

Built Heritage Statement

4 Sunderland Place, Bristol, BS8 1NA

On behalf of Mr Vishal D Shaunak

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1. Introduction

- 1.1. Pegasus Group have been commissioned by Mr Vishal D Shaunak to prepare a Built Heritage Statement to consider the proposed internal and external alterations at 4 Sunderland Place, Bristol, BS8 1NA, as shown on the Site Location Plan provided at Plate 1.



Plate 1: Site Location Plan.

- 1.2. No. 4 Sunderland Place forms part of the wider Grade II Listed terrace of Nos. 1-4 Sunderland Place and is situated within the boundaries of the Whiteladies Road Conservation Area.
- 1.3. Retrospective Listed Building Consent and Planning Permission is sought for internal and external alterations to the No. 4 Sunderland Place.
- 1.4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:
- "...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting"***¹
- 1.5. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, September 2023), para. 194.



- 1.6. As required by paragraph 194 of the *NPPF*, the detail and assessment in this Report is considered to be “proportionate to the assets’ importance”.²

² DLUHC, *NPPF*, para. 194.

2. Proposed Development

- 2.1. Retrospective Listed Building Consent and Planning Permission is sought for internal and external alterations to 4 Sunderland Place, as summarised below.

External

Sunderland Place Elevation

- Removal of redundant pipework.
- Creation of minor ventilation openings at basement level (within the lightwell).

Rear Elevation / Rear Extension

- Repair of timber window units.
- Recovering and reduction in pitch of the roof of the rear extension.
- Installation of a new uPVC door unit and window unit to rear extension.
- Removal of a plastic roof covering to the rear courtyard.

Internal

Basement

- Installation of new partition in rear space.
- Upgrading of bathroom facilities

Ground Floor

- Reconfiguration of layout and subdivision bedroom spaces to the rear.
- Installation of new internal partition walls and reconfiguration of layout to the front.
- Upgraded of bathroom facilities.
- Installation of suspended ceilings to bedroom areas.

First Floor

- Reconfiguration of layout and subdivision of bedroom spaces the rear.
- Installation of new internal partition walls and reconfiguration of layout to the front of the building.
- Upgrading of bathroom facilities.
- Installation of suspended ceilings to bedroom areas.

Second Floor

- Reconfiguration of subdivision and layout of bedroom space.
- Upgrading of bathroom facilities.
- Installation of suspended ceilings to bedroom areas.

- Installation of new clear glazed roof light, replacing a wired glass rooflight.

2.2. The proposals are detailed on the following plans which form the application package and which this assessment considers:

- Floor Plans Record – **2801 P01 B**
- Floor Plans Previous Arrangement – **2801 E01**
- Elevation Record – **2801 P02 B**

2.3. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 6**.

3. Site Description and Planning History

Site Description

- 3.1. No. 4 Sunderland Place is one of four terraced houses which forms the wider Grade II Listed 1-4 Sunderland Place. The terrace dates to the late 19th century and is late Georgian in style. The principal elevation of No. 4, and the wider terrace, is to the west fronting onto Sunderland Place. To the rear are small ancillary courtyards, enclosed by high boundary walls.
- 3.2. Sunderland Place and the surrounding area is located within the bounds of the Whiteladies Road Conservation Area.
- 3.3. Although constructed as a single residential dwelling, the planning records detail that No. 4 was operating as a B&B from at least 1983. The use of the building was changed in 2006 from a B&B to a House in Multiple Occupancy (HMO), a use which it retains.

Site Development / Map Regression

- 3.4. Sunderland Place was constructed c.1850 and is first depicted on the Ashmeads Map of 1855. Plate 2 shows the Grade II Listed terrace of four properties (including the application site) on the eastern side of Sunderland Place. To the rear/east, two semi-detached villas are present whilst Chudleigh House and its associated garden are visible to the south.



Plate 2: Ashmeads Map of 1855. Source: Know Your Place.

- 3.5. Plate 3 shows the application site and the other terraced houses of the Grade II Listed 1-4 Sunderland Place later in the 19th century. The general composition of the surrounds remains, and the gardens of Chudleigh House can be seen in more detail. Minor extensions have been added to the four terraces of Sunderland Place, likely closet wings.



Plate 3: 1844-1888 Ordnance Survey Map. Source: Know Your Place.

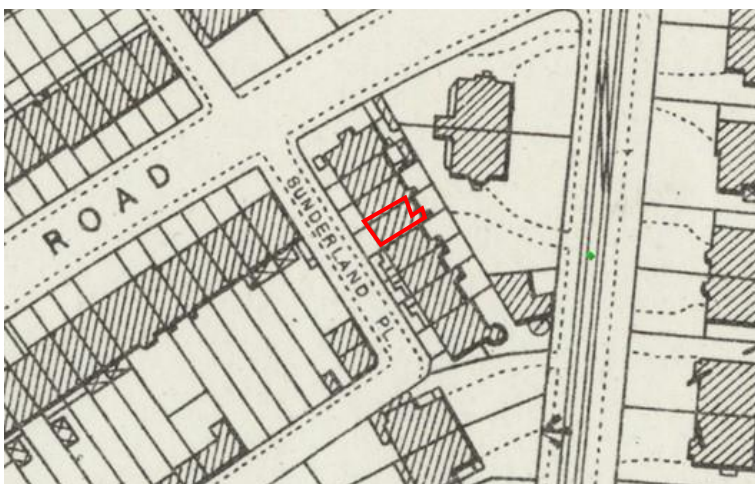


Plate 4: 1894-1903 Ordnance Survey Map. Source: Know Your Place.

- 3.6. Plate 4 shows that by 1903, the terrace was extended southward on the former grounds of Chudleigh House, creating the terrace of Sunderland Place as seen today.
- 3.7. Plate 5 shows no major changes had occurred by 1947. The rear extension is not shown on Plate 5 so thus assumed to be a mid-late 20th century alteration.



