



Appeal Decision

Site visit made on 30 March 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2026

Appeal Ref: APP/Z0116/C/25/3373379

46 Frenchay Park Road, Bristol BS16 1EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Kimberley Shellard against an enforcement notice issued by Bristol City Council.
 - The notice was issued on 18 August 2025.
 - The breach of planning control as alleged in the notice is without the grant of planning permission, the creation of a composite gated opening over 1m in height within the boundary fronting a highway and associated creation of a vehicular access onto a classified road.
 - The requirements of the notice are to demolish and remove from the land the composite gate opening and associated posts fronting Frenchay Park Road and reinstate and make good a pennant stone boundary wall, to match the pre-existing wall removed.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal

Main Issues

2. The main issues in this appeal are:
 - Whether the works preserve the character or appearance of the Stapleton and Frome Valley Conservation Area (CA).
 - The effect on highway safety.

Reasons

Character, appearance of the CA

3. The appeal property contains a two-storey end of terrace residential building, which probably originated during the Georgian era. The building and its garden are immediately adjacent to Frenchay Park Road. A wall around 1.8 m high constructed from local pennant stone laid in random courses forms the boundary between the garden and the back edge of the pedestrian pavement. The enforcement notice attacks works which have involved removal of a section of the boundary wall to form a gated vehicular entrance and a parking/turning area.
4. The property is located in the CA, which comprises Stapleton village and the adjoining steep, well-wooded slopes of the river Frome valley, extending eastwards to include the former Glenside and Manor Park Hospitals and Fishponds village, as

well as north to include the landscaped parkland of Stoke Park and open space on Purdown. Stapleton village includes many buildings of traditional character and external materials, set back from the main street behind substantial frontage boundary walls constructed in the local stone. A Council produced document¹ describes the CA as having a predominantly rural architectural character in the demonstrated range of building materials and the disposition of cottages and streets. It goes on to refer to architectural features which include pantile and slate roofs, random stone walls, painted and rendered walls and red brick walls, as contributing to the architectural character of the CA. Accordingly, the CA derives a measure of its significance from the substantial stone frontage boundary walls.

5. At s72(1), the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a CA.
6. The boundary wall contributes positively to the CA's character and appearance. This is due to factors including its local stone construction, redolent of Stapleton's rural past, along with the substantial height and the overall length, extending along most of the property frontage. These qualities reflect the characteristics and materials of other traditional frontage boundary walls in the CA. A heritage statement submitted to support a recent planning application², in which the boundary wall was described as an attractive feature contributing to the CA and having moderate significance, reinforces my view in this respect.
7. Removal of a section of the boundary wall around 4m in width to form the new entrance has resulted in a considerable loss of historic built fabric, interrupting and fragmenting the substantial, traditional structure. The works have thus eroded the significance of the boundary wall and the contribution it makes to the character and appearance of the CA.
8. The sliding electrically operated gate installed across the new entrance is similar in height to the boundary wall. The gate is made from a solid composite material. Although muted in colour and having an embossed woodgrain effect surface, the angular lines and synthetic uniform finish contribute to the gate having an obviously modern appearance. This does not sit comfortably alongside the more subtle variations in colour shades and the patina of age evident in the boundary wall stonework, or with other traditional architectural features of the CA. Consequently, the gate does not integrate with the boundary wall and appears as an obvious, alien feature in the surroundings, also deflecting attention from the distinctive arched pedestrian entranceway set into the wall. The Council document referred to above highlights unsympathetic residential extensions and alterations as a threat to the character of the CA.
9. As there was previously no off-street vehicle parking facility at the property, the works contribute to a modest reduction in levels of roadside parking in the locality. However, any visual benefit afforded by the works in this respect does not mitigate the harm to the character and appearance of the CA identified above.
10. Installing a different entrance gate or a pair of gates would involve works which are not part of the matters stated in the notice as constituting a breach of planning control. That would fall outside the scope of the deemed planning application arising from the ground (a) appeal. The power to grant planning permission does not extend beyond the matters stated in the notice. Therefore, I can only consider the planning merits of the existing gate. Besides, using a different gate or gates would not address the adverse consequences for the CA in terms of the loss of a substantial portion of historic built fabric.

