



Decision Notice and Statement of Reasons

Site visit made on 13 June 2025

Decision by C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 17 July 2025

Application Reference: S62A/2025/0108

Site Address: 11- 13 High Street, Westbury, Bristol BS9 3BF

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 15 May 2025 is made by SWE Property Management and was validated on 2 June 2025.
 - The development proposed is described as 'first floor extension to rear of shop and creation of a dwelling (use class C3) with associated works'.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposed development would fail to provide an acceptable and healthy standard of accommodation for occupants, contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM27, DM30 and DM35 of the Bristol Site Allocations and Development Management Policies 2014.

Statement of Reasons

Procedural Matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (the Council) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken which allowed for responses by 4 July 2025. No responses were received within the consultation period. I carried out a site visit on 13 June 2025, which enabled me to view the site and the surrounding area.

Background and Main Issues

4. I observed that works are well underway at the site and nearing completion as the upper floors of the building are converted into four flats, which the applicant states to be in connection with earlier proposals submitted to the Council¹.
5. A planning application was submitted to the Council and refused in April 2025 for the extension and conversion of part of the rear of the commercial unit to form a HMO with five bedrooms². The reasons for refusal refer to the impact on the residential amenity of the flats under construction, the proposed living conditions, effects on parking and, absence of a waste strategy. That decision remains a material consideration in this decision.
6. The main issues in this application are: whether the proposal would provide an acceptable standard of accommodation for future occupiers; the implications of the change of use of existing floorspace; the effects of the proposal on the local character and the Westbury-on-Trym Conservation Area; effects on occupiers of neighbouring properties, and; parking and refuse storage.

Reasons

Standard of Accommodation

7. Two rooms are proposed to the ground floor level which would together provide the main living areas for the dwelling. The kitchen/ dining/ living room would be served by one window which would face towards the rear car park and service yard, as well as one high level window in the side elevation. The entertainment room/ snug behind would be served by a rooflight and a similar high level window in the side elevation, as well as double doors from a projecting side element.
8. Given these attributes I have significant concerns regarding the quality of accommodation those rooms would provide. With the main window being north-west facing and being modest in its size, together with the nature of the other limited openings described, conditions in those rooms are likely to be dark and oppressive for future occupants. Furthermore, the only meaningful outlook from those rooms would be via the rear facing window, which would look directly onto a service yard and car park which I understand to be outside the applicant's control. I observed vans and commercial sized bins to be positioned close to the rear elevation which appeared to be connected with the adjacent commercial uses. The use of those areas, together with other nearby delivery areas, would be likely to cause some degree of disturbance which could occur throughout the day and at unsocial hours, and is likely to deter the opening of the ground level windows. I similarly observed security bars to one of the existing ground level windows which, if they became necessary for the proposed

¹ 24/00831/COU, 24/00833/F and 24/03121/F

² 24/04548/F

development, would contribute to the oppressive conditions in the main living areas.

9. While French doors are proposed to the side elevation, these would open into a communal access where their position necessitates integral blinds. Those doors would also not be positioned as part of the main living spaces, but offset from the side of the snug. As such they do not alleviate the above concerns. The applicant also refers to other accommodation nearby including back-land development. However I cannot be certain that their circumstances are the same or would provide a justification for the quality of accommodation proposed.
10. In combination these factors would amount to unhealthy living conditions and the proposal would not provide an acceptable standard of accommodation for its future occupants. The proposal would conflict with Policy BCS21 of the Bristol Development Framework Core Strategy 2011 (the CS) and policies DM27 and DM30 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (the SADMP) insofar as they relate to the quality of amenity of future occupiers. It would also conflict with Policy DM35 of the SADMP which relates to noise-sensitive development and includes consideration of proximity to commercial developments.

Change of Use

11. The area of this proposed development comprises floorspace which is part of the existing ground level commercial unit which forms part of the frontage of a designated shopping centre. Its floorspace would therefore be reduced by the proposal. Under the previous application the Council raised no concerns in this regard, stating that the proposal would not undermine the viability of the retail unit. Based on the information before me and having regard to the development plan, I have no strong reason to reach a different view.
12. The introduction of an additional residential unit on the site would comply with Policy BCS20 of the CS insofar as it seeks to maximise opportunities to re-use previously developed land, including around designated centres and close to main public transport routes.

Character and Heritage

13. The site lies within the Westbury-on-Trym Conservation Area (the CA). Accordingly, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the area.
14. I observed this part of the CA to derive its significance from its vibrant and traditional high street, enclosed by terraces of varying character, including some more modern infills, and with shopfronts at the ground level. The terrace of which the application site forms a part comprises commercial premises at the ground floor level, with a more traditional character above

including rendered elevations with red brick detailing and traditional window details set below a series of front gable features. The significance of this terrace is particularly appreciated from around the War Memorial, from where its distinctive curve contributes positively to the setting and enclosure of this important local monument and road junction. The back of the terrace has a more modest appearance and is appreciated from the public car park behind. In those views the rear elevations of the taller buildings addressing the High Street are the dominant building forms and their distinctive curve is apparent. Nonetheless there are smaller ancillary developments and paraphernalia behind the terrace, reflecting a traditional building hierarchy within the plots and the commercial uses of the ground floor.