Plate 5: 1947-1965 Ordnance Survey Map. Source: Know Your Place.



Plate 6: 2012 Aerial map. Source: Know Your Place.

- 3.8. Plate 6, 7 and 8 show modern aerial photographs which show no major changes have occurred in recent years. Archival sources and onsite assessment also details little change to the overall form and envelope of the building during the late 20th and early 21st centuries.

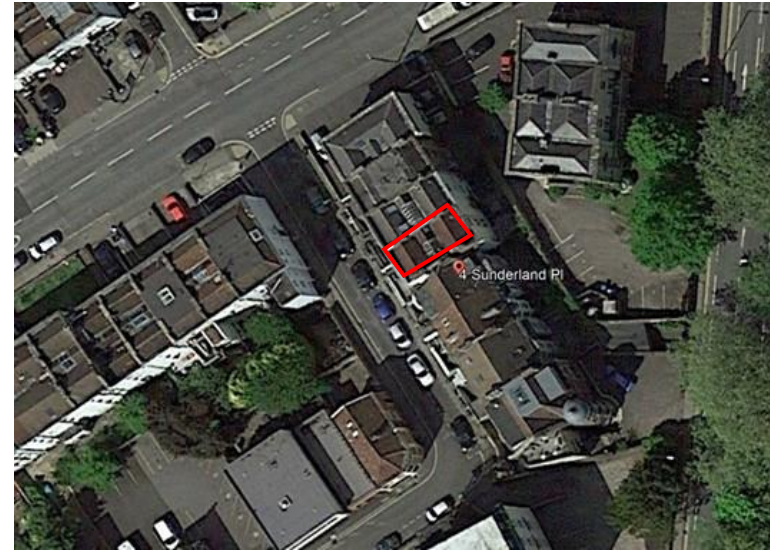


Plate 7: 2020 Satellite Image. Source: Google Earth Pro.



Plate 8: 2023 Aerial Map. Source: Google Maps.

Planning History

- 3.9. A review of recent planning history records held online by Bristol City Council has identified two applications relating to the use of the building in the late 20th and early 21st centuries.
- 3.10. **83/00932/E_C** – Guest House and premises | Permitted | 11th April 1983.
- 3.11. **06/01339/F** – Change of use of existing property from guest house to student accommodation in the form of a house in multiple occupation | Permitted | 17th July 2006.

4. Methodology

4.1. The aims of this Report are to assess the significance of No.4 Sunderland Place and the contribution that the site makes to the heritage significance of the surrounding historic environment, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

4.2. This assessment considers built heritage matters only.

Sources

4.3. The following key sources have been consulted as part of this assessment:

- Historic maps available online;
- The National Heritage List for England;
- Bristol City Council Planning History Records;
- Know Your Place West of England;
- Whiteladies Road Conservation Area Statement;
- Google Earth satellite imagery.

Site Visit

4.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 11th October 2023, during which the site and its surrounds were assessed.

Photographs

4.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note 06/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

4.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 1**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-*

- Making in the Historic Environment (hereafter GPA:2);*³
- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets, the key guidance of assessing setting (hereafter GPA:3);*⁴
 - *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management (hereafter HEAN:1);*⁵
 - *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (hereafter HEAN:12);*⁶ and
 - *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment.*⁷

³ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (GPA:2)* (2nd edition, Swindon, July 2015).

⁴ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets (GPA:3)* (2nd edition, Swindon, December 2017).

⁵ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (HEAN:1)* (2nd edition, Swindon, February 2019).

⁶ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets (HEAN:12)* (Swindon, October 2019).

⁷ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

5. Policy Framework

Legislation

- 5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.⁸
- 5.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁹
- 5.3. Full details of the relevant legislation are provided in **Appendix 2**.

National Planning Policy Guidance

- 5.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*,

an updated version of which was published in September 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.¹⁰ The *PPG* also contains the *National Design Guide*.¹¹

- 5.5. Full details of the relevant national policy guidance is provided within **Appendix 3**.

The Development Plan

- 5.6. Applications for Planning Permission and Listed Building Consent are currently considered against the policy and guidance set out within the Bristol Core Strategy (adopted June 2011) and retained policies of the existing Local Plan.
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 4**.

⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁰ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

6. The Historic Environment

- 6.1. The following Section provides an assessment of elements of the built historic environment that have the potential to be sensitive to the works set out in Section 2.
- 6.2. As set out in **Section 1**, No. 4 Sunderland Place forms part of the Grade II Listed terrace of 1–4 Sunderland Place and is located within the bounds of the Whiteladies Road Conservation Area. Accordingly, both of these assets are considered below.
- 6.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹²
- 6.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset’s setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.5. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹³ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.

- 6.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result. This concluded that no further heritage assets have the potential to be sensitive to the works, and thus no further heritage assets are taken for further assessment below.

Grade II Listed 1–4 Sunderland Place

- 6.8. 1–4 Sunderland Place was added to the National List at Grade II on 4th March 1977 (NHLE 1202608). The List Entry describes the building as follows:

“Terrace of 4 houses. C1850. By Thomas Pennington. Limestone ashlar, party wall stacks, roof not visible. Double-depth plan. Late Georgian style. Each of 3 storeys and basement; 1-window range. Articulated by pilasters to a frieze, cornice and parapet, coped party walls. Recessed doorways with an overlight and 2-panel door. Recessed ground-floor windows, architraves above, with first-floor console cornices and balconies and cast-iron brackets and railings with

¹² Historic England, *GPA:3*, p. 4.

¹³ DLUHC, *NPPF*, para. 207.

antheimia. 6/6-pane and 4/4-pane sashes, and 3/6-pane second floor sashes. A symmetrical 3-window right-hand return has a banded ground floor, semicircular-arched recess covered by a late C19 two-storey porch with Tuscan columns, glazed sides and C20 door, dentil cornice, clasping pilasters above to a bracketed cornice with a segmental arch and semicircular panel. Semicircular-arched stair window above. INTERIOR not inspected."

