



Appeal Decision

Site visit made on 17 November 2025

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/Z0116/W/25/3372149

98-100 East Street, Bedminster, Bristol BS3 4EY

- 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 Edgehill Developments Ltd against the decision of Bristol City Council.
 - The application Ref is 24/03954/F.
 - The proposed development is erection of first-floor rear extension and change of first floor Class E floorspace to a self-contained flat. Erection of a second-floor extension to create 1no. self-contained flat. Erection of a four-storey building fronting Herbert Street, comprising 4no. self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the Bedminster Conservation Area, and (ii) living conditions of existing residents in respect of privacy; and whether appropriate living conditions would be secured for the future occupiers of the development with particular regards to privacy.

Reasons

Character and appearance

3. The appeal site comprises a mid-terrace, two storey building fronting East Street with hardstanding to the rear. The ground floor accommodates two commercial units forming part of the established East Street retail frontage. Above, No. 98 contains ancillary storage and No. 100 contains a residential flat. The building steps down in height towards Herbert Street, which runs parallel to East Street. Near to the site on the opposite side of the road is Little Paradise, which is a cut through street that leads to and from East Street. The site is visible at the point where Little Paradise connects onto East Street. There are longer range views of the site from various vantage points along East Street in both directions. The character of the area is mixed with commercial and residential uses.
4. The site is within the Bedminster Conservation Area (CA). The Bedminster Conservation Area Character Appraisal 2013 (CACA) identifies the CA's special interest as deriving from its historic route character and the rich architectural backdrop illustrating its evolution from a rural settlement to a dense industrial

suburb. East Street retains a strong urban townscape, while the backland areas continue to reflect the area's industrial past.

5. The site falls within Character Area 3 (East Street), described as a major retail and commercial hub defined by a continuous terrace of commercial uses. The CACA identifies redevelopment potential arising from negative post war buildings and vacant sites but also highlights positive attributes including the quality of buildings, strong townscape and proximity to the city centre. Key features include red brick, stucco render, natural slate, 2–3 storey scale, bays, grouped gables or parapets, and ground floor shopfronts all of which I observed on my site inspection as being present in and around the appeal site. I, therefore, agree with the analysis set out in the CACA on what elements contribute to the special character of Character Area 3 and the wider CA. Although the appeal building is categorised as neutral in the CACA, it nonetheless reflects several of these defining characteristics.
6. The proposed rooftop extension would introduce a third storey within a predominantly two storey terrace. The use of grey materials would contrast sharply with the more muted palette on the floor below. Although the extension would be set back behind the parapet and partly screened by the existing rooftop addition at Nos. 90–96, it would still be appreciable in views from Little Paradise and from parts of East Street to the northeast.
7. While these views would be limited, the increased height and contrasting materials would nonetheless disrupt the established scale and visual rhythm of the East Street frontage. The extension would read as an intrusive and visually discordant addition within this part of the CA. This conclusion is consistent with other planning permissions granted by the Council for roof level development along East Street, including at Nos. 90–96 and No. 66, where less than substantial harm was identified albeit outweighed by public benefits in those other cases. I return to the heritage balance later in this decision.
8. The proposed four storey building would have a stepped height with one part three storeys and one part four storeys and sited forward of the established building line. While acknowledging the appellant's position that there is variation in building heights and building line along Herbert Street, the prevailing character of built form is one of general uniformity that the appeal building would notably contrast with in its stepped height design and forward position in the street scene.
9. Moreover, the external design and fenestration of the proposed building would be markedly at odds with its surroundings. The mix of contrasting colours and materials would create a confusing external appearance that lacks a coherent design rationale. The result would be a building that bears little relationship to the simple, restrained and consistently detailed redevelopments that now characterise Herbert Street. The proposed cross bracing window design is particularly incongruous and has no reference point within the CA.
10. Adjacent developments also employ a consistent palette of red brick and narrow vertical windows. While some variation exists, the proposed wider window proportions and range of materials would further erode visual cohesion. Taken together, the built form, fenestration, window proportions and materials would create a building that would sit uncomfortably within its context. The angled siting and the presence of a four-storey blank elevation lacking articulation would also heighten its prominence and accentuate its discordant overall appearance.

11. To conclude, the rooftop extension and the rear building would introduce visually incongruous additions that would fail to preserve or enhance the character or appearance of the CA. This would amount to less than substantial harm to the special significance of the CA. In view of the evolving character of the area and change that has already occurred, I determine that the harm would be at the lower end of the less than substantial harm spectrum. Accordingly, the proposal would conflict with Policies BCS21 and BCS22 of the Bristol Core Strategy 2011 (BCS) and Policies DM27, DM28, DM29 and DM31 of the Site Allocations and Development Management Policies Local Plan 2014 (SADMP), which require development to respond positively to local character and to respect the historic and architectural significance of the area.

