



Decision Notice and Statement of Reasons

Site visit made on 9 December 2025

Decision by Katie McDonald MSc MRTPI

A person appointed by the Secretary of State

Decision date: 15 January 2026

Application Reference: S62A/2025/0143

Site address: Land at 36 Hampton Park, Bristol BS6 6LH

- 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 20 November 2025 is made by Mr Rod Benole and was validated on 3 December 2025.
 - The development proposed is the erection of a detached dwellinghouse.
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Decision

1. Planning permission is refused for the following reason:
 - 1) The siting and size of the proposal would introduce an incongruous and poorly positioned dwelling, fragmenting the high quality pattern and grain of the area. This would be at odds with the uniformity, scale and overall design of surrounding buildings, and would introduce a discordant and awkward proposal that would fail to make a positive contribution to the area's character and identity, including the Whiteladies Road Conservation Area (WRCA). Consequently, the proposal would fail to comply with Policies BCS21 and BCS22 of the Bristol City Local Plan Core Strategy (2011) (CS) and Policies DM21, DM26, DM27, DM29, DM30 and DM31 of the Site Allocations and Development Management Policies (2014) (SADMP).

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 (BCC) have been designated for major and non-major applications since 6 March 2024.
3. Consultation was undertaken on 9 December 2025 which allowed for responses by 12 January 2026. Five interested parties submitted comments, objecting to the proposal. BCC also submitted a written statement, recommending refusal of the proposal. I have taken account of these comments in reaching my decision.

Main Issue

4. Having regard to the application, comments from interested parties, the statement from BCC, together with what I saw on site, the main issue is the effect of the proposal on the character and appearance of the WRCA.

Reasons

Proposal

5. The proposal is for a studio dwelling, located in the rear garden of 36 Hampton Park, a 3/4 storey Victorian semi-detached townhouse located on a bend on Hampton Park road, a residential suburb of Bristol off Whiteladies Road. No 36 has been split into flats. The townhouses are 3 storeys to the front and 4 storeys to the rear, with the land level dropping away by a storey. The site for the proposed dwelling is separated from the original garden of No 36, which has been subdivided into 3 separate areas. The dwelling would have a rear garden, a cycle and refuse store. The site is less than a 5 minutes walk to Clifton Down railway station, Clifton Down shopping centre, and bus stops on Whiteladies Road, meaning it has good accessibility to local services and amenities. Consequently, the site is in a location where higher densities could be appropriate and the development of gardens for dwellings could be an efficient use of land. However, the Policy DM21 of the SADMP also requires that any development of garden land should not result in harm to the character and appearance of an area.

Character and Appearance

6. Hampton Park consists of predominantly tall Victorian town houses. South of the railway is the row of dwellings in which the proposal would be located. This comprises a consistent scale, use of materials, ornate fenestration, building lines, frontage design and roof scape, along with similar garden depths. This cohesive uniformity, leafy garden frontages and mature trees to the rear gardens contribute towards the character and appearance of the WRCA.
7. The significance of the conservation area is derived from the representative and cohesive examples of late Georgian and Victorian suburban development in Bristol, featuring solidly built, substantial villas and terraces, using predominantly Bath stone and Brandon Hill with interesting and varied elevational use of classical architectural motifs. There are many trees in both the street and gardens, which give the area a leafy suburban character, contained in grid like street patterns running off Whiteladies Road.
8. The location of No 36 on the bend in the road means that the garden to the rear is triangular in shape as it widens to accommodate the outside of the bend. There is an existing dilapidated shed located where the entrance porch to the dwelling would be, but the rest of the site remains undeveloped. The site contributes to the sense of spaciousness that is exhibited by the rear gardens in the row.
9. The proposal would introduce a traditionally designed front porch at street level, featuring Ashlar dressed Bath stone with parapet wall, accessed between Nos 36 and 38. The entrance would provide a small landing area, and stairs to the accommodation in the lower ground floor. The lower ground floor would have a rectangular footprint, with a return to set it off the boundary at No 38. It would have a flat sedum roof, roof lights and solar panels.

10. There would be limited public views from the road, and the entrance porch would be of a traditional appearance, taking cues from the surrounding dwellings. However, the location in the rear garden setting is incongruous and at odds with the locally distinctive spacious and open character of the area, and the uniformity of the street pattern and urban grain. Furthermore, the small scale of the proposal would poorly contrast with the large residential dwellings in the immediate context, failing to reinforce local distinctiveness.
11. Therefore, whilst it may be an efficient use of land, the proposal would harm the character and appearance of the WRCA. It would introduce a discordant and awkward proposal that would fail to make a positive contribution to the area's character and identity. This would conflict with Policies DM21, DM26, DM27, DM29, DM30 and DM31 of the SADMP and Policies BCS21 and BCS22 of the CS. These seek to safeguard or enhance heritage assets, ensure high quality standards of design that makes a positive contribution to an area's character and identity, preserving conservation areas, and creating and reinforcing local distinctiveness, respecting existing development and building lines.
12. I have noted the previous 2 decisions on the site for a similar proposal. I have made my own findings on the proposal, but I note that the previous schemes were also refused or dismissed for similar reasons. The changes to the porch design do not overcome the fundamental concerns with the proposal's location, scale and overall impact on the spatial characteristics of the WRCA.

Other Matters

13. The Sustainability and Energy Statement sets out that the dwelling would be thermally efficient, achieving at least a 20% reduction in residual carbon emissions using renewable technologies. Biodiversity net gain would be provided for on site and through the purchasing of off site credits, which could be subject to the biodiversity net gain condition. Despite BCC's recommendation, the effect of the proposal on living conditions of future and existing occupiers would be acceptable. There would also be no harmful effect on the safety of pedestrians or cyclists, nor flooding, ecology or trees.

Conclusion

14. The proposal would conflict with the development plan as a whole. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would harm the significance of the WRCA, leading to 'less than substantial harm' as set out in the Framework, sitting at the top end of the scale. The dwelling would be a private market dwelling, and there would be very few public benefits arising from this proposal, even having regard to on site renewables. BNG is a statutory requirement and not a public benefit in this regard. The site was part of the garden, and it being vacant does not mean that there needs to be an optimum viable use. Therefore, the harm to designated heritage assets would not be outweighed.
15. BCC cannot demonstrate a 5 year supply of housing land, and thus the provisions of Framework paragraph 11d fall to be considered, unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Given the harm I have found to the WRCA, there are strong reasons for refusing the development proposed, and the tilted balance is disapplied.

16. Therefore, whilst there would be no other material planning objections relating to the proposal¹, the benefits of one dwelling located in an accessible location would not outweigh the conflict with the development plan. For these reasons, planning permission is refused.

Katie McDonald

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>

¹ That could not be managed by planning conditions.