

Atelier Woodman

Architecture & Planning

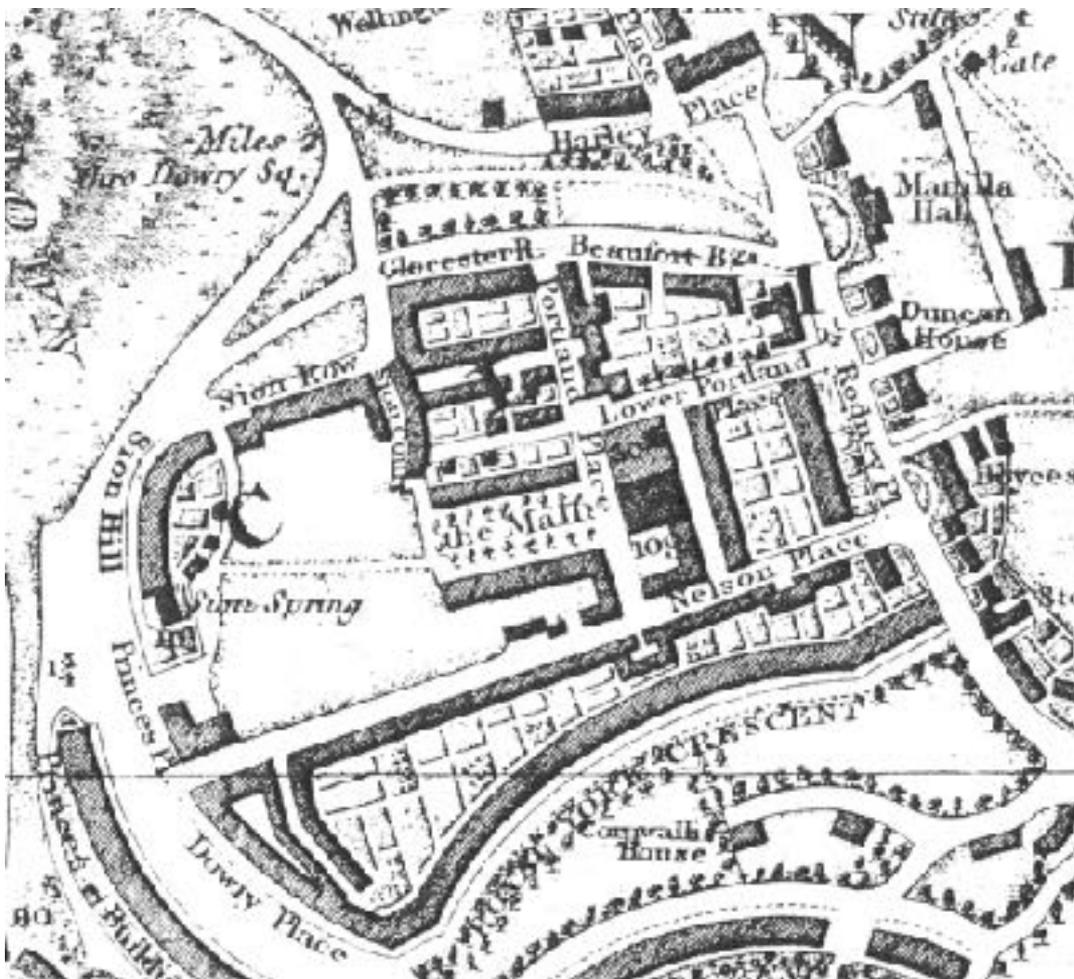
Redevelopment Proposal of 2 - 16 Clifton Down Road by THAT Group

Scheme appraisal for the Clifton & Hotwells Improvement Society
and
Mall Garden's Residents Association

12 July 2018

Introduction

The Clifton Conservation Area is very special. It has been famously described by Sir John Betjeman as **'the finest suburb in England'**. It was not built to an overall masterplan, as Cochrane's Hyde Park Estate in London, rather developed as various fields and farms became available. At any one period however, there was great consistency of design within each sub-area. The central portion of Clifton Down Road is one such area, designed as a wide boulevard with the large houses on the east side set some 26 metres apart from Rodney terrace on the west. Both rows of houses were set well back from Clifton Down Road by generous soft landscaped gardens, some public some private, now supporting mature trees that might mask the powerful urban form to the lay and perhaps even professional eye.



Clifton Map 1826

The development of the land created a narrow mews (King's Road) with a terrace of 3 storey buildings with shops at ground floor level fronting onto Clifton Down Road. The terrace was aligned with the established building line to the north of the boulevard that extended south along Boyces Buildings with shops by 1849 extending forwards to the street at ground floor level. The need to preserve the boulevard was a principal reason for the refusal of consent to the application in 2005.



*(232) 8 February 1950: Clifton Down Road: King Street Terrace, opposite the Rodney Hotel, demolished for a new rank of shops; King's Road behind.



The design of the terrace mirrored the design of the current buildings on King's Road and on Boyce's Avenue today. Of the Clifton Arcade Andrew Foyle says 'a delightfully indulgent mishmash of styles and references. Red brick (with Bath stone) shops facing King's Road the window surrounds with vaguely Moorish decoration.'



Analysis of the Character of the Local Conservation Area

For the Clifton and Hotwells Character Appraisal see:

<http://www.cliftonhotwells.org.uk/resources/clifton-and-hotwells-character-appraisal.pdf>

Although the 'site' is in area 8 (Clifton Spa Terrace) areas 4 and 8 are both relevant. There are some 138 Grade II* Listed Buildings and some 126 Grade II Listed Buildings in Area 8, a total of some 364 Listed Buildings and some 46 Grade II* and some 83 Grade II Listed Buildings in Area 4, a total of 129 Listed Buildings. **There are approximately 500 Listed Buildings in Areas 4 and 8.** CHIS have been advised by a leading planning barrister that **'the setting is the "surroundings" in which the asset is experienced.** Furthermore, the "experience" is not merely visual but may also be... historical.'

[Below, Freemantle House](#)





Freemantle House, Worsley House 20 Clifton Down Road and Mortimer House

The predominant architectural style in the Clifton Down Road sub-area is Georgian, itself a neo-classical style derived from Classical and Renaissance architecture. The style is derivative and indeed, in as much as it is carefully based on a more or less scholarly appreciation of classical architecture, it might be said to be facsimile itself.



Mortimer House in 2005

The houses are constructed of load bearing masonry with Bath stone ashlar facades, rusticated on the ground storey to the major houses as Mortimer House on the adjoining site. A few houses used ashlar ruled stucco to replicate Bath stone as a cheaper alternative. Windows are treated as openings in these walls are invariably timber sashes, often with 12 panes, and painted white today. The windows form some 20% of the total area of the facades (Mortimer House). Some 80% of the elevations are faced with bath stone. The effect of breaking the sashes down into multiple small panes is to give the exteriors a detailed small scale texture, and to ensure that the surface plane of the wall is not broken at the window opening. Windows do not read as holes in the wall but maintain the plane of the wall.

The 'modern' building proposed does not have the same qualities, flagrantly departing from these aesthetic principles. The window / wall ratio proposed is some 60 %, giving the building a completely different and alien appearance with some three times as much glass without any subdivision into smaller panes. As the glazing is without any form of fenestration whatsoever, the windows would appear as holes in a fabric of beams and columns. The columns, beams and spandrel panels account for only some 40% of the area of the elevations.

The dominant façade material proposed is therefore **glass** and not Bath stone, a material unsuited in large areas for large retail developments which require walls for display, and not well suited for modern offices either due to the glare created for computer screens. Large areas of glass are proposed on all facades of the building, leading to massive and excessive heat losses and gains. The building type proposed is fundamentally unsustainable; such buildings are major contributors to carbon emissions and thus to climate change.

Immediately to the south of the site are Boyce's Buildings with a clearly articulated modern residential and retail building on the corner of Merchants Road..



Boyce's Building with facsimile extension to RHS of the centre bay



Boyce's Buildings with facsimile extension to south of the central bay



7 - 9 Rodney Place



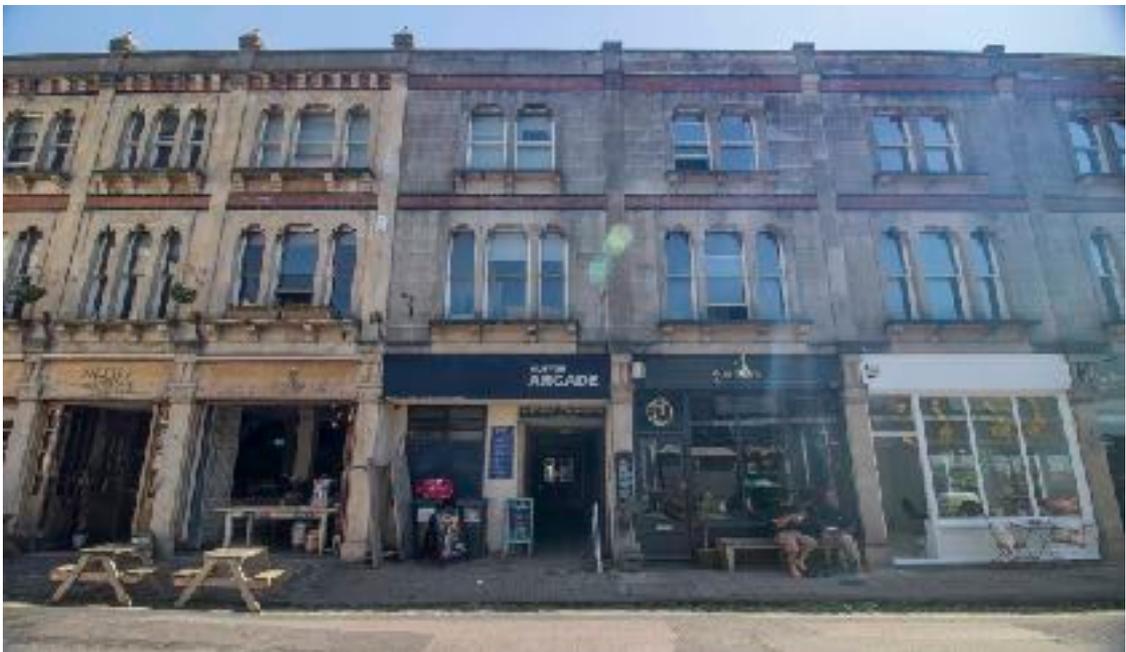
1-4 Rodney Place



Former WH Smith store projected forwards from 2 storey block on King's Road creating a popular public open sided landscaped square facing onto Clifton Down Road



Boyce's Avenue with (below) King's Road



Design Assessment Criteria

For a potential planning application, the relevant design criteria are national and local planning policies and design guidance together with relevant case law and planning appeals. Of particular relevance to this project are the following:

National Planning Policy Framework (NPPF): sections 126, 128, 129, 132, 134 in particular.