¹ Bristol Local Plan: Stapleton and Frome Valley Conservation Area

² Council Ref: 22/03814/H

11. The appellant drew attention to a number of other vehicle entrances to properties in the vicinity. However, the mere existence of such entrances carries little weight. As there are few details concerning the circumstances in which those entrances originated it is difficult to make any comparison with the works in this appeal. It is unclear for example whether any of those entrances were formed recently following a grant of planning permission, most appearing to be long-established.
12. Therefore, the works do not preserve the character or appearance of the CA, in conflict with Policy BCS22 of the Bristol Core Strategy (CS), which requires new development to safeguard or enhance heritage assets. Also, the works conflict with Policy DM31 of the Site Allocations and Development Management Policies Local Plan (LP), which requires development within Conservation Areas to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

Highway safety

13. Frenchay Park Road forms part of a busy commuter route linking neighbouring residential areas, also connecting with roads leading to higher educational institutions, commercial and employment locations and the M32 motorway. In the immediate vicinity of the property, the vehicle lanes run in either direction separated by road hatchings between two traffic islands. There is a layby opposite the property capable of safely accommodating around two or three vehicles at most. Beyond the layby, a wider section of verge used for informal parking can probably accommodate a few more vehicles. During my visit, I observed vehicles passing the property in both directions at considerable frequency. There are probably higher volumes of passing traffic at other times, especially during the morning and evening rush hours.
14. The appellant supplied details showing that sufficient manoeuvring space exists in the new parking/turning area to enable cars to both enter and exit the property in forward gear. The Council did not seek to challenge the accuracy of this information and there is no sound reason why I should do so. Accordingly, there is little need for vehicles using the entrance to reverse onto or off the carriageway.
15. Nevertheless, few details were supplied concerning the levels of direct visibility of oncoming traffic in either direction available to drivers when emerging from the entrance. Nor was a survey of actual traffic speeds conducted from which it would be possible to determine the visibility splays required to meet the standards set out in the Manual for Streets (MfS), or whether reduced levels of direct visibility might be appropriate in this instance. Speed limit signage is not necessarily a reliable indicator of the actual speeds at which the majority of vehicles might be travelling along the road. From my own observations, it is entirely possible that a good number of the vehicles approaching the entrance will be travelling at or slightly above the 20mph maximum speed limit in force on this part of the road. Using the 2.4m reasonable maximum distance between the front of a car and the driver's eye, taken from the MfS, the restricted visibility available to drivers when emerging from the entrance is highly likely to fall well short of MfS standards.
16. A convex mirror is mounted at the side of the entrance, which the appellant states provides visibility for a distance of more than 25m along the road. However, that installation is not a substitute for direct visibility splays. Such mirrors can, amongst other things, distort the distance and speed of approaching vehicles, also being vulnerable to removal or being damaged or defaced. Neither the gate, which is remote controlled, nor the provision of a dropped kerb, are likely to sufficiently mitigate the identified risk associated with the restricted visibility available to drivers when emerging from the entrance. As a result, based on the available evidence I am not persuaded that there has been other than a significant increase in the risk of collisions occurring on the road following formation of the entrance.

17. Removal of the works would most likely lead to the appellant and other family members seeking to park in the layby, or elsewhere in the vicinity at the roadside, where there are generally few parking opportunities available. When I visited, the layby was almost fully occupied by parked vehicles. There were also vehicles occupying a number of the informal parking spaces nearby. Parking demand in the locality is likely to be significantly higher at other times, for example during evenings and at weekends, especially given the proximity to outdoor recreational opportunities in the Frome valley, at Stoke Park and on Purdown. Even so, the modest reduction in roadside parking demand following the provision of an off-street parking facility at the property does not outweigh the harm to highway safety identified above.
18. Therefore, in the absence of any firm evidence to indicate to the contrary, I find that the works have caused unacceptable harm to highway safety. This is in conflict with CS Policy BCS10, which requires the design and location of new developments to ensure the provision of safe streets. There is also conflict with DMP Policy DM23, which requires new development to not give rise to unacceptable traffic conditions and to provide safe and adequate access onto the highway network. Also, by not achieving safe and suitable access the works are inconsistent with the National Planning Policy Framework (the Framework).

Other considerations

19. The works have assisted in meeting the needs of all sections of society, by improving access to the property for persons with mobility difficulties. They have also provided for installation of a charging facility at the property for the appellant's electric vehicle, thus contributing to the UK's transition to a low carbon future.
20. The Framework advises that where, as in this case, the harm to the significance of a designated heritage asset is less than substantial, such harm should be weighed against any public benefits. The Framework goes on to advise that when considering the impact of development on the significance of a designated heritage asset, great weight is required to be given to that asset's conservation. The small-scale public benefits identified above do not outweigh the harm to the significance of the CA caused by the works.

Conclusion

21. The works fail to preserve the character or appearance of the CA and harm highway safety, in conflict with the Development Plan. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR