



## **Assessment and appeal statement**

### **SITE BACKGROUND**

The property is a Grade II\* listed neo-classical style villa house which is currently in use as offices. The house is set within a generous curtilage and forms part of a row of ornate 19<sup>th</sup> century villa houses set along Clifton Down.

The site is also situated within the Clifton and Hotwells Conservation Area.

### **RELEVANT HISTORY**

No relevant history

### **APPLICATION**

Installation of tensile stretch tent with associated minor hard and soft landscaping works.

### **RESPONSE TO PUBLICITY**

The application was advertised by direct neighbour notification. 29 surrounding properties were notified and the consultation period expired on 15th April 2024.

No comments received from members of the public.

Conservation section – Objection, see below for details

Arboriculture – Objection, see below for details

Pollution control – No objection, conditions recommended

## KEY ISSUES

### 1. Does the proposal harm the designated heritage assets?

A conservation officer was consulted in this regard and returned the following comments:

#### - Heritage Assets

The proposed site is a front garden setting to one of a series of high-status villas lining the east side of the Promenade. Each of these villas is substantial in scale, miniature mansions in fact, and situated within generous grounds. Architecturally varied and distinct in their own right, they share a unified building line to the front, the prominent use of ashlar Bath stone, and verdant front gardens set behind well planted boundaries.

The front door of Promenade House faces onto Percival Road to the south. This façade is formal, elegantly composed and symmetrical. The use of render infills between Bath stone pilasters, cornices and other embellishments denotes this as a less significant façade to the garden-facing west elevation; this is dominated by a three-storey curved bay with attached Corinthian Columns, the centrepiece of a well-proportioned and opulent Neo-Classical design.

The garden of Promenade House benefits over its neighbours through more densely planted shrubberies and a large cedar. The house and garden can be seen from popular walks across Clifton Down giving a slightly raised perspective on the scene. At closer quarters, Percival Road allows for glimpsed views across the front garden, where several of the Promenade villas align along their shared building line and the tree-line promenade walk can be seen beyond. The Road level is slightly raised above the garden level increasing visibility northwards.

Promenade House is one of four consecutive villas that enjoy Listing at Grade II-Star level, putting them amongst the most important buildings nationally. These buildings are particularly sensitive to inappropriate change to fabric and setting. The architectural and historic character of the Clifton Conservation Area is defined along The Promenade by these villas, and their gardens as a boundary against the wilder natural attractions of the Downs and woodland to the west. As designed, these mansions adopted a typical early-19th Century approach of borrowing landscape to visually extend their own private garden settings into the landscape. Owners could sit in their drawing rooms imagining their mansions enjoyed an unobstructed parkland setting.

#### - Proposals

The application seeks to adjust the front garden setting of the Grade II-Star listed building by removing some shrubs and planting new apple trees and other beds. The main element of proposals is a cable-stayed awning structure measuring up to 4m in height and occupying the north side of the garden. It is intended to be used as a café lounge and for events. The structure would be visible from the public realm and be within the immediate setting of the Grade II-Star Listed building.

- Assessment and potential mitigation

Is there harm posed by the development? (NPPF para 200):

The proposals would introduce a structure into the Conservation Area that was visually distinctive in material and form from the prevailing character. The Bath stone facades and green verdant setting of the Listed Building would receive a neighbour that through its appearance would tend to be visually distracting from the host building. This is despite it being located to one side of the main elevation. The proposed materials would not, it is considered, weather well, resulting in a poor quality appearance developing over time.

Within the Conservation Area the structure would be visible, particularly from Perceval Road where it would project above the surrounding hedge line. Its alien form and material would act to attract the eyes attention in the glimpsed view along the building line and across to the wooded edge of the Downs. The structure would be visible from the front garden settings of other mansions to the north, where the clean-cut change from Bath limestone to verdant front gardens emphasises the design intent for each: to borrow landscape views from its front windows. Because of the fall in ground to the north, the tent structure would be raised up within this context.

The proposed colour of the structure is not defined beyond tent coloured; this provides insufficient information, but something that could be conditioned if the planner is minded to approve. Whilst this would help mitigate the visual impact, it would not totally harmonise the structure with the heritage setting. Despite the generally ephemeral appearance of tented structures the application seeks consent for a permanent feature, as such the impact should be considered as at least long lasting.

The visibility in the front garden setting, and the visually incongruous appearance of the tented structure to the principal frontage of a Grade II-Star Listed building would tend to have a negative impact on its setting and that of adjacent garden and mansions. Proposals are not judged to meet the criteria of BCC Development Management Policy DM31 which requires development to preserve the character, or enhance it. Taken as a whole, the impact of the structure on the Character of the Conservation Area and setting of the Listed buildings would be at the low level of less than substantial under the definitions of the NPPF. However, Great weight is required in the conservation of heritage assets, and the more significant the asset is, the greater that weight should be.

- Has clear and convincing justification been given for the harm? (NPPF para 200)

It's unclear why the structure is needed to the proposed scale, or why alternatives might have been discarded. Alternatives that might push the structure back behind the building line, relocate it to a less obvious spot, reduce its height, scale or visual impact might have helped address issues. The necessity for the structure is questioned, particularly where temporary alternatives could be erected seasonally without consent. It has not been demonstrated that the continued office use of the building is dependent on the proposed structure, nor would we expect that to be the case. Where harm exists, it is required to have clear and convincing justification; our assessment is that the harm, albeit of a low degree, is unjustified.

- What are the purported public benefits? (NPPF para 202)

The applicant has confirmed that benefits would be to the business use of the property and, based on the evidence at hand, would have no wider public benefit. The benefits are considered to be private in nature and therefore immaterial in the balancing exercise required by the NPPF.

- Do public benefits outweigh harm where that harm has clear and convincing justification? (NPPF para 202)

Whilst the degree of harm is low, it would impact the settings of highly graded assets where greater sensitivity is required. Where harm is unjustified, and where no public benefit would arise from development, the NPPF requires us to refuse an application. We do not consider the tests of the NPPF have been met.

- Recommendations

We recommend that this application is refused in line with national legislation, and national and local planning policies, designed to protect the historic environment. This includes, but is not limited to, The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning policy framework, Bristol Core Strategic Policy BCS22, and Development Management Policy DM31.

Should the Planning inspectorate be minded to approve, we request that the following condition is appended to any decision:

Prior to commencement of the relevant element materials for the proposed fabric shall be made available to the Local Authority in their intended colour, finish, and texture. Development shall be completed in accordance with the approved materials.

Reason: To safeguard the architectural and historic character of the Listed Building and Conservation Area

## **2. Does the proposal preserve residential amenity?**

- Policy

Section 17 of the NPPF outlines 12 'core planning principles' which should underpin both plan-making and decision-taking. One of these principles is that decision making should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy BCS21 (Quality Urban Design) of the Core Strategy advocates that new development should deliver high quality urban design. With regards to amenity, it is outlined that new development is expected to safeguard the amenity of existing development. In particular, development should give consideration to matters of neighbouring privacy, outlook and natural lighting.

Policy DM35 (Noise Mitigation) of the SADMP states that development which would have an unacceptable impact on environmental amenity by reason of noise will be expected to provide an appropriate scheme of mitigation.

- Discussion

The development site is located adjacent to the boundary with Taylor Maxwell House, however this building is in office use and so there would be no harm to residents in that instance. The nearest residential properties are set well away from the tent structure to the rear of the subject property (approximately 40m), and so it is unlikely that any noise disturbance stemming from the use of the tent area would impact neighbours beyond normal residential levels. Any noise issues that were to arise would only be caused if the facility were being used unreasonably and this could be addressed under relevant nuisance legislation.

The tent would not lead to harmful overbearing, loss of light, loss of outlook, or loss of privacy to surrounding properties.

There are no further concerns in this regard.

### **3. Does the proposal adequately protect surrounding trees?**

- Policy

Policy DM17 (Development Involving Existing Green Infrastructure) of the SADMP outlines that development should integrate important existing trees. It suggests that where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the standard set out within Policy DM17.

- Discussion

An arboricultural officer was consulted and commented as follows:

For the following key reasons, I would recommend refusing the application:

1. There is no justification for the tent to be located within a root protection area. The size/ footprint could be reduced to allow for the RPA.
2. The following wasn't considered during the design stage: characteristics and condition of the trees, with due allowance and space for its future growth and maintenance requirements.
3. The juxtaposition of the tent and the tree will cause apprehension to the landowners/ occupiers of the structure, resulting in pressure for the removal of the tree.
4. Needle cast. When the temperature fluctuates, needle cells thaw during the day and freeze again at night. This rapid change can cause the cells to burst and eventually die off. The cast will cover the tent, degrading its condition.

5. Accumulated snow can become heavy, especially when wet. If the snow load is excessive, it may cause branches to fail.

Policy consideration: Policy DM17.

Based on consultee comments the LPA objects to the proposal in this regard owing to a lack of justification for the siting of the structure and insufficient detail in relation to the level of potential impact on retained trees.

Should permission be granted the following conditions are proposed:

1. Protection of retained trees during the construction period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees in the position and to the specification shown on the supplied Tree Protection Plan Drawing No. 16574\_P03\_TPP, March 2024.

The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

2. Landscape condition

Replacement planting, in line with Bristol Tree Replacement Standard (Policy DM17), will be illustrated on a landscaping plan, which includes:

- a. a scaled plan showing vegetation to be retained and trees to be planted:
- b. proposed hardstanding and boundary treatment:
- c. a schedule detailing planting locations, stock sizes (minimum 12-14cm girth at 1m).
- d. Aftercare and maintenance schedule including watering visits through to establishment.

The planting shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a program, details of which shall be submitted to and agreed in writing by the local planning authority.

Any tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of completion shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: To ensure that the appearance of the development is satisfactory and in line with Bristol City Council Policy DM17

#### **4. Does the proposal introduce any transport or highways safety impacts?**

- Policy

Policy DM23 (Transport Development Management) of the Site Allocations and Development Management Policies states that development should not give rise to unacceptable traffic conditions and will be expected to provide for pedestrians and cyclists including, where appropriate, enhancing the pedestrian and cycle network.

- Discussion

The proposal describes the tent's function as a facility to provide outdoor events, workshops and meetings associated with the office use of the building. There would be no associated increase in everyday occupation of the building as a result of development, and with regard to events the site is situated within a residents' parking scheme area where on-street parking is restricted. Given the modest scale of the structure and the above considerations it is unlikely that the scheme would give rise to adverse transport/movement conditions or impacts to the public highway.

#### **Overall conclusions**

The local planning authority objects to proposals on the basis of detrimental impact to the setting of the heritage assets and a lack of justification with regard to the long-term welfare of retained trees in proximity to the development site.

On this basis the local planning authority recommends that permission be refused.