15. As part of its consideration of the earlier planning application, the Council found that the proposal would preserve the character and appearance of the CA. This was because the proposed first floor extension would not be an incongruent addition given the presence of other extensions to properties on the High Street.
16. The first floor extension now proposed is smaller, allowing for a greater distance of separation to the main part of the building fronting the High Street. This also assists in allowing the first floor extension to appear visually subordinate to the main terrace and gives it a simplified form by removing the heavily angled elevation. Despite its height, the characteristic curve of the main terrace would continue to be apparent from the car park behind. The detailed design of the extension otherwise remains similar to the earlier proposal, incorporating a simple pitched roof and modest sized window openings. For these reasons, it would appear as a visually subordinate addition to the terrace and, given the Council's findings on the earlier application, I am satisfied that the proposal would preserve the character and appearance of the CA. I am not, however, convinced that the proposal would provide any particular enhancement to the CA, given the character at the back is derived in part from its functionality.
17. The proposal would comply with Policy DM26 of the SADMP which requires high quality design which respects its context. The proposal would also comply with DM31 of the SADMP and BCS22 of the CS which require development to preserve the City's heritage assets.

Living Conditions of Nearby Occupants

18. The proposed first floor windows facing back towards the main building would now serve non-habitable rooms and could reasonably be obscure glazed in order to prevent overlooking. Given the distance of the proposed first floor extension from the other neighbouring properties, I have no reason to believe that it would present harmful effects on the living conditions of other nearby occupants. The proposal is therefore acceptable in this respect.

Parking

19. During my site visit I observed that opportunities for parking in the area, particularly for any extended period, were limited. Nonetheless the area is reasonably well served by public transport as well as providing many services and facilities which would help meet the day to day needs of future occupants, thereby reducing the need to travel.
20. The proposal does not include any proposed parking and this would adhere to the parking standards set out in Appendix 2 of the SADMP which sets a maximum level of provision. It would comply with Policy BCS10 of the CS, which states that development should be located where sustainable travel patterns can be achieved, and which minimise the need to travel, especially by private car, and which maximise opportunities for walking, cycling and use of public transport. Cycle parking would be shared with the flats in the main building and I have no reason to believe that the cycles associated with the proposal could not be reasonably accommodated in that space.
21. The Council's previous concerns for parking included consideration of the flats within the main building. However, my considerations are limited to the development for which planning permission is sought and as set out in the description of development.
22. In conclusion on this issue, the proposal would be acceptable in terms of its car and cycle parking arrangements, and would comply with policies DM2 and DM23 of the SADMP, as well as Policy BCS10 of the CS which include consideration of parking arrangements and require compliance with the parking standards in the SADMP.

Refuse Storage

23. The Council previously raised concerns for the cumulative impact of the proposal together with the nearly created flats and the commercial use on the ground floor. While I can appreciate those concerns, I am not convinced that this is a reasonable approach given those other elements are not part of the proposal before me. Based on the evidence, and as only one new home is proposed, together with the findings of my site visit, I have no reason to believe that a suitable solution could not reasonably be achieved. I therefore find the proposal to be acceptable in this respect and those details could be subject to an appropriate condition if the application were otherwise acceptable.

Other Matters

24. With regard to its sustainability credentials, the applicant has provided an energy statement which suggests the policy requirements of BCS13, BCS14 and BCS15 could reasonably be achieved. This was similarly the case for the earlier application, which also included an air source heat pump. Accordingly the proposal would be acceptable in terms of adapting to climate change.
25. The applicant has set out the reasons they consider the proposal would be exempt from the statutory biodiversity net gain requirement. In summary this is because the proposal relates to the change of use of part of the

existing building as well as an extension above the ground level, thereby impacting less than 25sqm of habitat. I have no strong reason to reach a different view and I am satisfied the proposal can be considered as exempt.

26. The Council have identified the proposal as being chargeable development under the Community Infrastructure Levy (CIL) Regulations. I have no strong reason to conclude otherwise and this is capable of being a material consideration as a local finance consideration. The Council advise that the CIL payment would be spent on funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area, and a sum of £7,820 has been calculated based on information provided by the applicant relating to this particular proposal. I have no reason to disagree with that figure and it is the responsibility of the Council, as the charging authority, to issue a Liability Notice if planning permission were granted.

Planning Balance

27. The applicant asserts that the provisions of paragraph 11d) of the Framework should be relevant to the application, given the Council's position on housing land supply. If that were the case, the provisions of 11d)ii would be relevant here.
28. The adverse impact of granting planning permission would be the provision of unacceptable living conditions for future occupants of the proposed dwelling. In this respect the proposal would be at odds with paragraph 129 of the Framework which includes consideration of healthy places and paragraph 135 which requires, among other things, that developments create places which promote health and well-being, with a high standard of amenity for future users. This harm would be significant and long lasting, and I give it substantial weight.
29. In terms of benefits, the proposal would provide a new home, which would contribute to the national objective to boost the supply of homes as well as the local supply. This new home would be positioned in a sustainable location and on an existing developed site. These are attributes acknowledged by the Framework as important to the location of new housing, as set out in paragraphs 110 and 115. There would also be economic benefits arising from the construction process as well as on going expenditure into the local economy by future occupants, and the acknowledged CIL contribution above. I give these benefits moderate weight, given the scale of the proposal. Where the proposal has been found to be acceptable in other respects, these are neutral matters which do not add weight in favour of the development.
30. Overall, when assessed against the policies in the Framework as a whole and having had regard to the key policies set out in the footnote to paragraph 11d)ii, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. For this reason the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

31. The proposal would conflict with the development plan when read as a whole and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate a decision should be made other than in accordance with it. Planning permission is therefore refused.

C Shearing

Inspector and Appointed Person

Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>