- 6.9. A full copy of the List Entry is included at **Appendix 5**.
- 6.10. Plate 9 shows the general composition and character of the principal elevation appears largely as constructed. This is based upon its style which is reflective of the architectural detailing of the wider 1-4 Sunderland Place and other buildings of this date in Clifton. The original sash windows have also been retained in some positions.
- 6.11. The experience of the principal, street fronting No. 4 elevation with the other listed terraces Nos. 1-3, contributes to the overall group value and architectural interest of the terrace as a whole.
- 6.12. The rear elevation of the building can be seen at Plate 10, which shows that the windows have been replaced and the elevation as a whole has a more utilitarian appearance, lacking the decorative mouldings and detailing seen on the front elevation.



Plate 9: Principal elevation of No. 4 Sunderland Place.



Plate 10: Rear elevation of 4 Sunderland Place.



Plate 11: Historic features and details on principal elevation fronting on to Sunderland Place.

- 6.13. Based upon on site analysis and an understanding of buildings of this date, the historic layout of the building would have comprised a central stair (lit by a central roof light) with a two-room layout on each level. The historic vertical circulation still remains, as seen in Plate 12; however the lantern itself has been altered and the layout has been altered to accommodate more rooms.



Plate 12: View of the stairwell rooflight as seen from first floor.

- 6.14. As set out in Section 3, the building stopped operating as a single dwelling from at least 1983 with the planning history recording a change of use to a B&B in this year. In 2006, the change of use into a HMO was granted. The

HMO utilised the same internal arrangement as the B&B and the plans submitted as part of the application (included in **Appendix 6**) details the internal layout at this date. This demonstrates that a number of the rooms had been subject to subdivision and numerous bathrooms created. The plans also confirm the presence of the rear extension by this date.

- 6.15. The ceiling was also lowered when in use as a B&B, leaving the original ceiling and covings untouched and retained behind the current false ceiling. Plate 13 shows the lowered ceiling with downlights and an example of the partition walls installed throughout No.4 Sunderland Place which join directly with historic architraves.

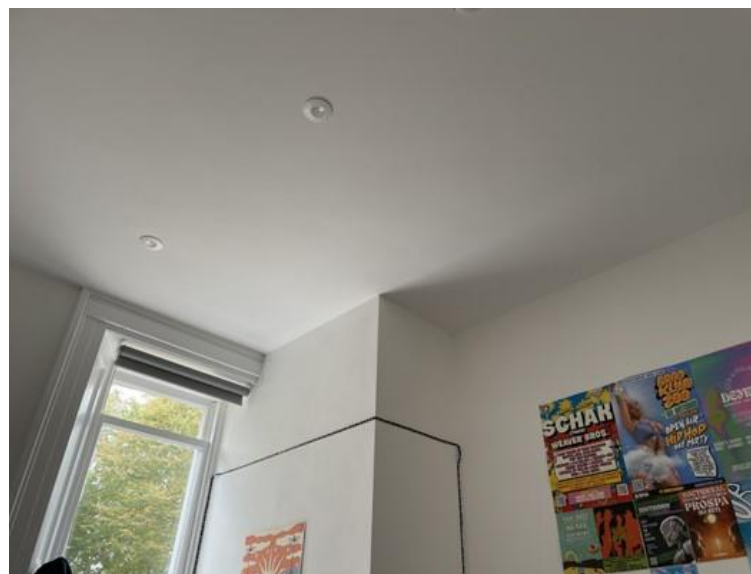


Plate 13: Example of arrangement of partition wall and lowered ceiling to the rear of the building.

6.16. Despite the subdivision, the overall principles of the original layout of a central vertical circulation with rooms arranged around this is still appreciable. Furthermore, various aspects of the original 19th-century internal architectural detailing are retained such as: moulding within the ground floor hall, decorative cornicing to principal rooms; and the retention of some window surrounds. The majority of door surrounds are, however, modern, as are the door units themselves. Kitchens and bathrooms also have modern origins and have been refinished over time.



Plate 14: Kitchen space to the front of the basement.



Plate 15: Example of 19th-century window surround and sash window retained to the front of No. 4 at basement level.



Plate 16: Main entrance. Architectural detailing retained in the ground floor hallway.



Plate 17: Internal window case and window of principal elevation.

Statement of Significance

- 6.17. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the NPPF.¹⁴ This significance is consolidated by its inclusion within the boundaries of the Whiteladies Road Conservation Area.
- 6.18. The heritage significance of 4 Sunderland Place is principally embodied in its physical fabric which derives from the architectural and historic interest of the physical fabric of the building as an example of a mid-19th-century terraced property constructed as part of the development of Clifton during this period.
- 6.19. The building has, however, been subject to change, in particular via alterations to the interior. Elements of the interiors that are now considered to of interest in light of the change are the decorative architectural features (where retained) and the general understanding of the principles of the original layout, i.e. the two room arrangement around the central vertical circulation.

Whiteladies Road Conservation Area

- 6.20. The Whiteladies Road Conservation Area was designated by Bristol City Council in 1976.
- 6.21. With regard to the route of Whiteladies Road, the Conservation Area Statement states that:

“Whiteladies Road... conveys the impression of a gently curving road, built to a grand design, ascending

between the ‘town’, represented by the Queens Road area, and the ‘country’ seen in terms of The Downs. It is generously proportioned but varied in character, with highly ornamented, large-scale, villa-type buildings set back from their boundaries, contrasting with the informal small-town character of the continuous shopping frontages in the Blackboy Hill section. There is also a more dense terraced element linking the two. It is also distinguished in parts by being lined with mature plane trees.

Although the visual scene is one of architectural variety, there is an overall unity deriving from the predominant use of Bathstone and Brandon Hill rubble.

Parts of Whiteladies Road have a special character where the continuous shopping parade is broken to give views of tree-lined residential streets, aligned at right angles. Much of the scale of the street consists in its considerable width in relation to its general height of 3–4 storeys, its relatively broken skyline, sometimes hidden by trees, and generous setting back of buildings behind forecourts. Some of these forecourts are now paved car parks, having replaced the mature gardens which previously must have added so much to the landscaped character of the area.

Some of the earlier avenue character of nineteenth century Whiteladies Road was removed by tree felling for road widening and the building of shops.”

- 6.22. The Conservation Area comprises of three district areas and irregular street grids with a principal shopping street.

¹⁴ DLUHC, NPPF, para. 200.

The general principles of the character and appearance of Whiteladies Road remains relevant today. For example, residential buildings are generally set back from the street with front gardens, as seen at the application site.

- 6.23. The area largely has a domestic character with terraced dwellings that vary in design and appearance. The majority of buildings comprise of Bath stone and Brandon Hill rubble. Generally, the houses are 3-4 storeys and mature gardens have been replaced with car parks. Original landscaping that remains include the tree-lined residential streets, which also contribute to the appearance of the Conservation Area.

Statement of significance

- 6.24. The significance of the Whiteladies Road Conservation Area is principally derived from the domestic character of mid-19th-century buildings set back from the street, arranged around the principal shopping street of Whiteladies Road.

The contribution of the site

- 6.25. The site has maintained a domestic use, in line with its historic intended use, albeit somewhat altered to accommodate the HMO. Nonetheless, externally, the building retains its residential character, particularly when viewed in the context of the host terrace.

- 6.26. The retention of late 18th-century building characteristics such as the hierarchy of levels reflected in the decoration, the decorative elements themselves and the more formal appearance of the front elevation all demonstrate characteristics of buildings of this age within the Conservation Area. Therefore, it is considered that the application site makes a positive contribution to the significance of the Conservation Area.

7. Assessment of Impacts

- 7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Retrospective Listed Building Consent and Planning Permission for the works set out within **Section 3** of this Report.
- 7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those for Listed Building Consent are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed Buildings and Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.
- 7.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents “*substantial harm*” or “*less than substantial harm*” to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.¹⁵
- 7.6. The *PPG* clarifies that within each category of harm (“*less than substantial*” or “*substantial*”), the extent of the harm may vary and should be clearly articulated.¹⁶
- 7.7. The guidance set out within the *PPG* also clarifies that “*substantial harm*” is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.¹⁷ ”
- 7.8. When considering potential impacts on the Conservation Area, it is important to note that the site forms comprises an extremely small part of the overall extent of the designated area.

¹⁵ DLUHC, *NPPF*, paras. 201 and 202.

¹⁶ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹⁷ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

7.9. Paragraph 207 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?¹⁸

7.10. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:

“Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located”.¹⁹ (my emphasis)

Grade II Listed 1–4 Sunderland Place

7.11. External changes to 4 Sunderland Place are limited to:

- The removal of redundant pipework to the principal elevation.
- The creation of minor ventilation openings in the front lightwell at ground floor level.
- The repair of timber windows on the rear elevation.

- The installation of a new uPVC door unit and window unit to rear extension.
- The recovering and reduction in pitch of the roof of the rear extension.
- The removal of a plastic roof covering to the rear courtyard.

7.12. The removal of the redundant pipework to the principal elevation, the plastic roof structures to the rear and repairs to the rear windows has had a positive impact on the overall presentation and character of the building, and the contribution which it makes to the wider terrace and Conservation Area.

7.13. The recovering of the roof structure of the single-storey extension to the rear and the introduction of minor ventilation openings in the front lightwell have had a neutral impact on the overall architectural interest when taking into account the nature of the change and the manner in which such areas contribute to the overall interest and experience of the asset, and the wider terrace.

7.14. The introduction of the uPVC door and window units to the rear extension has introduced modern fenestration units which are not generally in-keeping with the overall character of the building, or the wider terrace, in terms of design or materiality. A degree of harm is thus considered to arise to the architectural interest of the building from their installation; however, it is recognised that they have

¹⁸ DLUHC, *NPPF*, para. 207.

¹⁹ *Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government* [2020] EWHC 958 (Admin).

been inserted on a later addition to the building. Accordingly, the harm arising is considered to be at the very lower end of less than substantial harm.

- 7.15. Internal changes are summarised as follows:
- The installation of new partition walls on the basement, ground and first floors.
 - The reconfiguration of the layout and subdivision of bedroom spaces created through a previous phase of subdivision.
 - The installation of a suspended ceilings to the bedroom areas on the ground, first and second floors.
 - The upgrading of bathroom and kitchen facilities.
 - The replacement of the rooflight in the central stairwell.
- 7.16. The introduction of the new partition walls to the rear of the basement and the front rooms at ground and first level has resulted in a change to aspects of the original layout which had not subject to alteration as part of the previous phase of subdivision. The resulting reconfiguration of these spaces, and thus the changes to their proportionate and overall layout, is considered to result in a degree of harm to the overall architectural and historic interest of the Listed Building. When considered within the context of the change which has already occurred, the careful positioning of partition walls and the limited impact on the understanding of the principles of the historic layout (see Section 6), the harm arising is

considered to be at the lower end of less than substantial harm.

- 7.17. Front and rear rooms on the ground, first and second floors were subject to subdivision in the late 20th century. Reconfiguration of the position of the internal partition walls has occurred in order to alter the room sizes. The manner in which the partitions intersect with the window openings has not, however, been changed. When taking into account the previous arrangement, the changes are not considered to result in any further harm to the overall architectural and historic interest of the Listed Building.
- 7.18. No harm is considered to have arisen from the upgrading of bathroom and kitchen facilities, all of which remain in the same location and utilise existing pipework. Indeed, it is considered that these works could have been undertaken without Listed Building Consent, and are only included within the application as a result of how the arrangement of access has been altered through changes in layout.
- 7.19. The replacement of the rooflight to the central stairwell is also considered to have had a neutral impact on the overall architectural and historic interest of the Listed Building. Specifically, the previous unit is understood to have been a modern insertion and the design of the new rooflight is sympathetic to the design and character of the stairwell.
- 7.20. All surviving 19th-century decorative detailing is retained, and remains exposed in the central areas and in regard to the window surrounds. Cornices and decorative ceiling roses in the bedroom spaces have been covered by a suspended ceiling; however, we can confirm they remain in-situ. Whilst the installation of the suspended ceilings

has removed the ability to view and experience such detailing, they remain present and could be revealed at a later date. The use of the suspended ceilings has also ensured that any wiring associated with new lighting did not require impacts to historic fabric. By virtue of the covering of these decorative features, a degree of harm is considered to arise, but when taking into account their retention and reversibility of the works, the resulting harm is considered to be at the very lower end of less than substantial harm.

- 7.21. In summary, the external and internal works to No. 4 Sunderland Place have resulted in a less than substantial harm, at the lower end of the spectrum, to the overall heritage significance of the Listed Building. The harm arising is principally associated with the additional subdivision of the interior, the obscuring of historic features and the insertion uPVC units within the later rear extension.

Whiteladies Road Conservation Area

- 7.22. As discussed, the external works are related to the removal and repair of some inappropriate elements, such as the removal of redundant pipework and repair of timber windows. These elements are considered to have a positive impact on the building's contribution to the wider streetscape and Conservation Area.
- 7.23. The proposed uPVC windows on the later extension are not strictly traditional; however, given the later origins of this extension and that the changes are localised and not

readily visible from the public realm, thus not altering the contribution the building makes to the streetscape, it is considered that this element of the proposals will have a neutral impact on the significance of the wider Conservation Area.

- 7.24. The ability to appreciate the elements of the building which contribute to the character and appearance of the surrounds, as well as the group value with the rest of the Listed terrace will be preserved through the external proposals.
- 7.25. Therefore, no harm is considered to arise to the contribution which No. 4 makes to the wider terrace of Nos. 1-4 Sunderland Place or the surrounding Conservation Area.

8. Conclusions

- 8.1. Pegasus Group have been commissioned by Mr Vishal D Shaunak to prepare a Built Heritage Statement to consider the proposed internal and external alterations at 4 Sunderland Place, Bristol, BS8 1NA.
- 8.2. The application site comprises of a terraced building which forms part of the wider Grade II Listed 1-4 Sunderland Place. The site also falls within the boundaries of the Whiteladies Road Conservation Area.
- 8.3. The heritage significance of 4 Sunderland Place is principally embodied in its physical fabric which derives historic and architectural interest, as a late 19th-century terraced house. The site also derives group value as it forms part of the wider Grade II Listed terrace.
- 8.4. Many of the internal proposals relate to existing modern fabric or arrangements; however, the installation of partitions to further subdivide the basement and ground floors, thus changing the appreciation of the two-room layout of each level, in addition to the installation of suspended ceilings, are considered to result in harm. Given the works are localised, this harm to the significance of the Listed Building, is considered to fall at the lower end of the spectrum of 'less than substantial harm'.
- 8.5. Given the extremely localised position of the uPVC windows within the wider Conservation Area, and that the *"relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole,"* should be considered, the minor change to

the site will not fundamentally change the contribution the building makes to its host terrace or the Conservation Area (Paragraph 207; our emphasis). Therefore, the proposals are considered to result in 'no harm' to the significance of the Conservation Area *as a whole*.

- 8.6. Thus, as per Paragraph 202 of the NPPF, the harm derived from the proposals should be weighed against the public benefits of the scheme, including its optimum viable use as continued residential (i.e. the accepted and established use as a HMO), which the retrospective works seek to maintain.

Appendix 1: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²⁰

Historic England’s *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²¹

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in *English Heritage’s Conservation Principles*.²² These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²³

The *PPG* provides further information on the interests it identifies:

- **Archaeological interest:** *As defined in the Glossary to the National Planning Policy Framework, there will*

be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.²⁴

Significance results from a combination of any, some, or all of the interests described above.

²⁰ DLUHC, *NPPF*, pp. 72–73.

²¹ Historic England, *GPA:2*.

²² Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²³ DLUHC, *NPPF*, p. 72; DLUHC, *PPG, Annex 2*.

²⁴ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.²⁵

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”²⁶

Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”²⁷

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.²⁸

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

²⁵ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

²⁶ DLUHC, *NPPF*, p. 73.

²⁷ DLUHC, *NPPF*, p. 72.

²⁸ Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”²⁹

²⁹ Catesby Estates Ltd. v. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³⁰ DLUHC, NPPF, para. 200 and fn. 68.

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;³⁰
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³¹ and

³¹ DLUHC, NPPF, para. 200.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.³²

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *“have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”*,³³ and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”³⁴

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *“preserving”* means doing *“no harm”*.³⁵

³² DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³³ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁴ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁵ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

Preservation does not mean no change, it specifically means no harm. *GPA:2* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”.³⁶ Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above. Fundamental to this methodology is a consideration of “*what matters and why*”.³⁷ Of particular relevance is the checklist given on page 13 of *GPA:3*.³⁸

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”³⁹

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴⁰

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴¹

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 3**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴²

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.⁴³

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8).

³⁶ Historic England, *GPA:2*, p. 9.

³⁷ Historic England, *GPA:3*, p. 8.

³⁸ Historic England, *GPA:3*, p. 13.

³⁹ Historic England, *GPA:3*, p. 4.

⁴⁰ Historic England, *GPA 3*, p. 8.

⁴¹ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴² DLUHC, *NPPF*, paras. 201 and 202.

⁴³ Including – *Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.



Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁴⁴

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴⁴ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴⁵ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and states that:

“In considering whether to grant listed building consent for any works the local planning authority or 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.”⁴⁶

Section 66(1) of the Act goes on to state that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”⁴⁷

⁴⁵ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁶ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁴⁸

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 3**), this is in keeping with the requirements of the 1990 Act.⁴⁹

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving

⁴⁷ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁴⁸ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁴⁹ Jones v Mordue [2015] EWCA Civ 1243.



or enhancing the character or appearance of that area.⁵⁰

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁵¹

⁵⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵¹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government’s *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three ‘objectives’ to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

- ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

For decision-taking this means:

- a. ***approving development proposals that accord with an up-to-date development plan without delay; or***
- b. ***where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
 - i. ***the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
 - ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***⁵²

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”⁵³ (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”⁵⁴

⁵² DLUHC, NPPF, para. 11.

⁵³ DLUHC, NPPF, para. 11, fn. 7.

⁵⁴ DLUHC, NPPF, p. 68.

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁵

As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”⁵⁶

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”⁵⁷

Paragraph 197 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁵⁸***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to

⁵⁵ DLUHC, NPPF, p. 67.

⁵⁶ DLUHC, NPPF, pp. 72–73.

⁵⁷ DLUHC, NPPF, para. 195.

⁵⁸ DLUHC, NPPF, para. 197.

substantial harm, total loss or less than substantial harm to its significance.”⁵⁹

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;**
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”⁶⁰**

In the context of the above, it should be noted that paragraph 201 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”⁶¹**

Paragraph 202 goes on to state:

“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 including, where appropriate, securing its optimum viable use.”⁶²

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a

⁵⁹ DLUHC, NPPF, para. 199.

⁶⁰ DLUHC, NPPF, para. 200.

⁶¹ DLUHC, NPPF, para. 201.

⁶² DLUHC, NPPF, para. 202.

positive contribution to the asset (or which better reveal its significance) should be treated favourably.⁶³

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁶⁴ (our emphasis)

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities

(DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁶⁵

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact

⁶³ DLUHC, NPPF, para 206.

⁶⁴ DLUHC, NPPF, para. 207.

⁶⁵ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁶⁶ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”⁶⁷

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁶⁸

It goes on to state that:

“Well-designed places and buildings are influenced positively by:

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***
- ***the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;***
- ***the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.***

Today’s new developments extend the history of the context. The best of them will become valued as tomorrow’s heritage, representing the architecture and placemaking of the early 21st century.”⁶⁹

⁶⁶ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁶⁷ DLUHC, NDG, para. 46.

⁶⁸ DLUHC, NDG, para. 47.

⁶⁹ DLUHC, NDG, paras. 48-49.

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Bristol are currently considered against the policy and guidance set out within the Core Strategy (adopted June 2011) and retained policies of the existing Local Plan.

Policy BCS22 (Conservation and the Historic Environment)

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

Scheduled ancient monuments;

Historic buildings both nationally and locally listed;

Historic parks and gardens both nationally and locally listed;

Conservation areas;

Archaeological remains.”

Policy DM30 (Alterations to Existing Buildings)

“Extensions and alterations to existing buildings will be expected to:

- i. Respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene; and***
- ii. Retain and/or reinstate traditional or distinctive architectural features and fabric; and***

iii. Safeguard the amenity of the host premises and neighbouring occupiers; and

iv. Leave sufficient usable external private space for the occupiers of the building.

Extensions should be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting and scale.

The principles set out in Retained Policy DM29 ‘Design of new buildings’ will apply where development proposals involve new or altered shopfronts, external signage and/or external installations and security measures.

Proposals that would sensitively adapt existing buildings to alternative uses as an alternative to demolition will be supported. Proposals that would retrofit existing buildings with sustainability measures will also be encouraged subject to an assessment against the above criteria.”

Policy DM31 (Heritage Assets)

“Development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting.

...

Listed Buildings:

Alterations, extensions or changes of use to listed buildings, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

Conservation Areas:

Development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

...

Understanding the asset

Development proposals that would affect heritage assets will be expected to demonstrate, by a thorough understanding of the significance of the asset, how any change proposed would conserve and, where appropriate, enhance that significance.

Conserving heritage assets

Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:

- i. Demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and*

- ii. Demonstrate that the works proposed are the minimum required to secure the long term use of the asset; and*

iii. Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or architectural interest will be retained; and

- i. iv. Demonstrate how the local character of the area will be respected.*

- ii. Recording the asset*

- iii. Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to:*

i. Instigate a programme of recording of that asset; and

ii. Ensure the publication of that record in an appropriate form.

..."

Appendix 5: 1-4 Sunderland Place List Entry

1-4 SUNDERLAND PLACE

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1202608

Date first listed: 01-Mar-1977

Statutory Address 1: 1-4 SUNDERLAND PLACE

Location

Statutory Address: 1-4 SUNDERLAND PLACE

The building or site itself may lie within the boundary of more than one authority.

District: City of Bristol (Unitary Authority)

Parish: Non Civil Parish

National Grid Reference: ST 57767 73544

Details

BRISTOL

ST5773NE SUNDERLAND PLACE, Clifton 901-1/3/1054 (North East side) 04/03/77 Nos.1-4

GV II

Terrace of 4 houses. c1850. By Thomas Pennington. Limestone ashlar, party wall stacks, roof not visible. Double-depth plan. Late Georgian style. Each of 3 storeys and basement; 1-window range. Articulated by pilasters to a frieze, cornice and parapet, coped party walls. Recessed doorways with an overlight and 2-panel door. Recessed ground-floor windows, architraves above, with first-floor console cornices and balconies and cast-iron brackets and railings with anthemion. 6/6-pane and 4/4-pane sashes, and 3/6-pane second floor sashes. A symmetrical 3-window right-hand return has a banded ground floor, semicircular-arched recess covered by a late C19 two-storey porch with Tuscan columns, glazed sides and C20 door, dentil cornice, clasping pilasters above to a bracketed cornice with a segmental arch and semicircular panel. Semicircular-arched stair window above. INTERIOR not inspected.

