



Appeal Decisions

Hearing and site visit held on 5 February 2014

by Clive Hughes BA (Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2014

Appeal A: APP/Z0116/A/13/2204520

Former Dairy Crest Depot, Parry's Lane, Bristol BS9 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Shepperton Homes against the decision of Bristol City Council.
 - The application Ref 13/02002/X, dated 3.5.13, was refused by notice dated 12.7.13.
 - The application sought planning permission for demolition of existing buildings and the erection of 14 dwellings and associated access, car parking and landscaping without complying with a condition attached to planning permission Ref 12/03083/F, dated 21 December 2012.
 - The condition in dispute is No 17 which states that: *The development shall conform in all aspects with the plans and details shown in the application and listed below, unless variations are agreed by the local planning authority in order to discharge other conditions attached to this decision: 0311-L00-001E site layout - ground floor; 0311-L00-002E site layout - first floor; 0311-L00-003E site layout - second floor; 0311-L00-004E site layout - roof plan; 0311-L00-007C long sections; 0311-L00-008C short sections; L(00)010D House Type 001: Plans; L(00)011C House Type 002: Plans; L(00)013C House Type 004: Plans (1 of 2); L(00)015B House Type 006: Plans; L(00)017A House Type 004: Plans (2 of 2); L(00)020B House Type 001: Elevations; L(00)021A House Type 002: Elevations; L(00)022A House Type 002(a): Elevations; L(00)023A House Type 002(a): Elevations; L(00)024A House Type 003: Elevations; L(00)025A House Type 004: Elevations; L(00)026B House Type 005: Elevations; L(00)027B House Type 006: Elevations; L(00)028C House Type 002: Plans; L(00)029C House Type 002(b): Plans; L(00) 51A Section showing building relationship; and L(00) 090 Demolition Plan.*
 - The reason given for the condition is: *For the avoidance of doubt.*
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Appeal B: APP/Z0116/E/13/2204525

Former Dairy Crest Depot, Parry's Lane, Bristol BS9 1AG

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Shepperton Homes against the decision of Bristol City Council.
 - The application Ref 13/01999/LC, dated 3.5.13, was refused by notice dated 12.7.13.
 - The demolition proposed is described as "demolition of existing buildings and the erection of 14 dwellings and associated access, car parking and landscaping".
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Decisions

Appeal A: APP/Z0116/A/13/2204520

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and the erection of 14 dwellings and associated access, car parking and landscaping without complying with a condition attached to

planning permission Ref 12/03083/F, dated 21 December 2012 at Former Dairy Crest Depot, Parry's Lane, Bristol BS9 1AG in accordance with the terms of the application, Ref 13/02002/X, dated 3 May 2013 subject to the conditions set out in Annex A to this Decision.

Appeal B: APP/Z0116/E/13/2204525

2. The appeal is allowed and conservation area consent granted for demolition of existing buildings at Former Dairy Crest Depot, Parry's Lane, Bristol BS9 1AG in accordance with the terms of the application Ref 13/01999/LC, dated 3 May 2013 subject to the conditions set out in Annex B to this Decision.

Procedural matters

3. The Council has described the Appeal B development as "Demolition of existing buildings". This accurately describes what is proposed and I have used it for this Decision; this was agreed by all parties. It was also agreed that the correct road name is Parry's Lane; I have used it for both Decisions.
4. Concerning Appeal A, there is an error in the disputed condition on the Council's decision notice. It omits reference to three of the approved plans, Drawings No L(00)012A House Type 003 Plans; L(00)014C House Type 005 Plans; and the unnumbered Site Location Plan. I have included these plans in this Decision.
5. Policy B16 of the *Bristol Local Plan* was referred to on the Council's decision notice in error; the proposals do not affect a group of historic buildings so I have disregarded this policy. The Council argued that it should have made reference to Policy B15 of the same Plan. I do not consider that the appellant would be prejudiced by my consideration of this policy as the submitted case responds to the detail of that policy.
6. The appellant submitted a Unilateral Undertaking (UU) to supplement that previously submitted. It provides for the obligations in the original UU to be brought forward if this appeal is allowed. The Council has raised no objections to it and I have taken it into account in the determination of these appeals.

Main Issues

7. The main issues are: (i) whether the proposals would preserve or enhance the character or appearance of the Downs Conservation Area (Appeals A & B); and (ii) the effect of the proposed development on the setting of Stoke Abbey Farmhouse and its former gazebo, now known as Stoke Abbey Farm Cottage, which are Grade II listed buildings (Appeal A).