The precedent in *Barnwell Manor Wind Energy Ltd. v. East Northants DC* [2014] EWCA Civ 137 are to be followed, as explained in the judgment of Lindblom J.3 in *R. (Forge Field Society) v. Sevenoaks DC* [2014] EWHC 1895 Admin. In summary and applying Lindblom J's approach:

The desirability of preserving Listed Buildings and their setting and/or a Conservation Area are not mere material considerations to which the decision maker can attach such weight as it thinks fit.

When a development harms the Listed Building or its setting and/or a Conservation Area, it must give that harm considerable importance and weight.

The harm gives rise to a strong presumption against the grant of planning permission.

The presumption is not irrebuttable. It can be outweighed by material considerations powerful enough to do so.

The degree of harm to the Listed Building / Conservation Area is a matter for the planning judgement of the decision maker, e.g., whether it is substantial or less than substantial. If it is the latter, the strength of the presumption is lessened but it does not follow that the 'strong presumption' against grant has been entirely removed.

The NPPF approach to heritage assets echoes, as might be expected, the legal approach. In the briefest of summaries, heritage assets are an irreplaceable resource (NPPF 126). See also para. 2.31.1 of the Core Strategy to the same effect; the significance of heritage assets includes their physical presence and setting (NPPF 128 and Glossary); significance can be harmed or lost through development within the heritage assets' setting and any harm requires clear and convincing justification (NPPF 132); if the harm is less than substantial as it is here, it must be weighed against the benefits (NPPF 134). It is perhaps worth noting at this stage that the setting is the "surroundings" in which the asset is experienced. Furthermore, the "experience" is not merely visual but may also be, as it is here, historical.

Section 134 states 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....'* It is considered that the very considerable harm that would result from this proposal to a very large number of heritage assets and to the Clifton Conservation Area completely and undoubtedly outweigh the negative or minimal public benefits of the proposal.

Planning Appeal (App ATP/Z0116/E/03/1114348 and APP/Z0116/A/03/1114350) at which the inspector stated **'unless of truly excellent design in itself any building should blend with its surroundings and not stand out as an assertive feature.'** We think it fair to say that the proposal is not of *'truly excellent design'* and self-evidently does not blend with its surroundings. We further say that any new building on this key site should not stand out as commercial offices and shops in the Conservation Area, as a perpetuation of past planning failures. The right scheme for this site should preserve and enhance the character of the

adjacent Listed Buildings by repairing the damage caused by the post-war commercial development.

BCC Policy DM26: Policy DM26 states: *“The higher the quality of the building group and the more unified the character of the townscape, the greater the need to reproduce the existing pattern, form and design of existing development.”* This Policy would seem to apply precisely to this site. For some exemplars in Clifton, see Appendix 4.

Conservation: Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Bristol Local Plan policies BCS21 and BCS22 of the Core Strategy; and policies DM26, DM29 and DM31.

It will be noted that the Core Strategy, BCS22, requires that:

“Development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including:

Historic buildings both nationally and locally listed; Conservation areas.... “

To a large extent this policy mirrors the NPPF but it is important to note as well the reference to ‘locally’ listed buildings within the policy. There are a number immediately adjacent to the site at 2-16 Clifton Down Road (see map below).

BCC Policy DM27

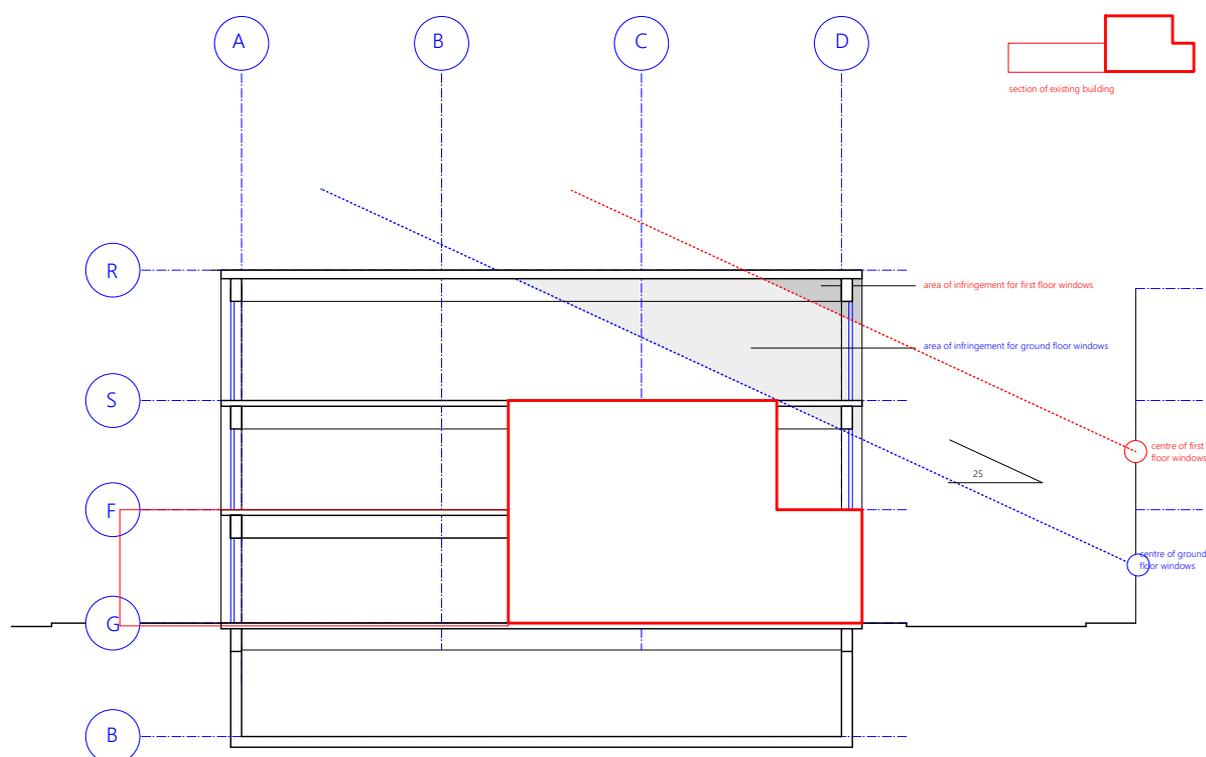
DM27 requires both existing and proposed development *‘to achieve appropriate levels of privacy, outlook and daylight’* and *‘Sunlight and daylight studies may be required for schemes where there is doubt over the acceptability of their impact on the amenity of existing development’*. **The Council uses the BRE Guide ‘Site layout planning for daylight and sunlight: a guide to good practice’**. The Guide recommends a minimum standard of daylighting of 27% vertical sky component (VSC).

DM29 (v) requires the proposal to **‘ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight’**.

SPD2 states that the Council uses the principles set out in the BRE’s ‘Site Planning for Daylight and Sunlight: A Guide to Good Practice’.

The Guide gives *‘advice on site layout to achieve good sun-lighting and daylighting, within buildings and in the open spaces between them’*. The Guide also states that *‘if the guidelines in the Guide are followed, along with the detailed window design in the British Standard and the CIBSE manual, there is the potential to achieve good daylighting in new buildings, (and) to retain it in existing buildings nearby’*.

The guide states that if for any part of the new development the angle subtended from the centre of windows to existing buildings is less than 25 degrees, a more detailed check is needed to ensure there is a 27 degree sky component.



Section 38(6) Planning & Compulsory Purchase Act 2004: the Act makes clear, prima facie, it is the Local Plan that governs and, in cases of conflict with it, prevails. As paragraph [12] of the National Planning Policy Framework ('the NPPF') makes clear (consistently with s. 38(6)): a proposal that is inconsistent with a Local Plan "should be refused", unless "other material considerations indicate otherwise". We say now that this development is inconsistent with a number of LP policies.

s. 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 - the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. To the same effect is s. 72(1) in relation to preserving the character or appearance of the conservation area.

It is considered that the proposed building would fail to reflect the local architectural language (character) and, as such, the development would not deliver a high quality urban design. The proposal fails to take the opportunity to enhance the positive features of this part of the Clifton Conservation Area and would therefore harm its special character and appearance, and would detract from the setting of the nearby listed buildings. In this regard it would fail to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Bristol Local Plan policies BCS21 and BCS22 of the Core Strategy; and policies DM26, DM29 and DM31 of Site Allocations and Development Management Policies 2014.

Listed Buildings Adversely Affected by the Proposal

It is probably worth repeating that the total number of Listed Buildings affected is approximately 500, including some 184 Grade II* Listed Buildings. CHIS have been advised by a leading planning barrister that **'the setting is the "surroundings" in which the asset is experienced.** Furthermore, the "experience" is not merely visual but may also be... historical.'



[Map of nearby Listed Buildings affected by the proposal](#)

It can be seen that the site is surrounded on all four sides by Listed Buildings. The settings of some 24 Listed Building are directly affected by the proposed development with perhaps a further 475 Listed Buildings including Christ Church, and 183 other Grade II* Listed Assets.

The Listed Buildings directly opposite Rodney Place represent a fine collection of Grade II and Grade II* Listed Buildings. The buildings, designed and built as substantial residences for wealthy owners, possibly merchants, are comparable with buildings in Bath with the added bonus that they have been individually commissioned: they are not speculative buildings. There is variety and yet consistency of the architectural language, the architectural vocabulary and the materials. The buildings are load bearing structures with vertically proportioned sash windows often in 12 panes but sometimes, perhaps by later alteration in 9 panes and 4 panes.



Mortimer House



Freemantle House

6 - 8 Rodney Place directly opposite the development site



The development site (now boarded up) would dominate the setting for the houses to the southern end of Rodney Place, numbers 5, 6, 7 and 8 and in addition the Rodney Hotel.



The outlook and the settings of the 8 Listed Buildings on Rodney Place, together with the settings of a very large number of other Grade II* and Grade II Listed Buildings (see page 14 above), would be dominated and we say substantially damaged by the proposed development. The Conservation Area, arguably on a par with Bath, does not readily permit exceptions to its coherent and consistent architectural language.

Placemaking

Prince Charles, in his address at the 150th anniversary of the RIBA in 1984, quoted Goethe (the German writer and statesman) as saying '*there is nothing more dreadful than imagination without taste. He expressed the earnest hope that 'the next 150 years will see a new harmony between imagination and taste and in the relationship between the architects and the people of this country' and that 'to be concerned about the way people live; about the environment they inhabit and the kind of community that is created by that environment should surely be one of the prime requirements of a really good architect.'*

He went on to famously criticise the proposed extension to the National Gallery by ABK as a '*monstrous carbuncle on the face of a much-loved and elegant friend.*' He might well have said the same about a large number of other modern buildings both before and since that date.

He singled out the RIBA Gold medalist Ted Cullinan (2nd year tutor to my year at Cambridge) as: - '*a man after my own heart, as he believes strongly that **the architect must produce something that is visually beautiful as well as socially useful.***' Cullinan was an early advocate of 'placemaking', something that Christopher Alexander has also promoted.



FCB vision for Kings Road: just 2 small boutique shops (retail units 3 & 4) in total just 27 m2 front onto King's Road. The nearby corner is devoted to the entrance to the first floor retail unit 09 (not 02 as incorrectly stated on drawing P- 1001



The CHIS vision for Boyces Avenue and King's Road (partly realised)

Prince Charles continued: *"Enabling the client community to be involved in the detailed process of design rather than exclusively the local authority, is I am sure the kind of development we should be examining more closely. Apart from anything else, there is an assumption that if people have played a part in creating something they might conceivably treat it as their own possession and look after it, thus making an attempt at reducing the problem of vandalism. **What I believe is important about community architecture is that it has shown 'ordinary' people that their views are worth having; that architects and planners do not necessarily have the monopoly of knowing best about taste, style and planning; that they need not be made to feel guilty or ignorant if their natural preference is for the more 'traditional' designs** - for a small garden, for courtyards, arches and porches; and that there is a growing number of architects prepared to listen and to offer imaginative ideas."*

Following Team 10, van Eyck, Hertzberger etc in the 1960s, placemaking has only recently become a design objective for the best architectural practices.

At a meeting between CHIS and the leader of the Council, Barbara Janke and the Chief Planning Officer, Steve Perry, it was decided to pedestrianise Boyce's Avenue. The result has been a resounding success.

It was also proposed, some 12 years ago, to extend the pedestrianisation to King's Road and then subsequently to Princess Victoria Street and the Mall once the local community had had time to assess the experimental pedestrianisation of Boyce's Avenue. The MGRA have commented *'it is important to maintain the successful "street market" atmosphere of Boyces Avenue and to add to it by a sympathetic plan which incorporates King Street and does not relegate it to a dull, enclosed service road.'* I absolutely agree with him. He further adds *'I have always felt that the focus on the front of the new development is misplaced, facing Clifton Down Road and traffic as it does (who would want to sit outside a street cafe facing the noise and traffic rather than in a quiet side street/enclosed square?) and that it would be better to make more of the Boyces Avenue / King Street corner with open space and low rise frontages that draw one into the "market" area and King Street behind. In other words, an "about face" development that opens up rather than shuts down the surroundings.'*

Alas, the current design proposal falls way short of this objective. The architects' vision is of a bleak and barren service road reminiscent of discredited shopping centres like Broadmead and central Plymouth. The vision is devoid of human activity, devoid of trees or any other kind of planting. The scheme fails to embrace the important idea of placemaking.

The FCB plan shows just 2 small shops ('retail units') in over 7 bays with an entrance to an upper floor retail unit on the corner of Boyce's Avenue and King's Road. The ground floor plan photomontage is actually incorrect: it shows a shop of sorts on the corner and not a staircase lobby.

Scheme Design Appraisal

In comparison with the original C19 terrace of shops, the proposal is approximately 2.5 times the bulk. The bulk of the C21 proposal is actually twice as great as the present C20 building on the site.

The effect of this enlargement is not to be underestimated: it is very considerable indeed.

Firstly there are no outdoor places in the proposal that the local community would be able to use and enjoy, unlike the popular piazza in the WH Smith development. The only terraces provided at upper levels are intended for visitors, visitors who do not have car parking spaces provided for them.

Secondly the projection forward of the entire first floor with the the additional second floor means that, when viewed from Clifton Down Road, Boyce's Buildings becomes all but obscured. Unlike the current background building which is fundamentally single storey (albeit with an unfortunate grey concrete clad roof storey) with two projecting shops (as shops in Regent Street), the proposed building presents as a massive over-glazed three storey commercial block of a type that might be found in any city almost anywhere except Clifton Village.



Formerly the site provided a much loved raised open space fronting onto Clifton Down Road known locally as Piazza.. Local shops there included Perry's print shop, a betting shop and a popular sandwich bar and restaurant where people could sit in the sun or just wait for a bus. Those community facilities together with the open air 'piazza' and the street trees have all been removed.

Thirdly, the building fails to observe the urban design principle of the existing boulevard. The projection forward on the first and second floors in particular serves to create a dominant and unwelcome presence, one that obscures the fine terrace of Boyce's Buildings and also harms the important view northwards from the corner of Princess Victoria Street, obscuring both Mortimer House, Worsley House and Freemantle House.



View 02 as proposed above, as existing below



FCB's View 02 below illustrates vividly why the proposal is both inappropriate in its historic setting, why it would harm the setting of a very large number of Listed Buildings and why it not a work of architecture, let alone an excellent work of architecture. The block sits awkwardly at an angle to Clifton Down Road creating left over spaces (known as SLOAP) facing onto what is usually a polluting traffic queue at the pedestrian crossing.



View 02

In the distance (partly masked by the proposal), the recent development by Stride Treglown includes both an excellent facsimile extension that completes Boyces Buildings, and a modern residential, office, and retail building on the corner of Merchants Road. This building is arguably the only good modern building to be built in Clifton and it now forms part of the 'character' of the Conservation Area.



The Stride Treglown building properly fits its site, with a curved element on the corner of Merchants Road and which then follows the line of the Road. The building reinforces rather than negates the historic street layout. The building uses large area of glass selectively. At ground level, the glass shop fronts are recessed behind a collonade. At upper levels, balconies and terraces are always recessed below other terraces or pergolas.



The north elevation comprises a solid gable wall with contrasting glazed areas with an also traditional masonry wall facing Clifton Down Road with window openings. It is submitted that this building serves as a prototype for any possible modern component of a scheme on the 2-16 Clifton Down Road site. There is no possible justification for yet another change of style.

The FCB proposal on the other hand has almost no areas of solid wall. View 02 (below) is incorrect: it fails to show three service doors onto Kings Road. There are no windows set in masonry walls: the first floor structural bays are not subdivided as elsewhere: their plate glass 'windows' extend from floor to suspended ceilings and spandrel panels, and from one fake pilaster to another. Each sheet of glass is some 2.4m wide by some 2.85m tall, almost 7 m² in area.



By way of comparison, the individual window panes in the historic buildings of Clifton are approximately 0.3m by 0.4m wide, some 0.12 m² in area with a proportion of 1.3:1.

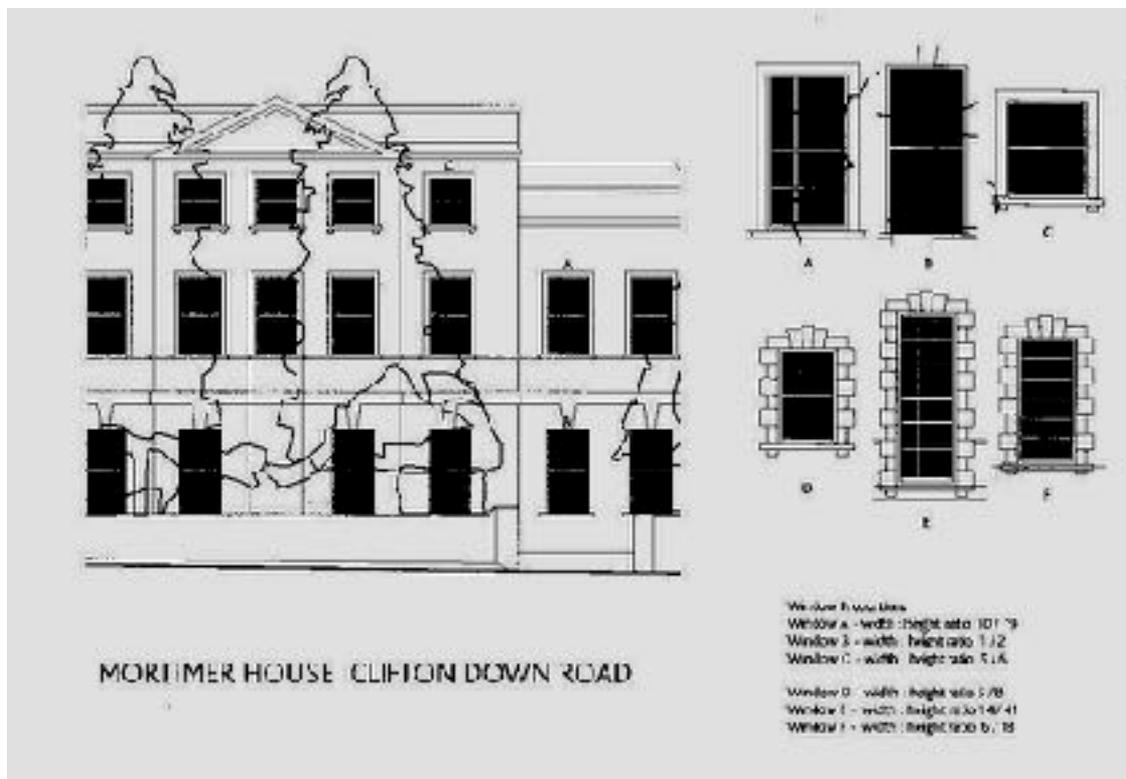


The proposed glass panels are almost 60 times larger in area. The following drawings (from Bristol an Architectural History by Gomme Jenner and Little) accurately record the proportions of windows in 4 local buildings.

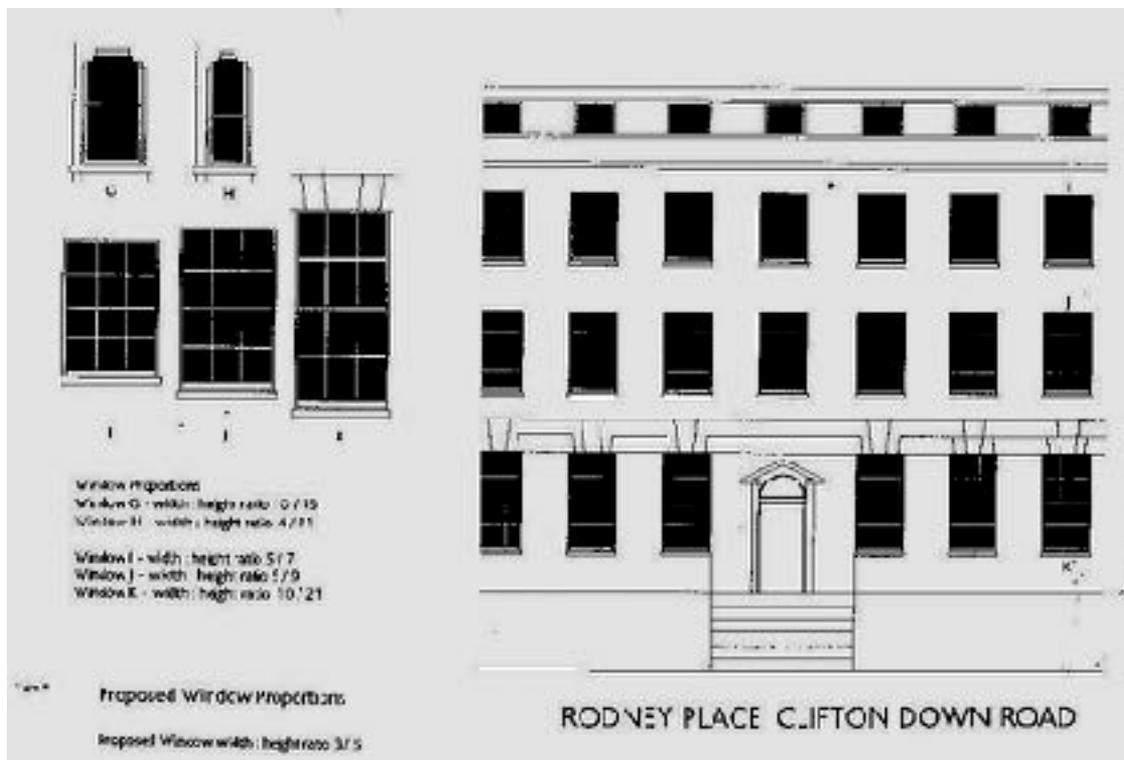
Boyce's Buildings, considered by Andrew Foley to probably be by Thomas Paty 1763.



Boyce's Avenue



Mortimer House



Rodney Place

Of Rodney Place c 1782-5 Foyle says 'One of Clifton's earliest big planned terraces, in the late Pate style. Pate may have taken it from a pattern book design by William Pain and there are similar examples in London from the mid C18.'

Of the houses on the east side of Clifton Down Road, Foyle notes 'three large late C18 houses. **Mortimer House**, probably of c 1760-70, is in the Manner of Clifton Hill House. Then **Duncan House**, with a porch and mansard added by Charles Hanson, 1884.' The dominant mansard fails to abide by the geometrical and structural 'rules' of mansard roofs. 'Next door, **Freemantle House**, both somewhat later than Mortimer House.'

The proposed building makes no attempt to 'blend' with these historic houses or with the historic fabric of Clifton Village as would be expected of it (see Appendices 1 and 2). The extrovert building intentionally clashes with its sensitive and historic context.

The FCB design seeks to identify the building as individually important, which it is not, and to emphasise its nature as a single entity as opposed to a collection of quite separate and distinct enterprises. Even the shop fronts and their canopies have been treated identically, with few if any opportunities for individual shops to express their individuality and merchandise.

The formal geometry is also difficult to comprehend aesthetically. The building does not respect the line of the very fine Listed Buildings on either side, yet does not achieve a quality of architecture that is even comparable. From the north, the building appears to be a 2 storey commercial block of the sort you might expect to find in Victoria, London not Clifton Bristol. From the south, the form of the building appears as a 3 storey commercial block recessed one shop bay from Clifton Down Road with single storey shops extending towards the pavement but falling just short in most cases. On the corner of Boyces Avenue with

King's Road the building has the appearance of a three storey modern commercial slab block.



On plan, the building is set out on a rectangular planning grid, 7.0m x 5.7m. The sub grid dimensions are however 1.75m and 1.425m so that the proportions of the full height glazed openings on the north and south elevations are very different to the proportions of the glazed openings on the west and east elevations.

The glazed panels at first floor level facing onto King's Road are 1.1m wide by 2.4m tall and less than half the area. Their proportion is 2.6 : 1 a proportion which is completely at odds with the proportion of window panes in the local area. The glazed panels at second floor level are 1.1m wide by 3.5m tall. The proportion is about 3.8 : 1 a proportion which is totally at odds with the proportion of window panes in the local area. Pre-cast concrete or stone clad pilasters are located both on and off grid intersections without any discernible logic, partly reminiscent of the Llewelyn Davis Hospital at Northwick Park (see page 27).

Unlike the otherwise unloved previous building, believed to have been designed by local architects Alec French, the current scheme does not include a public terrace or square. Only small trapezoidal spaces merely defined by planters to individual retail units are envisaged, all at street level. Especially at weekends, this section of the street is noisy and polluted with queuing traffic at the pedestrian crossing.

Like so many commercial office blocks and retail complexes, the building is designed to a completely orthogonal euclidean grid, a geometry that fails to respond to the actual line of the road. This response is an important characteristic of traditional towns and villages both in this country and abroad.



The MGRA have commented: *'The crude "modern" design adopted by THAT Group would never be accepted in Bath. So why Bristol? It fails in its overpowering mass, use of large bland glass windows (appropriate for an airport terminal or Broadmead) and purely token application of materials and architectural features that are sympathetic to surrounding buildings. It is neither good modern nor pastiche - just an unhappy and unremarkable "off the shelf" standard commercial design which I am sure many architectural practices have in their libraries to cover situations which avoid the need for thought and flair.'*

There are in fact more listed Buildings In Bristol than in Bath.

The proposed development (View 01 seen from the corner of Princess Victoria Street with Clifton Down Road) employs an excessive use of glass above ground floor level, with a prominent second floor brought right forward of Boyces Buildings as if it were of some cultural or architectural significance, rather than a mere speculative background commercial block. Note the vestigial trees proposed, and the complete lack of a **public** terrace at ground or upper levels. A terrace to a mere retail unit (a shop) is discounted. The only terraces proposed are to 'RETAIL A3 UNIT 05' and a private terrace, for some unexplained reason, to 'OFFICE B1 UNIT 09'



View 01 in 2005



View 01 proposed

The appearance of the proposed development is equally bleak and bizarre looking south from the corner of King's Road. The photomontage seeks to make the glazing seem transparent or reflective. In practice the glazing will either appear as a series of back holes in a framed building or will put on view the suspended ceilings, lights and contents of the proposed restaurant and offices at first and second floor levels.

Sadly, the proposal is the very antithesis of a modern low energy 'sustainable' building. FCP were once renowned for buildings of this calibre. All spaces in this proposals would require mechanical ventilation and, without solar screening other than the shop canopies, the building will be completely reliant on air conditioning. There appears to be no provision whatsoever for the inevitable rooftop plant room that would be required, no mention of the very considerable noise pollution that would be created by the air-con plant at roof level (as recently installed at Somerset House in Canynge Road). It seem improbable that the proposal would gain an award for its environmental sustainability or for its architecture.

On the other hand, it would seem probable that the building would fail to comply not only with BCC's Design and Conservation Policies BCS 21, 22 and DM 26, 27, 28, 29, 31, including PAN 15 local character, and with BCC's Amenity Policies DM 27 29,35 (Noise Mitigation) and SPD2 but would also fail to comply with BCC's Environmental Policies (BCS 13, 14, 15).

Appendix 1
Facsimile Precedents



42 - 44 Canynge Road by Robert Adam (for prior Planning Appeals see Appendices 2 - 4)





Boyce's Buildings by Stride Treglown



Manchester Street W1

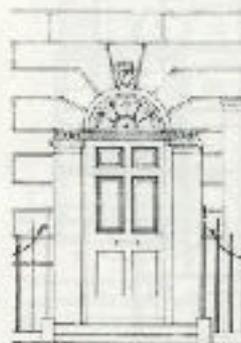
The conservation of a Georgian Terrace

Background

The five houses at 47-51 Manchester Street, in the London Borough of Westminster, form part of a Grade II listed terrace built in 1790. Over the two hundred years of their existence, the buildings have been subjected to alterations, additions and mixed uses and were in need of extensive repair and restoration.

The original brief from Lotus Family Property was to restore the terrace to a high standard and to their original use as individual family houses. Where possible original features were to be restored or, if necessary, accurately reproduced. In May 1990, however, extensive damage occurred to nos. 49 and 50, when the side wall collapsed resulting in their complete demolition. Once adjacent houses had been made safe to prevent further damage occurring, extensive consultations were held with conservation experts and English Heritage and the Borough of Westminster to find ways of sensitively reconstructing nos. 49 and 50, together with the restoration of the other three houses in the terrace.

"The Manchester Street properties are an exemplary reconstruction."
Architect's journal

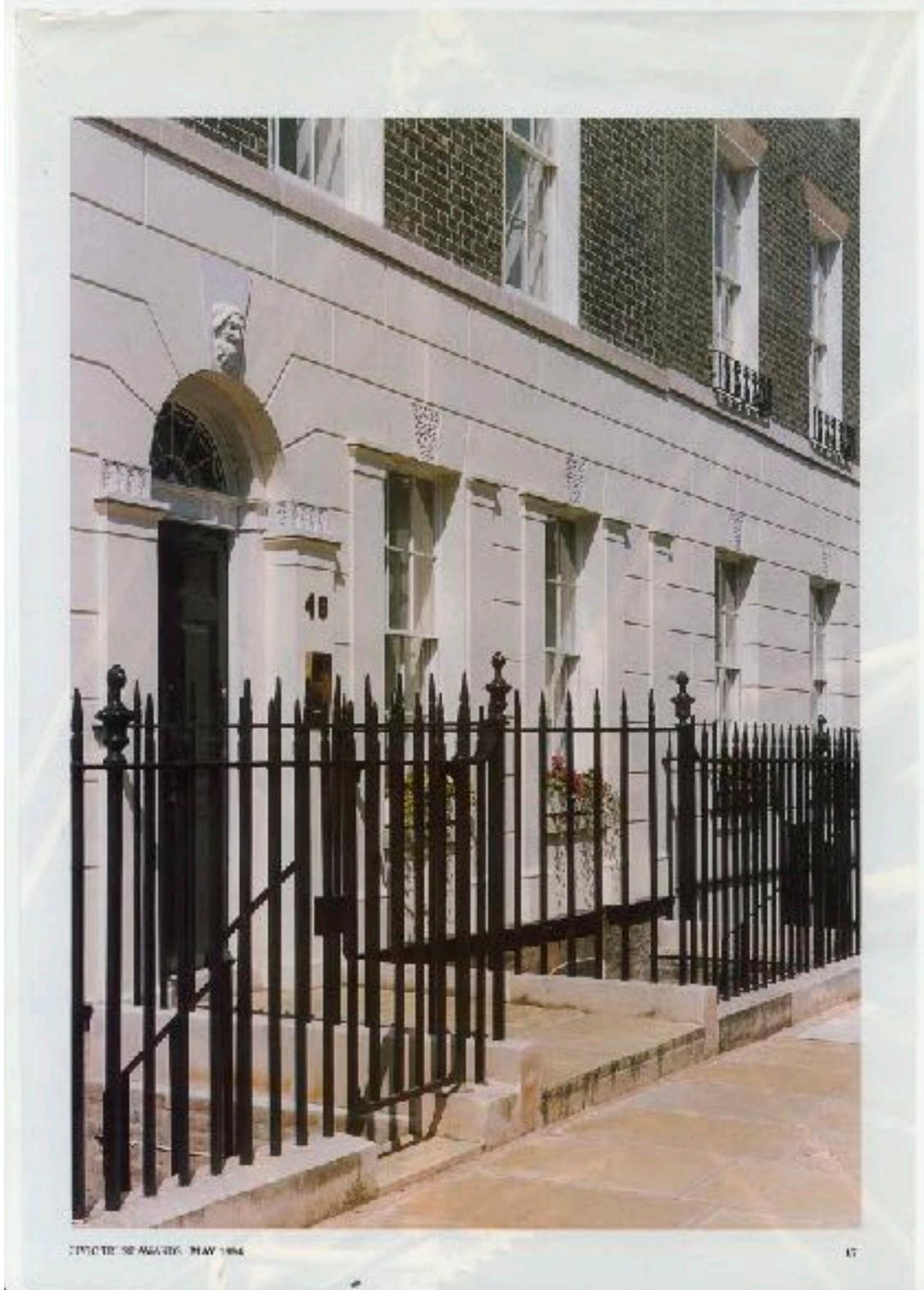


49 Manchester Street rebuilt using original Georgian doorhead and original reconstruction in 1797



Manchester Street London W1: the three end houses were restored and the central pair rebuilt.

Hunt Thompson Associates



Civic Trust Conservation Award 1994. Manchester Street London W1
Facsimile reconstruction of 3 No 1790 houses.



Norland House Canynge Road Clifton: c1880 facsimile side extension and front entrance to original house built in c1820. The Bristol architectural fashion in 1880's was to use rubble stonework fair faced.

Appendix 2

The Planning Inspectorate

Appeal Decisions

Inquiry opened on 7 October 2003

Site visit made on 9 October 2003

.

by **N A C Holt To BArch DiPTP DiPCons RIBA MRTPI**

4109 Kite Wing
Temple Quay
House

2 The Square

Temple Quay
Bristol B51 6PN

It 0117 372 6372

e-mail:

enquiriesinspector

ate .gsi gov uk

An Inspector appointed by the First Secretary of State

Date 14 Nov 2003

Appeal Ref: APP/Z0116/A/03/1114350 Site on Canynge Road Bristol BSS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Crosby Special Projects Ltd against the decision of Bristol City Council.
- The application (Ref02/02070/F/C), dated 28 May 2002, was refused by notice dated 19 February 2003.
- The development proposed is described in the application. as 'demolition of existing building and the construction of 5 apartments on four storeys to include 6 undercroft parking spaces'.

Summary of Decision: The appeal is dismissed

Appeal Ref: ATP/Z0116/E/03/1114348 Site on Canynge Road Bristol BS8

- 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 Crosby Special Projects Ltd against the decision of Bristol City Council.
- The application (Ref 02/0271/LC/C), dated 28 May 2002, was refused by the Council by notice dated 19 February 2002.
- The application is described as relating to the demolition of 'former rifle range and squash court adjacent to 44 Canynge Road'.

Summary of Decision: The appeal is dismissed

Procedural Matters

1. At the Inquiry applications for costs were made by Crosby Special-Projects-Ltd against-Bristol City Council and by Bristol City Council against Crosby Special Projects Ltd. These applications are the subject of separate Decisions.

The proposal

2. The proposal relates to the construction of five flats on a site that is largely occupied by a building containing three squash courts and a workshop and by a miniature outdoor rifle range. The site also includes a small area that forms part of the playing fields of Clifton College. Although the policy area boundary does not precisely reflect the situation on the ground the area forming the playing fields is broadly annotated on the local plan proposals map as 'open space, playing fields and recreational grounds' and the area occupied by the squash courts and range does not have an, annotation. The site is within the Clifton Conservation Area.

Main Issues

3. From all that I have heard, read and seen I consider that the main issues in the case of the appeal against the *refusal* of planning permission are:
 - i. Whether the proposal would represent an unacceptable loss of playing fields or other recreational facilities.
 - ii. Whether the proposal would have a damaging effect on the character or appearance of the Clifton Conservation-Area.
 - iii. Whether the proposal would have unacceptable consequences for the amenity of neighbouring residents.

In the case of the appeal against the refusal of conservation area consent only issue ii would be applicable.

Reasons

A. Appeal in Relation to the Planning Application

Issue i.

Whether the proposal would represent an unacceptable loss of playing fields or other recreational facilities.

4. Policy L1 of the local plan indicates that development resulting in the unacceptable loss of playing fields and recreational open space will not be permitted unless certain

criteria can be met, one of which is whether compensatory open space of an equivalent community benefit is to be provided in the same locality. Policy CS1 relates to the protection of community service land and buildings and again includes a criterion requiring the provision of compensatory facilities of an equivalent community benefit. The protection afforded to playing fields and open space accords with the national policy in PPG17 and in this context I have had particular regard to paragraph 15 of the PPG.

5. The green space that would be involved would be minimal and would not lead to the loss of any playing pitches on the site. It is noted that the pitch currently at the southern end of the playing fields is close to a pathway and will probably in any event require relocation to comply with current safety standards. Whilst there are bases to cricket nets, which from the photographic evidence were in use until recently, their proximity to the rugby pitch is undesirable and it is understood that improved cricket facilities have been provided on College grounds elsewhere. The rifle range, which is enclosed by walls and with covered areas at the butts and the firing point, appeared to offer somewhat basic facilities and in any event is not in my opinion a use compatible with a residential area.
6. Although it is argued that the squash courts are in poor condition and in need of major refurbishment they appear to be in regular use both by the College and by members of the public. However like the other facilities the squash courts are private and there is no obligation on the College to make them publicly available.
7. The potential loss of facilities on the College Fields site must be viewed in the context of the significant improvements that have already been undertaken or are shortly to be undertaken to tie College's sporting and recreation facilities elsewhere at Northcote Road, Beggars Bush, Guthrie Road and the Close. The section 106 undertaking would require that replacement facilities were provided within 4 years, that the level of public access would be no less favourable than at present and that interim squash facilities would be provided until replacement facilities were provided by means of the adaptation of the existing gymnasium. Bearing in mind that there are alternative shooting facilities in MOD premises on Whiteladies Road I do not consider that there should be a requirement to provide a replacement range on College property.
8. Sport England initially objected to the proposal but this was withdrawn subject to there being a planning obligation requiring replacement facilities to the satisfaction of the Council. However with the receipt of the initial draft undertaking which failed to meet the Council's requirements their objection was re-instated. Subsequently in an E mail of 1 October 2003 Sport England state that they believe the Council's concerns are now met with the revised obligation. Whilst they do not state in terms that the revised undertaking satisfies their concerns, the communication contains no reference to further objection being raised.
9. Having regard to the very limited impact on the playing fields, the replacement facilities that are to be provided and the investment that the college is making in its

overall sports facilities, I do not consider that the proposal would be contrary to the objectives of policies at all levels in relation to the protection of sporting and recreational facilities.

10. I conclude on the first issue that the loss of playing fields and other sporting facilities would not be reason to reject the proposal. In reaching this conclusion I have taken account of the distance between Clifton and Beggar's Bush and the lack of direct public transport facilities. I have also taken account of the impact of the conversion of the gym to facilitate squash on the activities that currently take place there.

Issue ii

Whether the proposal would have a damaging effect on the character or appearance of the Clifton Conservation Area.

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of any powers under the planning Acts within conservation areas, special regard shall be had to the desirability of preserving or enhancing the character or appearance of the area. The statutory requirements and the guidance of PPG15 are reflected in policy B 13 of the local plan and B 15 refers amongst other things to development not being allowed where it would unacceptably harm open spaces that contribute to the character of the area. Policy B16 sets out criteria to be taken into account with new buildings within formal groups which include matters such as height, rhythm scale and proportion, established building lines, roof forms, materials, the incorporation of locally distinctive patterns and features and the scale, proportion and hierarchy of windows.
12. Also relevant in the context of the appearance of the building are the various local plan policies relating to design including BI, B2, B5, and B6. Among the matters dealt with are local context, layout and form and landscape. B8 sets out criteria to be taken into account with new housing which include the effect of the proposal on the townscape, character and identity of the area and_ the visual impact of parking.
13. Policy NY-1 seeks to maintain and where possible enhance open space. It states among other things that development involving an unacceptable loss of important open space, or development that would have a significant adverse effect on the interest, use, amenity, character or-accessibility of such open space, will not be permitted. This generally accords with the more recent policy 42 of the joint replacement structure plan.
14. Account has also been taken of the policies in the emerging alterations to the local plan and the various supplementary planning guidance documents referred to. Of particular relevance is Planning Advice Note Not (PAN2) which contains conservation area enhancement statements.

15. The Clifton Conservation Area is of undisputed quality. In PAN2 it is split down into a series of smaller sub areas. The appeal site is shown within the Bristol Zoo and Clifton College sub area which takes in the two institutions and their associated grounds as well as the residential streets around them. Whilst these are primarily fronted by mid to late Victorian stone villas it also includes somewhat earlier terraces, largely finished in stucco to the south of the area.
16. The west side of Canynge Road is within the Promenade sub area which contains grand terraces and villas as well as more modest structures including Edwardian brick and rendered houses between Percival Road and Camp Road. On Canynge Road opposite the appeal site are mid to late Victorian villas which have more in common with the north west part of the Zoo and College sub area. In an alternative approach to the sub division of the overall area suggested by the Canynge Road Campaign Group the properties on the west side of the road would be within the same sub area as the appeal site.
17. The site is located fronting onto the east side of Canynge Road and forms a small part of the rectangle of land bounded by Canynge Road to the west, Cecil Road to the north, College Fields to the east and Percival Road to the south. The majority of the rectangle is occupied by College playing fields but the southern part contains former Victorian villas fronting onto Percival road (Nos 1 - 7) with a return pair to Canynge Road (Nos 42 and 44) and a school building at the corner of Percival Road and College Fields. At the rear of No 1 Percival Road (Polacks House) is a modern extension containing two floors of study bedrooms with a synagogue over.
18. The appeal site is immediately to the north of 44 Canynge Road and the two storey squash courts currently on site are part brick and part rendered with an asbestos roof comprising three double pitches. Despite the fact that the squash courts can be seen across the playing fields their relatively low profile reduces their visual impact. Opposite the appeal site are four pairs of Victorian semi-detached villas.
19. The Victorian buildings around the site generally comprise of 3 *in* storey structures with a raised ground floor and two further storeys over a semi-basement. They are constructed of local pink limestone with Bath stone dressings. Window openings are generally relatively elaborate and include stone bows and segmental bays. Many windows are paired in groups of two or three with stone mullions and segmental or semi-circular arched heads. The openings are fitted with sash joinery with a marked vertical emphasis. Whilst No 42 Canynge Road has windows of main rooms facing to the south, No 44, which adjoins the appeal site, has only windows to a bathroom and an entrance lobby on the north elevation. A feature of Nos 42 and 44 are the elaborate porticos of the main entrances set well back from the front elevation and the towers over the entrances which contrast with the relatively simple forms of the pitched roofs.
20. Despite the arguments to the contrary and the references that were made to annex C of PPG3, I consider that the part of the site currently occupied by the squash courts and the rifle range should be regarded as previously developed land in an urban area. The firing point and the butts of the rifle range are covered and whilst the area

between them may be grassed the range is enclosed by walls for safety reasons. In my opinion its physical characteristics mean that it would be inappropriate to regard the range as part of the adjoining open space. In principle new residential development on this part of the site would accord with the guidance in PPG3 and the relevant development plan policies relating to the general location of new housing.

21. The proposal would also involve a minor incursion into an area of open space. It is agreed that the open space is an important characteristic of the conservation area and any proposal that involved a material loss would be likely to harm both the character and appearance of the area and also transgress the development plan policies whose intention is to protect open space generally.
22. However, the loss of open space would be minimal; particularly if the footprint of the proposed building is compared with the squash courts and rifle range. The structures currently on site are inappropriate features and they can be viewed across the playing fields and from Canynge Road. Furthermore there are damaging extensions at the rear of properties on Percival Road that, would be partially screened by a new building ON the appeal site. Providing that any replacement building harmonized well with its sensitive surroundings there would be an enhancement to the appearance of the conservation area and I would accept that there would be difficulty in providing a building of appropriate scale without some incursion into the open area.
23. In principle I do not consider that the small loss of open space would necessarily cause harm to the conservation area, nor would it establish a precedent for more damaging forms of development or materially conflict with the objectives of the development plan policies designed to protect open space.
24. I appreciate that the Council's concern is now directed solely to the loss of the open space and its impact on the conservation area and that they have no objection in design terms to a building of the shape, form and size that is proposed (subject to matters that could be covered by condition). However significant objection to the design of the building has been raised by amenity organisations, groups of local residents and individuals.
25. Whilst 44 and 42 Canynge Road like the villas on Percival Road may have been designed as a pair, I am not convinced that in principle it would be inappropriate to introduce a building onto the appeal site that read as a single villa serving as a 'book end' to the development on the east side of the road prior to the playing field frontage. **However unless of truly excellent design in itself any building should blend with its surroundings and not stand out as an assertive feature.** Objection is also raised to the visual effect of the proposed building projecting forward of the existing building line. Whilst I have concern in relation to the degree of the projection, bearing in mind the geometry of the road I do not consider that in principle it would be unacceptable for the frontage of the proposed building to project forward of No 44.

26. I consider that there is a distinct difference in the character and appearance of the part of sub area 16 of the Clifton Conservation Area containing the appeal site and the area to the south. I would also accept that whilst they maybe in a different sub area careful account must be taken of the form of the villas on the opposite side of Canynge Road.
27. The characteristic facing material of buildings around the appeal site and the playing fields is local rubble stone with ashlar dressings and the buildings are of a different type and style to the earlier development to the south. Whilst it would be desirable to use the local stone in any further building I appreciate that there would be difficulties in obtaining sufficient quantity. On balance, whilst a matter of concern, I would accept that with great care in the selection of colour and finish it should be possible to select a rendered finish (coupled with natural stone detailing) that would be acceptable in the context of the neighbouring buildings. Also, whilst I have misgivings in relation to the appearance of the door providing access to the undercroft parking and the necessary ventilation louvres and consider that measures should be taken to minimise the visual impact, I would accept that it is desirable that any new development should not add to the level of on-street parking in the area.
28. I do not consider that the height of the building would be inappropriate in its context and I am not unduly concerned about the overall bulk and mass of the structure above lower ground floor and terrace level. I am however seriously concerned that as a result of the balconies, the high ratio of void to solid, and the proportion of the window openings the proposed east elevation would clearly have the appearance of a modern apartment building that would appear incongruous in the context of the nearby Victorian villas.
29. In both flip view and the more distant views from Canynge Road as well as in the views across the playing fields and from College Fields I consider that the fenestration and detail on the north elevation (together with the west elevation of the north projection that in some views will be seen in conjunction with the north elevation) will have an eye-catching effect. Although the proportion of window to wall may not exceed that in the main elevations of existing nearby buildings I consider that the treatment of what effectively is the side elevation of the proposal would result in an unduly assertive and dominant building. In my opinion it would not read as a 'background structure'. Also from the playing fields and in the nearer views -from Canynge Road to the north of the site I am concerned by the visual impact of the rear projection at lower ground floor level with a terrace over and the terrace in the northwest corner. In view of the surroundings these would appear as inappropriate features that would add to the prominence of the structure.
30. Bearing in mind the depth and the forward position of the projection containing the lift and staircase on the south side of the building, I consider that, notwithstanding extensions and alterations to nearby buildings, this would appear as an incongruous feature in the context of its surroundings. I am also concerned that the architectural detailing on the west elevation, including the appearance of the balconies and

proportion of certain windows, would appear inappropriate having regard to the details seen elsewhere in the immediate vicinity.

31. The appeal site is in a particularly sensitive location where a high standard of design would be necessary with any new building. In its present form I consider that the detailed design of the proposal falls short of the standard required and it would fail to satisfactorily harmonise with its surroundings. Even taking account of the removal of the current structures on site and the screening effect **on the rear of properties on Percival Road I consider that the proposed building would fail to preserve or enhance** the character or appearance of the conservation area. Whilst the design of the current structures on site may not be appropriate in their context, unlike the proposal they are not visually dominant and assertive.

Issue iii

Whether the proposal would have unacceptable consequences for the amenity of neighbouring residents.

32. I do not consider that the proposal would have unacceptable consequences because of its impact on the amenity of the residents of the adjoining property at 44 Canynge Road, nor of the properties on the opposite site of the road because of its effect on daylight, sunlight or loss of privacy. I have some concerns in relation to the proximity of the terrace and the lower ground floor of the proposed building to the modern extension at the rear of Nol Percival Road. However the potential impact on the amenity of residents of Nol Percival Road because of loss of daylight or privacy would not itself have been reason to reject the proposal. In reaching this conclusion I noted the existing relationship between the extension at the rear of No I Percival Road and No 44 Canynge Road.

Overall conclusion in relation to appeal against planning permission

33. It is my opinion that in its present form the proposed building would detract from the character and appearance of the conservation area and would consequently be contrary to national guidance and development plan policy. I have very carefully considered whether my concerns in relation to the design could be addressed by conditions. However cumulatively the various points would require significant change to the scheme. On balance I consider that it would be inappropriate to secure the change by way of conditions. As a consequence, even taking account of the benefit of the proposal in providing finance to improve the College's sporting facilities I conclude that with the scheme in its present form the appeal should be dismissed.