Listing NGR: ST 57767 73544

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 380639

Legacy System: LBS

Legal

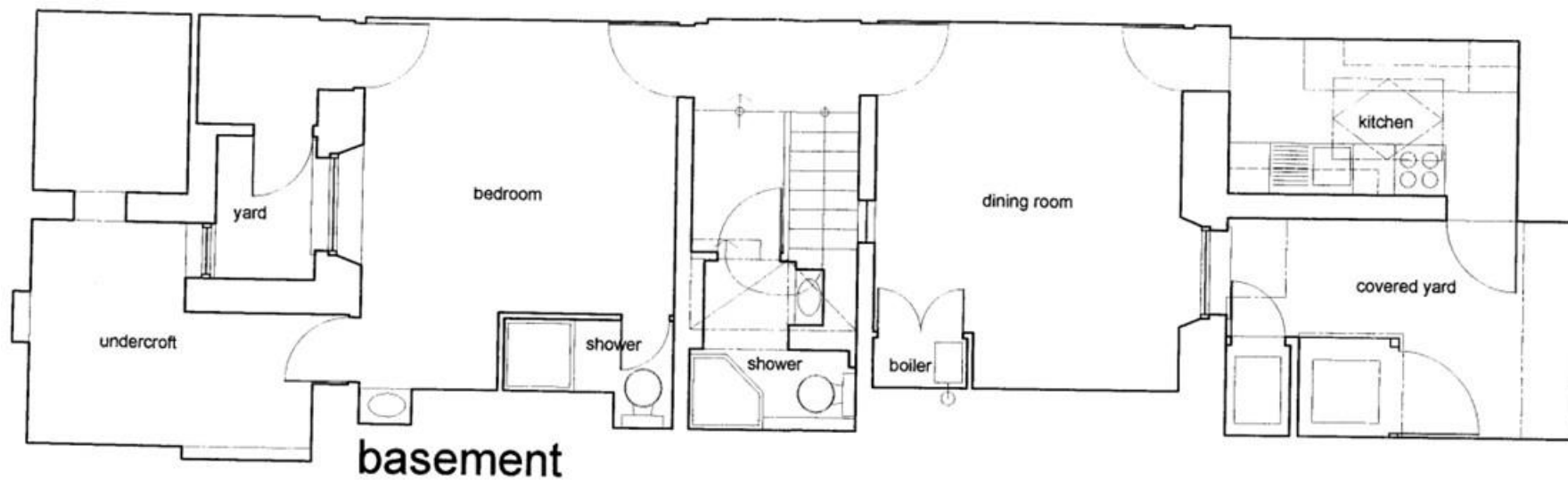
This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



End of official list entry

Appendix 6: 06/01339/F

The application for change of use to No. 4 Sunderland Place contained the following plans of the internal layout when the property was a B&B.



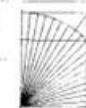
06/01339/F/C'

Survey Note: Rooms assumed square/rectangular for the purposes of these layout drawings. Where critical, wall alignments should be checked for squareness by more detailed site survey.