Living conditions

12. The appeal site is located directly adjacent to No 90-96 East Street, which has been redeveloped with residential properties on its upper floors. As such, the adjacent residential properties look out and over the appeal site as it exists today. Although the existing building is of a relatively simple and unembellished design, it does not cause any material harm to living conditions from its appearance to the residential properties at No 90-96.
13. The proposed roof extension would include a small balcony to the rear for use by occupants of Flat 3 as external amenity space. While there is a gap between the proposed external area and nearest property at No 90-96, it would still be directly overlooked due to the very close proximity and relationship that exists between the two sites; this would lead to mutual overlooking between Flat 3 and the flat opposite at No 90-96 and their respective external amenity areas. From the information before me, the existing wall in place at No 90-96 is not high enough to adequately prevent mutual overlooking between the external amenity area and the nearest neighbouring property.
14. Even in a city centre location such as the appeal site, residents would expect to have a good standard of internal and external amenity including protecting privacy between neighbouring properties. Due to lack of existing suitable screening and the close proximity, sufficient privacy to the external amenity area for Flat 3 would not be achieved. While the existing flat roof area that serves ancillary retail storage could have a similar impact when used, there is no evidence before me that demonstrates it is used to a level that is comparable to a permanent residential use of the site to justify the harm identified that would arise. Nor does the redevelopment of the service yard provide any justification for the harm identified as there is no evidence before me that demonstrates this has an adverse existing impact on living conditions for the occupants of No 90-96 that I can attribute any weight to in this decision.
15. I acknowledge the appellant states that this issue could be resolved by a planning condition to require privacy screening. However, it has not been demonstrated that such screening would be effective in terms of preserving privacy between Flat 3 and the adjacent residential property, or that it would not create harm for those using the amenity area from the resultant increase in enclosure of the outdoor space. As such, I give limited weight to the ability to secure screening in this case.
16. Without being satisfied from the information before me that the identified harm could be adequately addressed by additional screening, the balcony to Flat 3 would

create an uncomfortable living environment for future occupiers of the property as well as the neighbouring property due to the mutual overlooking that would arise. This impact conflicts with Policy BCS21 of the BCS and Policies DM27 and DM29 of the SADMP.

Other matters

17. Objections and other comments to the planning application raised concerns including the reduction in commercial floorspace, impact on existing business, loss of fire escape access and service yard, occupants not adhering to parking restrictions, access to the bin and bicycle stores, standard of residential accommodation proposed, flood risk and noise. I have reviewed these matters as part of my assessment and have no reason to reach a different view to the Council on these other matters.

Heritage and Planning Balance

Heritage Balance

18. The duties under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
19. I have found that there would be less than substantial harm to the special significance of the CA from the additional storey on the East Street frontage and the new building to the rear. I conclude that the harm from both elements of the proposal would be at the lower end of the less than substantial harm scale. Although I have found harm to be less than substantial, I have attached considerable importance and weight to the desirability of avoiding such harm in accordance with Section 72 of the Act. This is also consistent with paragraph 212 of the Framework, which states that great weight should be given to the conservation of a designated heritage asset irrespective of the level of harm to an asset's significance.
20. Paragraph 215 of the Framework requires that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
21. The public benefits in this case would include the provision of 6 dwellings in circumstances where the Council are unable to demonstrate a sufficient supply of housing. From the information before me I understand the Council is currently able to demonstrate 4.14 years housing supply. Other public benefits presented by the appellant are inclusion of solar panels on the roof, and use of previously developed land of a small site where delivery can be expected to be relatively quick. I have not considered the upgrade to the visual appearance of the East Street and Herbert Street as a public benefit given my finding of less than substantial harm in these respects.
22. However, the provision of 6 dwellings would have only a limited impact on addressing housing shortages in the city. The public benefits that would arise from solar panels would also apply to any redevelopment at the site as part of complying with Policies BCS13 and BCS14 of the BCS and as such I only afford limited weight

to this. I have also considered that the proposal would result in harm to living conditions to existing residents as well as future occupants of Flat 3.

23. Moreover, the design aspects where the proposal is deficient could likely be addressed without significantly impacting the built fabric of the proposal and numbers of dwellings and still deliver similar public benefits as are before me. I, therefore, find that the public benefits of the proposal in this case would not outweigh the less than substantial harm to the CA. In accordance with Paragraph 212 of the NPPF I attributed great weight to the harm to the CA and conclude that this would provide a strong reason for refusal.

Planning Balance

24. The Council cannot demonstrate a five-year housing land supply. In such circumstances, Paragraph 11 (d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless under criteria (i) the application of policies of the Framework that protect areas of assets of particular importance provides a strong reason for refusal. Footnote 7 of the Framework confirms that these policies include those regarding heritage assets. I have identified that the harm to the designated heritage asset in this case provides a strong reason for refusing the proposal. In these circumstances, the Framework's presumption in favour does not apply to the determination of the appeal and it falls to being assessed against the relevant development plan policies.
25. I have found that the proposal does not comply with several development plan policies because it lacks high-quality and sympathetic design that fails to fit in with the local character and pattern of development in the area or adequately protect the amenities of existing and future occupiers. These policies are also consistent with the Framework, which aims to achieve well-designed places that are sympathetic to local character and to protect the amenity of existing and future residents.
26. From a benefits perspective, the proposal would provide 6 additional dwellings on a previously developed small site situated in a sustainable location, contributing to housing land supply in an area with an existing deficit, all of which is consistent with policies in the Framework. Nonetheless, the overall impact would be modest and make only a limited contribution toward addressing the Council's housing supply shortfall.
27. Accordingly, I find that the benefits of the proposal would not outweigh the harm I have identified and would conflict with the development plan when read as a whole.

Conclusion

28. The proposed development would result in unacceptable harm to the character of the area including the special significance of the CA and the living conditions of existing and future occupiers. The proposal conflicts with the development plan in these respects and the material considerations do not indicate the appeal should be decided other than in accordance with the development plan. The appeal is, therefore, dismissed.

N Perrins

INSPECTOR