
Appeal Decisions

Site visit made on 19 January 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 30 April 2015

Appeal Ref: APP/Z0116/A/14/2218349

Physics Building, Tyndall Avenue, Bristol BS8 1TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by University of Bristol Estates Department against the decision of Bristol City Council.
 - The application Ref 13/03664/F, dated 5 August 2013, was refused by notice dated 21 November 2013.
 - The development proposed is installation of new access ramp, steps and railings to ground floor level.
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Appeal Ref: APP/Z0116/E/14/2218351

Physics Building, Tyndall Avenue, Bristol BS8 1TH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by University of Bristol Estates Department against the decision of Bristol City Council.
 - The application Ref 13/03665/LA, dated 5 August 2013, was refused by notice dated 21 November 2013.
 - The works proposed are installation of new access ramp, steps and railings to ground floor level.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. A temporary wooden access ramp and steps have been constructed at the appeal site. The evidence indicates that this structure has not been subject to any permission or consent and I have not taken this structure into account in my determination of this appeal.

Main Issues

3. The main issues are (i) whether the proposed works would preserve the listed building (listed as University of Bristol, Physics Building,) and any features of special architectural or historic interest it possesses; (ii) whether the works would preserve the setting of other listed buildings in the immediate vicinity; (iii) whether the proposal would preserve or enhance the Tyndall's Park Conservation Area; and (iv) if there is any harm to heritage assets whether any public benefits of the proposal would outweigh that harm.

Reasons

Physics Building

4. The Physics Building which is listed, Grade II, was completed in 1929 and designed by the then architect to the University, Sir George Oatley. Intended as part of a master plan for the University on the hill top site of the Royal Fort, the Physics Building was the only building of that master plan to be constructed. Its hilltop location and monumental scale together with its bold detailing result in an imposing building of considerable presence. The appellant's Heritage Statement ("the heritage statement") summarises the building's heritage value as lying primarily in having definable and legible historical and architectural interest, with its setting contributing markedly to its significance.
5. The L-shaped Physics Building has at its south eastern corner a five storey tower with turrets. At the base of the tower, on the south elevation, is the historic main entrance to the building. Approached up a set of splayed steps, the semi circular arched doorway in the centre of the ground floor of the tower is enclosed by a tall porch with fluted Doric columns, entablature and cornice. At the time of my site visit, the steps were largely obscured by a temporary structure of wooden steps and ramps.
6. A Tudor style arched doorway, approached up a short flight of stone steps leads to a second entrance into the south elevation of the building, via a double leaf timber door. As a result of 20C developments, entrance to the Physics Building has been provided from Tyndall Avenue and this principal entrance now includes ramped access.
7. The heritage statement refers to the Physics Building having been more dominant in the landscape prior to the University developments of the second half of the 20C. The south elevation of the building faces Royal Fort House, a Grade I listed building, across a recently landscaped space relating to permissions granted in 2008 and 2010. This landscaping includes large raised planting beds, paving, seating, lighting and pathways. The planting beds are surrounded by stone walls with a cast stone coping and there are now planting beds a short distance from the south elevation of the Physics Building. One of the recently completed beds would be reduced in depth to accommodate the proposed access ramp.
8. Whilst the planting beds sit in front of the listed building and therefore mask part of its substantial plinth, the height of the beds (without planting) retains the visibility of ornamental stone grilles to the basement level. The structure of the beds also retains the strong horizontal emphasis of the large scale of the building's plinth and the elevation drawings show the planting beds framing the two entrances in the south elevation.
9. The proposed ramp would extend between the two entrances. The lowest part of the ramp would begin at the more westerly entrance, with a landing at the level of the lowest step, turn through 90 degrees and run behind the planting bed to the tower entrance doorway. The grounds of appeal state that there would be landings at both entrances to the building and half way along the ramp. However, it is clear from the proposal drawings that access to the more westerly or second entrance door would remain via steps and would not be a ramped access. The heritage statement at section 4.3.2 sets out that:

Visually the new access ramp and stair will sit within and marry to the previously consented public realm improvement works. The visibility of the secondary entrance steps will become marginally diminished, although the changes and, by implication, the original layout as designed by Oatley, should remain legible to the enquiring observer.

Undoubtedly the greatest impact will occur around the main entrance at the base of the tower. Oatley's designed entrance was and is fundamental to the Physics building's architectural form and interest. The proposed ramp will alter the key architectural focus of the listed building – the principal entrance at the base of the tower with its Doric columns set within the massive flanking tower piers. The perfect symmetry of the tower will be lost and its columns will be visually, legibly and aesthetically compromised by the new ramp, concealing evidence of the base plinths of the columns and rendering them debased in terms of classical design.

10. I concur with this assessment. Further, the focus which the splayed steps bring to the definition of the tower entrance would be largely lost as a consequence of the proposals. The historic entrance steps would be covered by the entrance platform and a new set of steps formed between the outer edges of the planting beds to include a splay on the lower steps only whilst the planting bed would be surmounted by handrails. In terms of the ramp, whilst the base of the proposed ramp would be largely masked by the beds and planting, other than in the vicinity of the entrance doors the pairs of handrails comprising upright posts and top rail would be evident as sloping features, following the angle of the ramp. These would intrude upon the strong horizontal emphasis of the plinth of the west wing and the base of the tower piers.
11. The proposal includes mitigation measures, such that the works to conceal the steps would be reversible. However, whilst this weighs in favour of the proposal, I consider that the changes proposed to the historic principal entrance to the listed building are intended to be permanent and should be considered as a long term change. The visual loss of the historic entrance steps and their replacement by a level platform and new steps between the raised planting beds, together with the impact of the ramp as outlined above, would undoubtedly diminish the significance of the imposing entrance to the building.
12. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant listed building consent to 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. Section 66(1) of the same Act imposes a similar duty in respect of applications for planning permission.
13. The proposals would harm the significance of the Physics Building having regard to its architectural quality and interest and would therefore fail to preserve the special architectural interest of the listed building. Given the prominence of the historic entrance and its strong classical form and symmetry, I consider that the impact of the harm would extend beyond the slight negative effect upon significance put forward by the appellant. Whilst the proposed works and development would not amount to substantial harm as outlined in paragraphs 132 and 133 of the Framework, paragraph 134 makes clear that where a development would lead to less than substantial harm to the significance of a listed building, such harm should be weighed against the