Reasons

Background

8. The principle of the residential redevelopment of this site was established in December 2012 when the City Council granted Planning Permission for "demolition of existing buildings and the erection of 14 dwellings and associated access, car parking and landscaping" and Conservation Area Consent for "Demolition of existing buildings". The approved plans showed that one wall of the building sited closest to Parry's Lane would be retained; that wall, which abuts the back edge of the footway, was to be kept and reused as the rear garden wall for Plots 1, 2 and 3.

9. The current proposals affect only a relatively small part of the approved scheme. In particular it would involve the demolition of much of the wall along the Parry's Lane frontage; the rotation of the proposed houses on Plots 1, 2 and 3 through 180°; a redesign of the houses on those three Plots; and the repositioning of those three houses closer to Parry's Lane. The remainder of the development would remain as previously approved.

Whether the proposed development would preserve or enhance the character or appearance of the Downs Conservation Area

10. The site lies within the Downs Conservation Area; the surrounding area is predominantly residential in character. The Conservation Area is extensive in scale and varied in both character and appearance. The boundary of the Area runs down Parry's Lane and along the public right of way immediately to the north west of the site, such that the site is located in a corner of the Conservation Area, adjacent to and opposite houses that lie outside the Area. These houses are mostly two-storey detached and semi detached dwellings facing Parry's Lane.
11. The Council has not carried out a Conservation Area character assessment but there is a brief description of it in the *Bristol Local Plan*. This only has passing references that are relevant to these appeals. It says that the edge of Sneyd Park is lined with grand rubble stone Victorian Villas with mature hedges and boundary walls. It says that predominant materials are characterised by the use of lias and pennant limestone rubble and render. It adds that boundary walls, with gate piers in ashlar stone, are a feature of the area.
12. I saw that within the part of the Conservation Area that lies between the appeal site and Durdham Down there are almost continuous stone walls, albeit with breaks to access various developments including the new University buildings currently under construction. These walls make a positive contribution to the character of the Conservation Area. While the houses opposite the appeal site lie outside the Conservation Area, their frontages nonetheless make a contribution to its setting. Here there are lower walls with more breaks for accesses to houses.
13. The proposals involve the demolition of the greater part of the one wall of the frontage building that was shown to be retained in the approved plans. That wall has clearly changed over time; it appears to have undergone changes in form and, quite possibly, in function. It may well have started life as a low boundary wall that had a building constructed over it using it as part of one wall. I agree that the building of which it now forms a part enables the history of the site to be better understood. However, there is an extant consent for the demolition of all but one wall of the building. I am not convinced that the retention of a single wall will enable the site to be any better understood. There have been obvious changes to the wall including the presence within it of a diagonal former roof slope. Its retention without the remainder of the building would appear as visually confusing. It would no longer reflect the building that once stood on the site.
14. The retention of a 7m length of wall, together with the re-use of the rubble stone in the new walls in front of the houses, would minimise the effect of the proposals on the character of the area. However, there would be limited harm arising from the loss of some of this heritage asset. There would therefore be some limited conflict with Policies B2 and B21 of the Local Plan, Policy BCS22 of

the *Bristol Development Framework Core Strategy* 2011 and Policy DM31 of the emerging *Site Allocations and Development Management Policies*.

15. I do not consider that there would be any unacceptable conflict with Policy B5 of the Local Plan as the reorientation and resiting of the houses would be beneficial in the street scene. The Council has raised no objections on design grounds.
16. I conclude, therefore, that the loss of some of the wall would fail to preserve or enhance either the character or the appearance of the Downs Conservation Area. However, due to the previous extant consent for the demolition of most of the building and the current proposals to retain parts of the wall, the harm arising from this proposal would be less than substantial. In these circumstances, and in accordance with paragraph 134 of the *National Planning Policy Framework* (the Framework), it is necessary to weigh the harm against the public benefits of the development.
17. The principal public benefit of the proposals would be the improvement to the character of the area by having the proposed houses facing the public highway rather than turning their back on the road. By facing the road, the houses would be in keeping with the vast majority of houses in the immediate area. While they would be closer to the road than most houses in this part of the Conservation Area, any harm arising from this would be outweighed by the benefit of the resultant open and welcoming frontage to the site.
18. There would also be some more limited public benefits in that the new estate would have a more open appearance in the street scene and the improved public footpath would have greater visibility and a more attractive entrance from Parry's Lane. There would also be benefits in terms of improved surveillance of the road and the crossing point with its central island. Taken together, these public benefits would outweigh the limited harm to the heritage asset arising from the loss of part of the boundary wall. The proposals would therefore accord with the Framework.