The appeal against the refusal of conservation area consent

34. Whilst the structures currently on site do have some relevance in terms of the historic use and character of the site the visual impact on the conservation area is negative. However bearing in mind the potential impact on the conservation area if the existing structures were simply demolished and the site not properly cleared and also the content of policy B21, I consider that it would be inappropriate to grant conservation area consent for demolition in the absence of a satisfactory replacement scheme.

Other Matters

35. I have taken account of all the other matters that were raised at the inquiry including previous appeal decisions in the area, the location of nearby listed buildings in relation to the appeal site and the potential impact *on* trees. These other matters do not alter my overall conclusions that the appeals should be dismissed.

Formal Decisions

36. In exercise of the powers transferred to me, I dismiss these appeals. Information
37. A separate note is attached setting out the circumstances in which the validity of any of these decisions may be challenged by making an application to the High Court.

N A C Holt Inspector

Appendix 3

Appeal Decision

Inquiry held on 7, 8, 9 and 10 February 2006

Site visit made on 10 February 2006

enquiries@planning

by **Olivia Spencer** IBA BSc DipArch RIBA

inspectorate.gsi.gov.uk
an Inspector appointed by the First Secretary of State

2006

4111 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol **BS1 6PN**
0117 372 6372
email

Date

11 APR

Appeal A: APP/Z0116/E/05/1186528

Clifton College Rifle Range and Squash Courts, Canynge Road, Clifton Bristol

- 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 Edward Ware Homes Ltd against the decision of Bristol City, Council.
- The application Ref 04/02880/LC, dated 29 June 2004, was refused by notice dated 15 July 2005.
- The demolition proposed is all existing buildings and redevelopment with two semidetached houses and boundary treatment.

'Summary of Decision: The appeal is dismissed.

Appeal B: APP/Z01 16/AIOSII 183395

Clifton College Rifle Range and Squash Courts, Canynge Road, Clifton, Bristol

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Edward Ware Homes Ltd against the decision of Bristol City Council.
- The application Ref 04/02835/F, dated 29 June 2004, was refused by notice dated 15 June 2005.
- The development proposed is demolition of all existing buildings and redevelopment with two semi detached houses (double gable) and garages, including highway works, landscaping and boundary treatment.

Summary of Decision: The appeal is dismissed.

Procedural Matters

- I. The application was amended by submission of drawings A4930/01, 02 and 03 under cover of a letter dated 16 December 2004. These replaced the original design application drawings. The application was further amended by submission of drawing A4930103A under cover of a letter dated 16 February 2005 and 02B under cover of a letter dated 9 March 2005 together with A4930104 showing the proposed design for the gates and

balustrade and drawing 05 showing comparative roof pitches. Drawing A4930/OI A was submitted under cover of a letter dated 22 March 2005 showing a revised driveway arrangement. Further minor amendments have been submitted to take account of tree protection measures and the addition of a balcony. It was agreed at the Inquiry that for the purposes of this appeal, the amended application drawings comprise A4930101 C together with setting out drawing RA/1914 submitted at the Inquiry, A4930/02D, 03B and 04. I have considered the appeal on the basis of the revised information.

Main Issue

- 2. The main issue in this case is the effect of the proposed development on the character and appearance of Canynge Road and the Clifton Conservation Area.**

Planning Policy

3. The development plan for the area includes the Bristol Local Plan (LP) 1997. Policies B I, B2 and B8 require the design of new development to take account, amongst other things, of the local context and townscape character. Policy B 13 reflects the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy B 16 seeks to ensure that the design of a new building takes account of, and has respect for, features of the historic group of which it will form a part.
4. Policy L7B of the First Deposit Proposed Alterations to the Bristol Local Plan (LPFA) 2003 carries forward the objectives of LP Policy LI and reflects government policy as set out in Planning Policy Guidance (PPG) 17 Sport and Recreation in seeking to ensure that where development would lead to a loss of sports facilities alternative provision of an equivalent standard in an accessible location is provided.

Reasons

5. The Clifton Conservation Area is in the main composed of formal classical terraces and grand Victorian villas whose varied forms reflect phases of development over some 200 years and which make up a number of distinct but related areas. The appeal site is identified in the Bristol Local Plan Policy Advice *Note (PAN) 2* as lying within The Bristol Zoo and Clifton College Area. However I agree with the views expressed by the Inspector in an earlier appeal decision (Ref APP/ZOI 16/A/03/1114350) and with the Canynge Road Campaign Group (CRCG) that the site forms part of a distinct group of large Victorian villas grouped around the college playing fields, that include buildings to the west of Canynge Road identified as being in The Promenade Area, and that are separated from earlier largely stucco fronted terraces to the south by Percival Road.
6. The villas are generally 3 storeys high over a semibasement and display in basic form and proportion, an evolution from the classical tradition of earlier developments in the Conservation Area. They include a variety of complex details, window arrangements, porticos and balustrades, however what principally distinguishes them from development in the southern half of Canynge Road is their scale, relationship to their plot and the street, and in my view most significantly their apparent massive weight and solidity. The Council's witness has referred to similar qualities in describing the character of the buildings as robust but he has placed great weight also on the contribution made by the use of the richly coloured local rubble stone. In my view this stone undoubtedly contributes substantially the massive and solid appearance of the existing buildings. However this does not preclude the use of other materials in the construction of new buildings in the area.

7. The existing structures at nos. 44 and 42 Canynge Road were built as a handed pair of houses each with a large double gable frontage to the street and secondary volumes to the side and rear. The appeal building, though containing 2 dwellings, would have a similar double gable frontage with windows centred on each, diminishing in proportion as they rise from ground floor level. To this extent although not one of a pair of structures, I consider it would reflect, though not replicate, the established scale, rhythm and roof line of this part of the street. If carefully specified and controlled by condition, the colour and quality of the proposed render could, in my view, be sympathetic to that of the weathered rubble stone of the adjacent structures and when viewed from the southern half of Canynge Road the building would thus sit comfortably within the street scene. Indeed notwithstanding the alignment of existing buildings, and in view of the curve of the road, I consider the setting of the proposed building apart from, and forward of the neighbouring structures would have the positive advantage in long oblique views of apparently separating the new development from the older buildings, permitting their symmetry to remain undiluted.

8. When viewed from Clifton Down across the playing field, the proposed structure would have a scale consistent with the area and be seen in the context of not only of the adjacent rubble stone villas but also the rendered buildings to the south. Thus whilst the development would be visible and the view would thus be altered, the proposed building would not in my opinion be obtrusive.

9. In the wider context I therefore consider no significant harm would arise from the proposed development.
 However my concerns lie with detailed features of the design and in particular with the relationship of the proposed building to its immediate surroundings. To each side of the double gable would be smaller volumes providing the main entrances to the house that would be lit from large side facing windows. Nothing in their form would replicate features found on the existing buildings and I note comments made at the Inquiry with regard to historical inconsistencies between elements of the design. Nevertheless they contribute to what in my view is, in itself an elegant symmetrical composition.
 However to one side of the building would be the playing field and to the other no. 44. These are very different settings to which the building would relate in particular ways.

10. The north elevation of the building would be seen in the context of the open playing field where the whole facade could be read as a single composition marking the extent of built development at this point. In my view the simple symmetry and relatively small windows at each side of the strong but restrained form of the entrance pavilion would give it a clearly defined appearance, but one that marks it as a secondary not principal elevation. That the raised terrace would provide views over the field as well as a degree of separation from the boundary would seem a natural response to the open and semipublic nature of the adjoining space. The rubble stone wall from which the main structure would appear to rise would serve to reinforce its substantial and rooted character and to tie it visually to existing walls and buildings in the vicinity, as well as to the street. The relationship of the proposed structure to the playing field would therefore in my view be a positive one.

11. To the south however the building would sit tighter to the boundary with the rear part of the entrance volume rising directly from the wall between the appeal site and no. 44. The terrace wrapping around the entrance would thus appear to intrude into the adjoining property. The double height flank wall window which on the north elevation would appear as an appropriately scaled feature in a wide facade addressing the open expanse of the field would, within the confines of the space between the proposed building and no. 44, seem overly large and imposing. Further, the entrance to no. 44 is an ornate curved portico set back from the street frontage and raised by only a few steps

from the entrance driveway leading from the street It is a grand gesture that signals dominion over the grounds in which it is set as well as the entrance to the house. The appeal building would sit forward and the entrance to the southern dwelling would be above the level of the boundary wall, higher than and forward of the entrance to no. 44. The result in my view would be a jarring visual misalignment and an overbearing appearance that would significantly detract from the established visual order and hierarchy of no. 44 and its setting.

12. The boldly modelled and substantially scaled bay windows, entrance stairs and secondary entrance volumes would add weight and grandeur to the otherwise relatively simple form and detailing of the main double gable structure and the building would sit on a broad rusticated stone base. In scale and form I consider the structure would therefore have an apparent substantial mass and solidity. However the character of the surrounding buildings derives also from their relationship to the ground on which they sit. In this case, and in contrast to the predominant pattern of the area, there would be an extensive area of hard standing in front of the proposed houses. Whilst some additional planting could be required by condition, in a street where mature and verdant front gardens are a significant feature and contribute substantially to the setting of the houses, the proposed driveway layouts add weight to my view that elements of the proposal would be incompatible with the established character of the area.
13. Notwithstanding my opinion as to the longer views from the southern end of Canynge Road and from Clifton Down I therefore conclude that the proposed development would fail to preserve the character and appearance of the Canynge Road street scene and the Clifton Conservation Area contrary to LP Policies B 1, B2, B8, B 13 and B 16.