public benefits of the proposal, including securing its optimum viable use. The Framework sets out that great weight should be given to a heritage asset's conservation and any harm or loss requires clear and convincing justification.

The setting of listed buildings

14. There are four listed buildings within the vicinity of the Physics Building and, more specifically, in proximity to the open space which lies to the south and east of the building. These buildings are the Grade I listed Royal Fort House, the north elevation of which directly faces the Physics Building, and the Grade II listed buildings of Stuart House, The Gatehouse and Ivy Gate.
15. Each of these buildings could be considered as being mutually within the setting of one another as all of these buildings can be experienced together, either by walking through the largely newly landscaped space which lies between them and as a consequence of their inter-visibility. Whilst I have not been provided with the details of the external works and permanent and temporary landscaping proposals approved by the Council, the extensive scale and scope of the works was evident during my visit to the site.
16. Taking into account the scale of the space between the various listed buildings, the monumental and imposing scale of the Physics Building and the extent of the new landscaping works, I consider that any effects of the proposed works on the settings of these buildings would be either neutral or harmful only to a very slight degree. Consequently, the effect of the proposals on the setting of these listed buildings is not a determining factor in this appeal.

Effect on the Conservation Area

17. The Tyndall's Park Conservation Area is focused around the hill on which Royal Fort House stands. The Physics Building makes a major and positive contribution to the designated conservation area. When the proposals are considered in relation to the conservation area as a whole, their effect on the character and appearance of the conservation area would be very limited. Notwithstanding my conclusions with regard to the impact of the proposals on the Physics Building, it is clear that the proposals have been designed to integrate with the surrounding hard landscaping. However, given the role of the Physics Building in the conservation area, it must follow that harm to the historic main entrance of the building would result in a measure of harm to the conservation area although such harm would be much less than substantial when the conservation area is considered as a whole.

Whether the public benefits of the proposal would outweigh the harm to heritage assets.

18. I have considered carefully the evidence put forward regarding the justification for the proposal. Whilst ramped access is available to the Physics Building via the Tyndall Avenue entrance, the nature of the equipment used within parts of the Physics building necessitates restrictions on use of the corridors at some levels, and in particular the ground floor corridor between the Tyndall Avenue and south tower entrances. Access is possible for security card holders following a safety induction and the evidence states this is restricted to Physics staff and students.
19. Whilst the degree of access to the ground floor corridor is within the University's control, direct entry to the south side of the building is only

possible for people able to negotiate steps. Reaching the south side of the building for wheelchair users without the appropriate security card or supervised access necessitates the use of lifts at both the north and south sides of the building. The two lecture theatres on the south side of the building are used by students from other departments of the University. I accept that making the building equally accessible to all is therefore only partially addressed by the works which have been undertaken to the Tyndall Avenue entrance. A fully accessible entrance on the south side of the building would have public benefits and I accord this considerable weight. Policy DM28 of the Site Allocations and Development Management Policies Document¹ (SADMPD) addresses the public realm and amongst other matters states that development will be expected to enable easy, inclusive access to buildings that provides adequately for the mobility needs of all users.

20. The appeal proposals include an assessment of alternative design options which were considered prior to the selection of the submitted scheme. Whilst I am only able to assess the proposal which is before me, the assessment of the alternative options is concerned only with achieving equal access to the south tower entrance. Whilst the appellant refers to the secondary door to the west of the main door being retained and served by the ramp, the proposal does not provide ramped access to the secondary door and the secondary door would remain with stepped access albeit with added handrails.
21. The proposed development and works would cause harm to the special architectural interest of the listed building, diminishing its significance and would fail to preserve the special architectural interest of the listed building. The evidence provides insufficient clear and convincing justification for the proposals which are before me. There would be undoubted public benefits from improved access, however, given the considerable weight I am required to give to the desirability of preserving the listed building, these benefits do not outweigh the harm the proposal would cause to the listed building.
22. The proposal is therefore contrary to Paragraphs 132 and 134 of the Framework. The proposal fails to comply with Policy BCS22 of the Council's Core Strategy² which requires development proposals to safeguard or enhance heritage assets including listed buildings and to SADMPD Policy DM31 which requires alterations to listed buildings to have no adverse impact on those elements which contribute to their special architectural or historic interest. Whilst the proposal would comply with SADMPD Policy DM28 this is outweighed in this case by failure to preserve the special interest of the listed building and the conflict with development plan policies relating to heritage assets. Whilst the Council have also referred to conflicts with SADMPD Policies DM 26 and DM 30, I consider Policy DM31 to be of most relevance to this proposal.

Conclusions

23. For the reasons given above, and having taken all matters raised into account, I conclude the appeals should be dismissed.

Jennifer Tempest

INSPECTOR

¹ Bristol Local Plan – Site Allocations and Development Management Policies adopted July 2014

² Bristol Development Framework: Core Strategy Adopted June 2011

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