, therefore, conflict with Policies BCS13 (climate change), BCS14 (sustainable energy), BCS15 (sustainable design and construction) of the BCS and with the Framework, in this regard.

Flood risk

37. The Environment Agency objected to the proposal at planning application stage. It was concerned the proposal for (inter alia) five flats would pose an unacceptable risk to life from a combination of tidal and fluvial flooding with an allowance for climate change, as set out in their letter to the Council dated 7 December 2023.
38. In these circumstances the flood levels within the proposed basement flat³ and the proposed ground floor flat⁴ would be some 3.16 metres and 0.59 metres, respectively. This means the proposed basement flat would be completely submerged by floodwater, whilst there would be a significant inundation at ground floor level.
39. The appellant responded to the Environment Agency's comments with a revised Flood Risk Assessment based on the revised three dwelling scheme. In light of this the Environment Agency withdrew its objection to the proposal. However, following the Council's refusal of planning permission for (inter alia) five flats, the Environment Agency re-affirmed its objection to the proposal at appeal stage⁵.
40. As set out above, I am determining these appeals on the basis of the originally submitted proposal. I agree with the Environment Agency that the lives of future occupiers of the proposed basement and ground floor flats would be at risk from flooding.
41. For these reasons, the proposal would have an unacceptable flood risk. It would, therefore, conflict with Policy BCS16 (flood risk and water management) of the

³ Highly Vulnerable development – Annex 3 of the Framework

⁴ More Vulnerable development – Annex 3 of the Framework

⁵ Letter dated 3 April 2025

BCS, and with the Framework. Whilst not referenced by the Council, this proposal would also conflict with Policy BCS13 in terms of resilience to climate change.

Designated heritage assets

42. 267 Hotwell Road is a three storey, plus basement and attic, mid-terraced building which dates from Georgian times. It has a terracotta stucco finish to the front elevation and a tiled roof, with non-original dormer windows to the front and rear. A post box is located on the footpath outside the building, near to the main entrance.
43. The building has a projecting shopfront window at ground floor level, with the main, stepped entrance to its right, comprising a six-panelled door with fanlight and stone pediment above. A further visually and functionally subservient doorway is located on the left side of the shopfront window. The first and second floors to the front have six over six sliding sash windows topped with symmetrical five part cornices, similar to other buildings in the terrace. The terrace comprises 261 - 269, and whilst each building is distinct and the terrace is far from uniform, there are many coherent architectural features to be found.
44. The rear elevation of the building has been altered considerably, with a modern mono-pitched roof extension spanning much of the width of the plot at ground and basement level.
45. The significance of No 267, insofar as it relates to these appeals, stems from its historical development, its Georgian design and the surviving architectural features on the front elevation and inside the building, and its visual relationship with Nos 261 – 265 and 269.
46. The building makes a positive contribution to the character and appearance of the CHCA, which is a large and diverse conservation area containing a number of spatial character areas. Area 9 contains the appeal site and was amongst the earliest parts to be developed in the early 18th century.
47. The CHCA covers an area of great topographical change, rising steeply northwards towards Clifton, from Hotwell Road in the south. The buildings to the north include elegant Georgian terraces and crescents complemented by a range of planned and informal maturely landscaped spaces.
48. Insofar as it relates to these appeals, the significance of the CHCA stems from its historical development and from the buildings, streets and spaces to be found there.
49. The building is currently used as commercial office space and the proposal would involve changing the use to five self-contained flats with associated works to the interior, including the removal of some existing walls, enlarging some openings, and the installation of some new stud partition walls, as well as blocking up an existing doorway at the front of the building.
50. Within the building, I noted some surviving elements of the historic fabric, including plaster cornices and door frames. However, it is not clear from the submitted evidence what effect the proposal would have on these features.
51. A doorway with fanlight above is shown as providing access directly to the street from the front meeting room on the existing plan and elevation. This doorway and fanlight would be removed as part of the proposal with the opening blocked up and rendered over.

52. As I observed on site, this doorway, which is not in use, is subservient to the main stepped entrance on the right hand side of the front elevation. Whilst it may not be an original feature, it seems very likely that it was used historically in conjunction with a shop use at ground floor level.
53. However, there is very limited information provided within the submitted Heritage Statement, within the Planning, Design and Access Statement, as to its provenance. Indeed, the Heritage Statement concludes that the proposal will have no heritage impact to the exterior of the building. From the evidence there is no basis for such a statement; the doorway is likely to be of some historic interest to the building and so its loss would cause less than substantial harm to its significance.
54. Furthermore, the existing internal French doorway at basement level, in what seems to be part of the original rear elevation of the building, would be substantially widened, potentially resulting in the loss of some of the historic fabric. However, the installation of new stud partition walls would alter the largely intact layout of the building at basement and at first and second floor level. These works would cause less than substantial harm to the significance of the listed building.
55. Whilst the evidence before me is very limited, and unsubstantiated in parts, I am satisfied that where there would be less than substantial harm caused to the significance of the listed building, this would be *at least* towards the lower end of the scale.
56. As the building makes a positive contribution to the character and appearance of the CHCA, this harm would also detract from the CHCA, again causing less than substantial harm to its significance, although to a lesser extent than to the building itself.
57. Any harm to a designated heritage asset attracts considerable weight⁶. Where less than substantial harm is proposed to a designated heritage asset, this harm should be weighed against the public benefits of the proposal⁷.
58. There would be some social and economic benefits associated with undertaking the proposed works, but the very limited scale and duration of such works means they carry very limited weight. The provision of five flats would make a contribution towards meeting housing need within the city, although the limited scale of the proposal, and the risk of flooding to the basement and ground floor flats, means this would carry very limited weight.
59. The environmental performance of the building would be improved by the proposal. However, this would not be policy compliant in terms of CO₂ emission reductions and these benefits would be largely private rather than public, so this would carry very limited weight.
60. Whilst the appellant states the existing business would need to move to larger premises to facilitate its growth, the business continues to operate from the premises at present and there is no substantive evidence the current office use of the building is not viable. Consequently, I do not accept the proposal would be the optimum viable use for the building.

⁶ Paragraph 212 of the Framework)

⁷ Paragraph 215 of the Framework

61. For these reasons, the proposal would cause less than substantial harm to the significance of designated heritage assets. This harm would not be outweighed by the public 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 DM30 (alterations to existing buildings) and DM31 (heritage assets) of the SADMPLP; and with the Framework, in this regard.

Planning Balance and Conclusion

62. For Appeal A, the appellant refers to the Council only having a 3.75 year housing land supply (HLS) in its Statement dated January 2025. This is less than the minimum requirement set by the Government. However, the Council's officer report does not address its position in relation to HLS.
63. If I were to accept the appellant's position, which has not been refuted by the Council, then consideration of the presumption in favour of sustainable development at paragraph 11 d) of the Framework would be needed⁸.
64. In which case, and as set out above, the proposal would deliver five self-contained flats and so would contribute towards meeting the housing need of Bristol; it would also improve the environmental performance of the building somewhat and there would be some short term social and economic benefits from the construction.
65. The proposal would accord with a number of policies in the development plan, as set out above: policy DM32 of the SADMPLP and policy BCS21 (in terms of a safe and usable external environment) of the BCS. However, it would also conflict with policies DM30 and DM31 of the SADMPLP and policies BCS 13, BCS14, BCS15, BCS16, BCS18, BCS21 (in terms of the historic environment) and BCS22 of the BCS. I am satisfied that these policies are generally consistent with the Framework and I find the policy conflicts mean the proposal would conflict with the development plan as a whole.
66. Furthermore, and as set out above, the harm that would be caused to designated heritage assets by the proposal, and the location of the proposal in an area of flood risk provide strong reasons for refusal.⁹ Consequently, even if I were to accept the Council's HLS was 3.75 years, the proposal would not be sustainable development with reference to paragraph 11 d) i) of the Framework.
67. Despite the acceptable effect of the proposal in terms of bin storage, the proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine Appeal A otherwise than in accordance with the development plan.
68. For the reasons given above, I conclude that Appeal A is dismissed and Appeal B is dismissed.

Andrew Parkin

INSPECTOR

⁸ Footnote 8 of the Framework

⁹ Footnote 7 of the Framework