



Appeal Decision

Site visit made on 17 November 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal Ref: APP/Z0116/W/25/3372540
34 Hampton Park, Bristol BS6 6LH

- 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 Mr Adam Cable against the decision of Bristol City Council.
 - The application Ref is 25/10117/F.
 - The development proposed is a dropped kerb, parking space, bicycle and bin storage to front garden and replacing of public lamp post.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans as part of this appeal proposing to replace the small front boundary wall with landscaping. I have considered these proposed new plans against the Wheatcroft principles, where it was held in *Bernard Wheatcroft Ltd v SSE* [1982] JPL 37 that amended plans can be accepted on appeal and approved through a grant of conditional permission. The key test for application of the Wheatcroft principles is whether the development is so changed that to grant it would be to deprive those who should have been consulted in the changed development of the opportunity of such consultation.
3. As there were objections to the proposal on its impact on the special character and significance of the Whiteladies Road Conservation Area it would not be appropriate for me to consider the amended plans in this appeal. The reason being is that they represent a material change to the appearance of the proposal that would prejudice those who were previously consulted or submitted comments if I were to assess them in my decision. I have, therefore, based my decision on the plans as originally submitted.
4. I also acknowledge that the appellant is willing to work with the Council's conservation team to adapt the design if necessary, including making provision for more greenery or use a low-level local stone. However, this would be a matter for the appellant to discuss with the Council as part of a separate planning application and does not have any weight in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Whiteladies Road Conservation Area.

Reasons

6. The appeal site is a semi-detached villa-style property that has been sub-divided into three flats. The property has a front garden behind a low boundary hedge and railings with a gate. The appeal proposal seeks to remove the front boundary hedge and railings and convert the front garden to provide an off-road parking space for one vehicle. A small low boundary wall would also be erected to one side of the proposed new driveway behind which bins and cycle parking would be stored.
7. The appeal site is located within the Whiteladies Road Conservation Area (CA). The duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 212 of the National Planning Policy Framework (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.
8. The Whiteladies Road Conservation Area Appraisal (CAA) identifies that the pressure to convert dwellings into flats has led to the loss of attractive front gardens, trees, boundary walls and gates and their replacement with hardstanding for cars. The CAA also identifies that in places the pattern of planting has been eroded, undermining the landscape structure of the area. The CAA sets out general enhancement objectives for the CA. This includes objective No. 7, which is that the loss of attractive front gardens and trees to hardstanding will be resisted in line with Principle P34 of the Bristol City Council's Conservation Handbook. I understand that Principle P34 has since been replaced by the Council's development plan policies relating to heritage matters.
9. The appeal site contributes to the special character of the CA through its low boundary hedge along its frontage beyond and small front garden. These are features identified in the CCA as being important to safeguard and preserve the CA's special character. The existing frontage thereby contributes positively to a generally verdant street scene where many properties nearby also have similar low boundary hedging and other vegetation alongside traditional low boundary walls and railings. As such, I find that the street, including in particular where frontage boundaries have been preserved, retains heritage value that is important to preserve in accordance with the objectives set out in the CAA.
10. The proposal to remove the front boundary hedge in its entirety would create an open, hard surfaced frontage. This would appear as an overly engineered and functional frontage to the property in stark contrast to the property's existing verdant and attractive appearance. This change would, therefore, have a harmful impact on the special character of the CA by removing features that have been specifically identified in the CAA as being important to retain. The proposed erection of a small, bricked section of wall also does not appear to take any design cue from nearby properties in terms of materials and would further accentuate the harm that would occur.
11. I acknowledge that many of the other properties along the street have had their front walls and gardens converted to off-street parking. The planning history as to how these came about is not before me, but where this has occurred the quality is

mixed with some retaining landscaping and others that are open with hard surfacing that detract from the appearance of the street scene. As such, I do not find that the examples of off-street parking set a precedent to the extent that the principle of it should now take priority over meeting the objectives laid out in the CAA. I also note that the loss of front boundary walls and front gardens has been more prevalent on the opposite side of the road to the appeal site. On the side of the road where the appeal site is located, the majority of properties still retain their traditional character of frontage boundary treatment and front gardens.

12. Therefore, the other examples provided do not address the specific concerns with this proposal and do not provide any justification for the harm identified in this case. Consequently, a further removal of traditional boundary features would be at odds with the Council's conservation guidance and objectives for the CA and detract from its special character.
13. I am also aware of the references made to the presence of an Article 4 direction in the neighbouring Cotham and Redland where permitted development rights have been removed to prevent the removal of front boundary walls. However, as this is outside of the appeal site it is not directly relevant to the issues in this case. Moreover, the appeal proposal is not permitted development and requires planning permission. I, therefore, am required to assess the proposal on its own merits, which for the reasons set out I find would unacceptably detract from the character and appearance of the CA.
14. Accordingly, I find that the proposal would neither preserve nor enhance the character and appearance of the area and would result in less than substantial harm to the CA's special significance by removing features that the Council's CAA specifically seeks to retain. Paragraph 215 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. In this regard, I have considered the potential public benefits presented by the appellant by potentially enabling an electric vehicle to be charged at the site. However, the public benefits that could be derived from one electric vehicle parking space in sustainability terms would be limited in isolation and not sufficient to outweigh the harm to the CA in this case. I also acknowledge the appellant's concerns about the challenges in accessing charging facilities when compared with properties that have an off-street parking space. However, this is a strategic matter for the Council to resolve in terms of how it will look to balance fulfilling its statutory heritage duties as well as promoting greater use of electric vehicles for its residents. Finally, no conclusive evidence has been presented that confirms to me that the proposal would secure the optimum viable use for the appeal property.
16. To conclude, the proposal would neither preserve or enhance the character or appearance of the CA and would result in less than substantial harm to its special significance. No public benefits have been identified that would outweigh this harm. The proposal, therefore, does not accord with Policies BCS21 and BCS22 of the Bristol Core Strategy 2011 and Policies DM21, DM26 and DM31 of the Site Allocations and Development Management Policies Development Plan Document 2014, which state that new development should reinforce local distinctiveness, safeguard or enhance heritage assets, result in a significant improvement to the urban design of an area, respond appropriately to the historical development of the

area and to preserve or, where appropriate, enhance those elements that contribute to the special character of conservation areas. The proposal also does not accord with the requirements of Paragraph 215 of the Framework.

Other matters

17. An objection was raised regarding the impact the proposal would have on the availability of on-street parking. I note the Council's Transport Development Management team did not object to the planning application on this or any other respect. However, as I have found the appeal to be unacceptable for other reasons I do not need to consider this matter further in this decision.
18. I also note the appellant's contention that the road is not well maintained by the Council with issues with drainage, litter and debris. I understand the appellant's frustrations in this regard, but this is not a matter that has any weight in this appeal as this is the remit of other statutory functions and responsibilities that exist outside of the control of the planning system.

Conclusion

19. For the reasons given above and considering all matters raised, I conclude that the proposal does not accord with the development plan, and the appeal is dismissed.

N Perrins

INSPECTOR