Other Considerations

14. The proposed development would involve demolition of squash courts and a rifle range belonging to Clifton College and the site would include a small strip of land which currently forms part of the playing field. An appeal decision on an application for development on this site in 2003 ref APPIZ01 16/A/0311114350 concluded that in view of the very limited impact on the playing field and the replacement facilities that are to be provided the proposal would not be contrary to policies for the protection of recreation and sporting facilities. Whilst I note that recently increased security may have some impact on the use of the TAVR centre on Whiteladies Road I understand that shooting facilities nevertheless remain available there. With regard to the squash courts, the College has undertaken to provide permanent replacement facilities within 4 years and temporary facilities until such time as the permanent courts are available. A section 106 agreement to this effect was submitted at the Inquiry. The College has premises, including a gymnasium, which could be used for the interim provision and I therefore give the undertaking substantial weight. I conclude that the proposal would thus accord with the provisions of LP Policy LI and LPFA Policy L7B.
15. The proposed building would be built on or close to the southern boundary of the site. However, it would be set forward of the adjoining property no. 44 and windows in the proposed flank wall would give views only to the side wall of no. 44, its driveway and front garden. Windows above the front door of no. 44 are small and serve kitchens. No unreasonably intrusive overlooking of private areas of the adjoining property would therefore in my opinion, be provided.

16. These are not however sufficient to outweigh the considerations that led to my conclusion on the main issue.

Conclusions

17. In the absence of an appropriate scheme for redevelopment I consider that demolition of existing structures on the site would fail to preserve the character and appearance of the Conservation Area. I therefore conclude for the reasons given above and having regard to all other matters raised, that appeals A and B should be dismissed.

Formal Decision

Appeal A: APP/Z0116/E/05/1186528

18. I dismiss the appeal.

Appeal B.. APP/Z0116/E/05/1183395

19. I dismiss the appeal.

INSPECTOR



Appendix 4



Appeal Decisions

Inquiry held on 23, 24 and 25 October 2007

Site visit made on 25 October 2007

by **Rebecca Phillips** BA (Hons) MSc DipM
MRTPe MCIM

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 4PH

☎ 0117 922 6072
email:enquiries@pi.gov.uk
07.08

Decision date:
28 November 2007

Appeal A: APP/Z0116/E/07/2036806

Clifton College Rifle Range & Squash Courts, Canynge Road, Clifton, Bristol
BS8 3JX

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
- The appeal is made by Edward Ware Homes Ltd against Bristol City Council.
- The application Ref 06/03211/LC is dated 31 July 2006.
- The demolition proposed is all existing buildings and redevelopment with two semi-detached houses and boundary treatment.

Summary of Decision: The appeal is dismissed.

Appeal B: APP/Z0116/A/07/2036807

Clifton College Rifle Range & Squash Courts, Canynge Road, Clifton, Bristol
BS8 3JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Edward Ware Homes Ltd against Bristol City Council.
- The application Ref 06/03202/F is dated 31 July 2006.
- The development proposed is demolition of all existing buildings and redevelopment with two semi-detached houses and garages including highway works, landscaping and boundary treatment.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the Inquiry an application for costs was made by Edward Ware Homes against Bristol City Council. This application is the subject of a separate decision.
 2. I note that revised application plans were submitted to the Council under cover of a letter dated 21 December 2006 and were considered by the Council's Development Control Committee on 7 March 2007. Further amendments have been submitted with regards to landscaping, the gates and the boundary wall. At the Inquiry the appellant requested that I determine the appeal on the basis of the amended drawings listed in Appendix 1. The Council considered subsequent plans (07/06 01F and 07/06 02F) to be more acceptable, though not sufficient to allow the proposal. Nonetheless, the Council and others have seen the plans in Appendix 1. As such, I find that no interests would be prejudiced by my consideration of them and the appeal has been treated on this basis.
-

3. A unilateral undertaking was submitted by the appellant at the Inquiry which I have taken into consideration.
4. The Council indicated that, had an appeal against non-determination not been made, it would have refused planning permission on the basis that the proposal would not reflect the architectural and spatial structure of the area and that it would fail to preserve or enhance the character or appearance of the Clifton Conservation Area. A third potential reason for refusal, related to the loss of the squash courts, was withdrawn subject to the unilateral undertaking referred to above.

Main Issue

5. I consider that the main issue in this case is whether the proposed development would preserve or enhance the character or the appearance of the Clifton Conservation Area.

Reasons

6. The appeal site is currently occupied by a two-storey building comprising 3 squash courts, a workshop and outdoor rifle range and includes a small area of the Clifton College playing fields. The site lies within the Clifton Conservation Area and is identified in the Bristol Local Plan Policy Advice Note (PAN) 2 as lying within The Bristol Zoo and Clifton College Area. I agree with views expressed by previous Inspectors in earlier appeal decisions (the 2003 decision and the 2006 decision) that the site forms part of a distinct group of large Victorian villas situated around the college playing fields, that include buildings to the west of the site that are identified as being in The Promenade Area, and are separated from earlier terraces to the south by Percival Road.
7. The villas are distinct in their structure and form. Frequently paired, they display a variety of complex yet ornate architectural features. However, they are distinguished from other development in the southern part of Canynge Road primarily by their uniformity of scale, both in height and volume, their evident mass and solidity and how they relate to their plot and the wider street scene. The character of development is spacious with a sense of openness created by the playing fields and nearby Downs. The villas are set back from the road in generous plots with ornamental shrubs, trees and mature planting which PAN2 refers to as an essential focus of this part of the Conservation Area.
8. The proposed building would be placed centrally in its site whilst set apart and slightly forward of Nos 42 and 44 Canynge Road which would help to maintain the symmetry of this handed pair of houses. It would be broadly similar in width, depth and height to nearby properties and hence when viewed from Clifton Down and in views across the playing field it would be consistent in scale and appropriate to its context.
9. In the 2006 decision, the Inspector was concerned that the terrace wrapping around the southern entrance would appear to intrude into No 44. She also referred to the entrance to No 44, raised by only a few steps from the driveway, which she felt to be a grand gesture which signalled dominion over its grounds. She found that the proposal would sit forward of its neighbour

with its entrance above the boundary wall which would represent a visual misalignment and afford it an overbearing appearance.

10. I recognise that in this scheme the porch has been reduced, the building has been set back approximately 1.8m and that the top access step has been lowered to the top step level of No 44. However, the entrance would still sit further forward than that of No 44. The prominent steep curved staircase would lead up to an extensive terrace to the entrance and whilst the railings would not continue across the front of the garage roof and would be set further back into the plot, they would be visible above the boundary wall. Furthermore, the flat roof of the garage would still extend right up to the common boundary. Consequently, the entrance to the new building would appear to look out over the approach and driveway of its neighbour thereby seemingly intruding into the adjoining property and reducing the impression of authority conveyed by the portico entrance to No 44. In this respect the proposal would create a sense of encroachment, and appear overly dominant and overbearing in its relationship to No 44.
11. I acknowledge that the Council's urban design officer considered this aspect of the scheme to be acceptable. Notwithstanding this, I consider that the matters raised by the previous Inspector in the 2006 decision have not been sufficiently addressed to alleviate the harmful conflict with regards to how the southern side elevation would relate to No 44.
12. The apparent solidity and robustness of the buildings owes much to the predominant use of coarsely textured and richly coloured local rubble stone. The use of this stone is recognised in PAN2 as creating a consistency between buildings and their settings in the Conservation Area. The external treatment of the proposed building would be important in assimilating the building into the locality. It is proposed to render the building. The render would be developed on site and the appellant is of the view that this aspect could be controlled by condition. However, the colour and composition of the render and how it would relate to other detailing on the building remains uncertain. The appellant is unable to guarantee that a suitable render would be achieved and this matter is not capable of being dealt with satisfactorily by the imposition of a condition. Thus, on the basis of the information supplied to me, I am not satisfied that the proposed facing materials would achieve the same sense of weight and robustness that is characteristic of other buildings in the area.
13. The significant landscape features of the area include mature trees and planting, stone boundary walls and gates and pliers providing an attractive setting to the buildings which sit in generous verdant plots. The predominant arrangement of the front gardens is for car parking to be restricted to narrow driveways to the sides of the houses with the frontages uninterrupted by vehicles. The proposed building would be set back further into the site than the previous scheme which would allow for a deeper front garden which has been designed to reduce the area of hard standing and increase the areas of soft landscaping. The access would be reduced in width, the gates increased in height and a semi-mature hedge would be introduced along the frontage and two flanking boundaries. In my opinion, whilst the landscape proposals offer a degree of improvement to the 2006 scheme with regard to the visual containment of the forecourt hard standing, it would still run across the width

of the front of the site in front of the houses in contrast to the surrounding pattern of development. Whilst not a reason for refusal on its own, it adds weight to my view that the proposal would conflict with the established character of the area.

14. Accordingly, I find that the proposal would not preserve the character or appearance of the Clifton Conservation Area in conflict with Policies B1, B2 and B3 of the adopted Bristol Local Plan (LP) 1997 which require proposals to take account, amongst other things, of the local context and the effect upon the townscape and character of an area. It would conflict also with LP Policy B13 which reflects national guidance in Planning Policy Guidance (PPG)15: *Planning and the Historic Environment* in requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It would not comply with LP Policy B16 which seeks to ensure that the design of a new building takes account of features of the historic group of buildings of which it will form a part.

Other Considerations

15. The proposal would involve demolition of the squash courts and rifle range and incorporating a small strip of the playing field into the site. In my view there would be limited impact on the playing field and the evidence suggests that there are alternative shooting facilities available elsewhere in Bristol. The appellant has submitted a unilateral undertaking which makes provision for alternative squash facilities and a contribution towards maintenance and improvement of squash courts at a local leisure centre.
16. Having had due regard to the comments of local residents on this appeal and Sport England on previous appeals, I am satisfied that the appellant would put forward an appropriate scheme for the provision of alternative squash facilities which the Council would approve. I thus conclude that the proposal would accord with LP Policies L1 and CS1 which reflect PPG17: *Sport and Recreation* in seeking to ensure that where development would lead to a loss of sports or community facilities, alternative provision of an equivalent community benefit in an accessible location is made. However, this does not alter my conclusions on the main issue.

Conclusions

17. In the absence of an appropriate scheme for redevelopment, I consider that demolition of the existing buildings on the site would fail to preserve the character and appearance of the Clifton Conservation Area. I therefore conclude that for the reasons given above, and having regard to all other matters raised, that appeals A and B should be dismissed.

Formal Decision

18. I dismiss the appeals.

Rebecca Phillips

INSPECTOR