The effect of the proposed development on the setting of Grade II listed buildings

19. The appeal site adjoins three listed buildings but only two of these are close to Plots 1, 2 and 3. These are the Stoke Abbey Farmhouse and its former gazebo, now known as Stoke Abbey Farm Cottage. Although the appeal site adjoins these listed buildings, it cannot reasonably be said to contribute positively to their setting. The main contributor to their setting seems to be their gardens. The appeal site, in contrast, is at a lower level and is separated by a wall. It is hard surfaced and contains a number of dilapidated buildings that relate to the former dairy use of the site. The listed Farmhouse turns its back on the appeal site. Due to its elevated position above the appeal site there are views of its rear elevation across the site but, from Parry's Lane, these views are partly obstructed by the building on the road frontage. The removal of its roof would slightly improve these views of the Farmhouse, but would have little or no impact on its setting. In any case, the improved views would be short lived as the construction of the previously approved houses on Plots 1, 2 and 3 would seriously interfere with these views.
20. This revised scheme sets the proposed houses closer to the road which would further restrict views of the rear of the listed buildings when travelling south east along Parry's Lane. There would be some compensation for this loss as

the resited dwellings would result in an improvement to views from the public footpath when compared with the approved scheme. I acknowledge, however, that the public footpath carries less traffic than Parry's Lane. By lowering the frontage wall in front of Plot 1 the proposals would reveal new glimpses of the Farmhouse between the front of the new dwelling on Plot 1 and the retained section of wall.

21. Overall, I am not convinced that the proposals would have a significant impact on the setting of the listed buildings. The overall impact would be neutral. Given that their setting is mainly limited to their gardens, there would be no opportunity to improve their setting or enhance their significance. There would be no unacceptable conflict with Policies B2, B5, B21 or B22 of the Local Plan or with Policy BCS22 of the Core Strategy. The proposals would accord with the Framework.

Conditions

22. Concerning Appeal A, it was agreed at the Hearing that the conditions imposed on the original planning permission should be brought forward and amended as necessary to take account of the changes to Plots 1, 2 and 3 in the approved scheme. A landscaping scheme, to include details of future management and boundary treatments, is necessary in the interests of the amenity of the area. Full details of external materials, as well as various details of the approved buildings need to be provided in the interests of the visual appearance of the area. The internal access roads, vehicular accesses, turning facilities and off street parking and garaging needs to be provided in the interests of highway safety. A surface water drainage scheme is necessary to ensure that principles of sustainable drainage are incorporated into the scheme. Bird and bat boxes need to be provided and the terms of the ecological statement need to be followed to protect habitats and species and in the interests of the ecology of the area. Refuse storage facilities need to be provided to protect the environment and to prevent obstruction of the footways. Permitted development rights for extensions and additional windows have been removed to safeguard the living conditions of residents. The plans have been identified for the avoidance of doubt and in the interests of the proper planning of the area.
23. Concerning Appeal B, the plans have been identified for the avoidance of doubt and in the interests of the proper planning of the area.

Conclusions

24. The proposals would result in the loss of a section of wall within the Conservation Area that is a designated heritage asset. The proposals will, however, lead to less than substantial harm and this harm is outweighed by the public benefits. There would be no unacceptable conflict with the development plan and the proposals accord with the Framework. The appeals are therefore allowed.

Clive Hughes

Inspector

APPEARANCES

FOR THE APPELLANT:

Conor Flanagan BSc (Hons) MA MRTPI	Origin3 Ltd
Christopher Wilson BSc (Hons) MSc DipArch	Origin3 Ltd
Andrew Brown BArch MSc MRTPI IHBC	Woodhall Planning and Conservation Ltd
David Rhodes	Origin3 Ltd
Owen Barker	Shepperton Homes

FOR THE LOCAL PLANNING AUTHORITY:

Mark Dowling MRTPI	Development control - Bristol City Council
Nat Robertson	Urban design team - Bristol City Council
Jim Cliff	Obligations management - Bristol City Council