4 SUNDERLAND PLACE, CLIFTON, BRISTOL
Mr & Mrs RING

BASEMENT FLOOR PLAN
AS EXISTING

270-plan existing.DWG bml A3 MAY 2006
010506 bmf

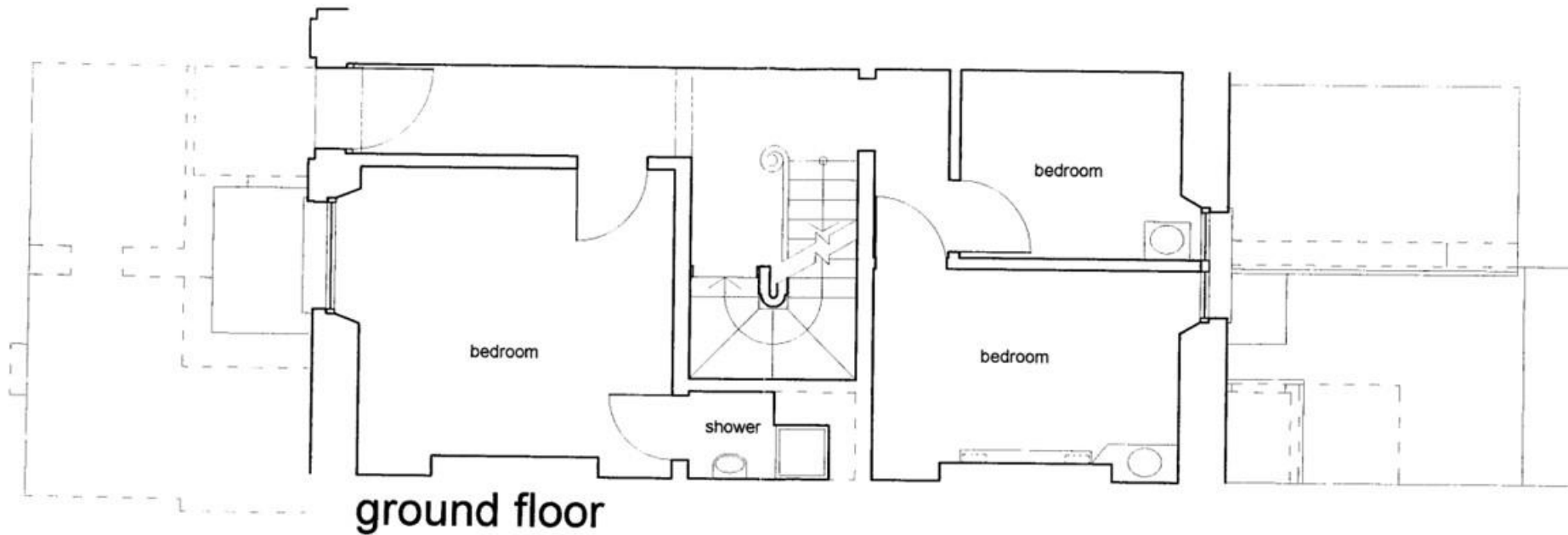


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1:50

270-01



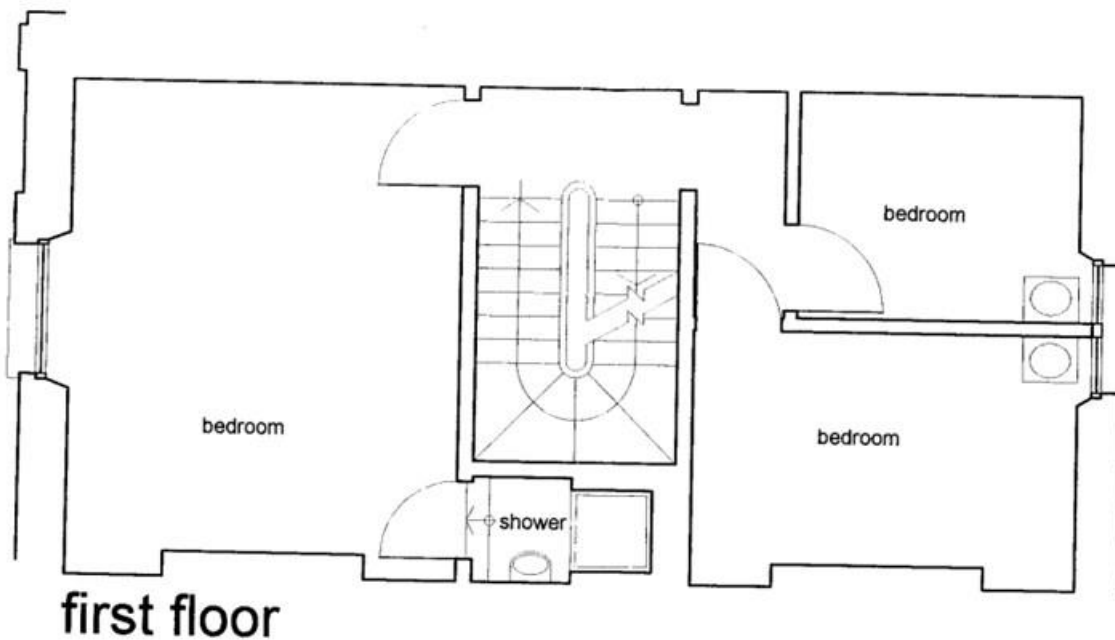
06/01339/ F / C¹

Survey Note: Rooms assumed square/rectangular for the purposes of these layout drawings. Where critical, wall alignments should be checked for squareness by more detailed site survey.

4 SUNDERLAND PLACE, CLIFTON, BRISTOL		bml		A3		MAY 2006	
Mr & Mrs RING		bml					
GROUND FLOOR PLAN				1:50			
AS EXISTING				270-02			
270-plan existing DWG		010506					

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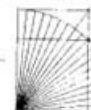
06/01339/ F / C1

Survey Note: Rooms assumed square/rectangular for the purposes of these layout drawings. Where critical, wall alignments should be checked for squareness by more detailed site survey.

4 SUNDERLAND PLACE, CLIFTON, BRISTOL
Mr & Mrs RING

FIRST FLOOR PLAN
AS EXISTING

270-plan existing DWG
010506
bmi
A3
MAY 2006

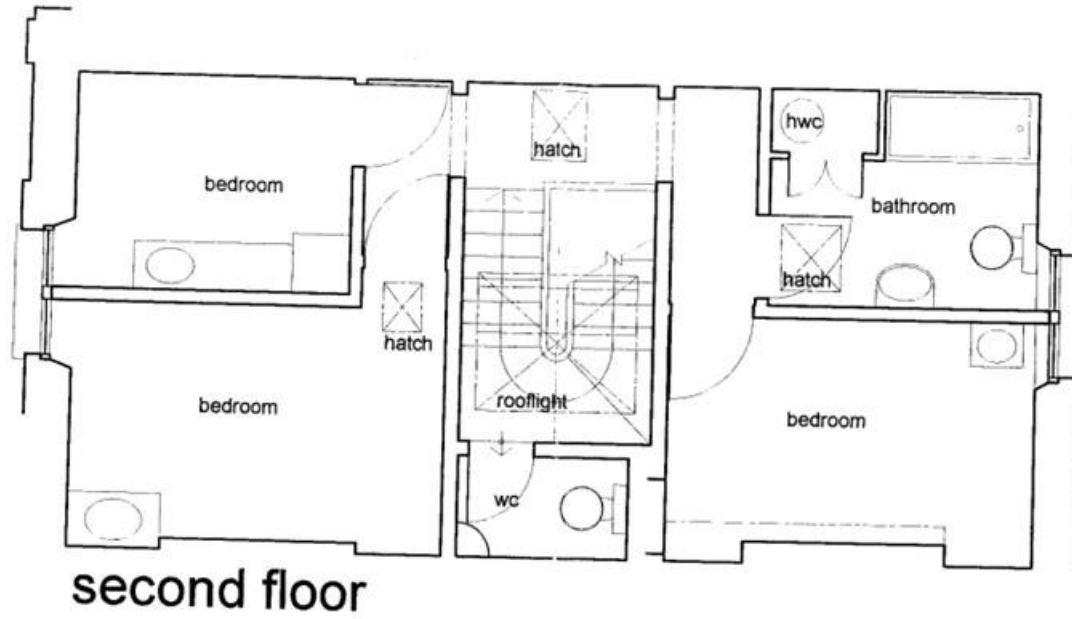


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1:50

270-03



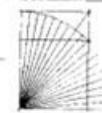
06/01339/ F / C

Survey Note: Rooms assumed square/rectangular for the purposes of these layout drawings. Where critical, wall alignments should be checked for squareness by more detailed site survey.

4 SUNDERLAND PLACE, CLIFTON, BRISTOL
Mr & Mrs RING

SECOND FLOOR PLAN
AS EXISTING

270-plan existing.DWG bml
010506 bml A3 MAY 2006



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1:50

270-04

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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