INTERESTED PERSONS:

Kate Hoare MRTPI	Stoke Bishop Residents' Association and local resident
Roger Gamlin	Stoke Bishop Residents' Association and local resident
Dr Tony Hoare	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Press advertisement for Hearing
- 2 Signed Statement of Common Ground
- 3 Drawings No L(00)051 and 051A – sections showing relationship of proposed and approved schemes with adjacent building
- 4 Position Statement signed by the appellant and the Council

Annex A:

Schedule of Conditions for Appeal A (APP/Z0116/A/13/2204520)

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No dwelling(s) hereby approved shall be erected until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping to include a native species hedgerow as shown indicatively upon drawing no(11-06-07 Rev J) to include the number type and size of tree(s) trees pits and guards. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally

- required to be planted unless the council gives written consent to any variation.
- 3) No dwelling hereby approved shall be erected until construction details of the internal access roads to include the number, location and species type of trees, have been submitted to and been approved in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied or the use commenced until the roads are constructed in accordance with the approved plans.
 - 4) No dwelling hereby approved shall be erected until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved strategy prior to the use of the dwellings commencing.
 - 5) Samples of the building materials used in completion of sills, lintels, eaves, windows, doors, dormers, surrounds, bands and parapets shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples before the dwellings are occupied.
 - 6) Notwithstanding the details on the approved drawings, details of the proposed site boundary treatment and boundary treatment for the curtilages of the properties shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of dwellings hereby approved. The submitted details shall include details of the finish to the retained section of wall on the Parry's Lane frontage. The development shall be constructed and retained in accordance with these approved details.
 - 7) Prior to the erection of the dwellings hereby approved, details of the management arrangements for the non adopted hard and soft landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out and retained in accordance with these approved details.
 - 8) Prior to the erection of dwelling(s) hereby approved details of the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out and retained in accordance with these approved details.
 - 9) No dwelling shall be occupied until the refuse storage areas/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the approved dwellings. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.
 - 10) No dwelling shall be occupied until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.
 - 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or

re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

- 12) Detailed drawings of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.
 - a) Large-scale details, including sections, of all glazing, including glazing bars, cills, reveals and surrounds;
 - b) All external doors, and openings, including sections.
 - c) Parapet, cornice;
 - d) Boundary treatments.
 - e) Rainwater goods;
 - f) External lighting
- 13) The areas allocated for the turning of vehicles as shown on the approved plans shall only be used for the said purposes and not for any other purpose.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwelling house(s) hereby permitted, or any detached building, without the express permission in writing of the Local Planning Authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the dwellings hereby permitted without the express permission in writing of the Local Planning Authority.
- 16) Proposals shall comply with the terms of applicant's ecological statement that includes appropriate mitigation for badgers.
- 17) The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.
 - 3011-L00-001F Site layout ground floor
 - 3011-L00-002F Site layout - first floor
 - 3011-L00-003F Site layout - second floor
 - 3011-L00-004F Site layout - roof plan
 - 3011-L00-006A Perspective – site entrance
 - 3011-L00-007D Long sections
 - 3011-L00-008D Short sections

L(00) 010C House Type 001: Plans Plots 1, 2 & 3
L(00) 011C House Type 002: Plans
L(00) 013C House Type 004: Plans (1of 2)
L(00)015B House Type 006 Plans
L(00) 017A House Type 004: Plans (2 of 2)
L (00) 020D House Type 001: Elevations Plots 1, 2 & 3
L (00) 021A House Type 002: Elevations
L (00) 022A House Type 002(a): Elevations
L(00) 023A House Type 002(a): Elevations
L (00) 024A House Type 003: Elevations
L (00) 025A House Type 004 Elevations
L (00) 026B House Type 005 Elevations
L (00) 027B House Type 006 Elevations
L (00) 028C House Type 002: Plans
L (00) 029C House Type 002(b): Plans
L (00) 51 Section showing building relationship
L (00) 090 Demolition Plan
L(00) 100 Site location plan
Proposed street view

Annex B:

Schedule of Conditions for Appeal B (APP/Z0116/E/13/2204525)

- 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
- 2) The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

L(00) 100 Site location plan
L(00) 300 Site demolition plan
L(00) 010C House Type 001: Plans Plots 1, 2 & 3
L(00) 020D House Type 001: Elevations Plots 1, 2 & 3
L(00) 060 Wall retention plan