

The Dream and the Reality.

[This project seeks to explore the effects of the status of conservation area on planning applications/development. It is acknowledged that it is not possible to assess what development proposals might have been made but for that status.]

The Village:

Henbury in the Saltmarsh has a long history which was recorded by the Hallen and Henbury Women's Institute in 1993 in their publication A History of Henbury. Although there is evidenced of Roman occupation, it was first recorded in a Charter of King Ethelred in 692 A.D. and vicars have been recorded by name since 1140 with the nave of its church being built in about 1175.

Situated about 4½ miles northwest of the City of Bristol it remained a geographically large though sparsely populated village centred round its church until the 17th century. In that century the now listed Charity School (Village Hall) adjoining the churchyard was constructed together with a number of large houses of which only Henbury Awdelett (aka The Manor House) now remains.

During the 18th and early 19th centuries merchants and bankers from Bristol built substantial houses in this then Gloucestershire village with the later addition of a number of substantial Victorian houses and a typical small police court and police station. The booklet records that the village was visited by John Wesley, William Wilberforce, Elizabeth Fry and it is mentioned by Jane Austin. Little changed when in 1935 it was subsumed into the City and County of Bristol.

Despite its location between Filton, a centre of wartime aircraft production, and the major port complexes at Avonmouth it survived the war unscathed (though it is reported that a number of cows were killed by a German bomb).¹ All began to change after 1945 when, following the devastation of the blitz in many parts of Bristol, the City needed huge areas for new housing development. These, together with associated retail and school developments, encroached from the south, east and north though the centre of the village was designated as a 'preservation area' and the west was

protected by the Blaise Castle Estate, owned by the City and designated as an open space.

Legislative and legal background:

Prior to 1967 there had been a long history of the possible statutory protection of individual buildings of historic or architectural importance latterly under the Town and Country Planning Act 1932, but no statutory method of protecting and preserving groups of buildings or their settings.

Perhaps after the devastation of so many historic areas between 1939 and 1945 there was an increasing appreciation of what remained and a desire to protect it. The first step was the Civic Amenities Act 1967:

Section 1(1) – Every local planning authority shall determine which parts of their area, are areas of special architectural or historic interest the character or appearance of which it is desirable to *preserve or enhance* and shall designate such areas (hereinafter referred to as “Conservation Areas” for the purpose of this section.

(5) Where any area is for the time being designated as a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise with respect to any buildings or other land in that area of any powers- (a) in England and Wales, under Part I of the Historic Buildings and Ancient Monuments Act 1953.

(a) (inter alia) – the Planning Act² (then The Town and Country Planning Act 1962)

Section 1(6) required the publication of a notice of planning applications but only where they would ‘in the opinion of the planning authority’ affect the character or appearance of a Conservation Area. Section 57(2) of the Town and Country Planning Act 1968 added a requirement that in addition a notice should be displayed on the land for seven days and required that any in time representations should be taken into account.³ At the time this requirement for publication was seen as novel:⁴

‘... it has hitherto been fairly well established that the subject of an application for planning permission is a matter which exclusively concerns the owner or developer on the one hand and the planning authority on the other, the public

having often little knowledge of the matter until the development is actually implemented.’

Through many legislative re-enactments the law remained substantially unchanged⁵ leaving the substantive law in The Planning (Listed Buildings and Conservation Areas) Act 1990 (as slightly amended).

The changes, if changes they were, came through the courts. In *Steinberg v Secretary of State for the Environment*⁶ the judge held it had been wrong for the planning inspector to have asked himself whether the proposed development would ‘harm’ the conservation area:

‘In short, harm is one thing; preserving or enhancing is another.’⁷

That case was followed in *Harrow London Borough Council v Secretary of State for the Environment*.⁸ That approach prevailed in *Bath Society v Secretary of State for the Environment*⁹ in which the judge not only concluded that that it should not only be the first consideration of the decision maker but also that if the proposed development neither enhanced nor preserved the character then inevitably it would have some detrimental effect. That was the high watermark of protection.

The approach was rejected by the House of Lords in *South Lakeland District Council v Secretary of State for the Environment*¹⁰ where Lord Bridge gave the principal speech. He commenced by emphasising the importance of the provisions:

‘If any proposed development would conflict with that objective (*i.e. preserving or enhancing*) there will be a strong presumption against the grant of planning permission.’

He then went on to consider the meaning of ‘preserve or enhance’ in the context of the Act. He adopted Morris LJ in the Court of Appeal¹¹

‘Neither “preserving” nor “enhancing” is used in any meaning other than its ordinary English meaning. The court is not here concerned with enhancement, but the ordinary meaning of “preserve” as a transitive verb is “to keep safe from harm or injury, save, take care of, guard”... in my judgment character or appearance can be said to be preserved where they are not harmed.’

Accordingly it was not impermissible to ask the question ‘Would the development harm the area?’

From that point (even if not before) Bristol City Council, as the local planning authority, seemed to abandoned any pretence of paying special attention to preserving or enhancing the Henbury Conservation Area and simply asked itself whether a development proposal would harm it.

Henbury Conservation Area:

Henbury was conceived as the first of Bristol’s twenty-nine conservation areas. This is close to the national average of twenty-eight per local planning authority.¹² A Conservation Study report was prepared during the first half of 1969 and a draft¹³ was presented to the Planning and Traffic Committee on 16 July 1969 together with the policy map.¹⁴ The proposals were put on public display between 20 July and 9 September of the same year. On 3 December 1969 the Planning and Traffic Committee affirmed the proposal to designate the area solely on the basis of the Study and the policy map. Public notice of the proposal appeared in the Evening Press and the London Gazette on the 22 January 1970. During the process consideration was given to seeking designation as a Special Control Area for the purposes of advertising but this was abandoned, it being considered that there were sufficient powers under the standard legislation.

The Study described Henbury as having survived as ‘a unique village complex’, which gained its character ‘not only from its fine individual historic buildings but more particularly from the grouping of buildings, their settings in relation to one another and the mature landscape which surrounds and penetrates the village’. It is to be noted that 31 buildings were then listed on either the statutory or supplemental lists.¹⁵ The extent of the proposed conservation area can be conveniently shown by the plan in the Bristol Local Plan:



The road from the City centre enters from the southeast passing the first listed building, Chesterfield House. The eastern and northeastern boundary followed the route of a proposed bye-pass (never to be built). The south and southwest boundary runs through the open parkland and woodland of Blaise Castle Estate.

Whilst it had been decided not to proceed with seeking any special control over advertising perhaps on reflection a different decision might have been take:



Henbury Road – at Blaise Castle House rear entrance 2007.

At first sight pressure on possible developments within the area were limited by a number of factors. The Council owned the Blaise Castle Estate to the west and the south and almost half the Conservation Area consisted of this land; Blaise Hamlet, in addition to listing was on the English Historic Gardens Register; the listing of many buildings and a major development of co-ownership properties (Blaise Dell) in the north west corner of the Area already had permission for development.

Nevertheless the need for conservation area status was well demonstrated by Application 2606P/68 made on 30 July 1968 to erect 30 flats in the grounds of Henbury House (a listed building). The file contains a report of 10 October 1968, which includes:

‘Henbury derives its unique character from its development over the centuries in a random fashion with speculative houses. Its expansion by the erection of this more intensive and entirely different form of development will not assist in the retention of this character.’

The final report concluded:

‘From the grounds of Blaise Castle the new flats will only be seen from the large area of grassland immediately to the west.’

The Conservation area report was, however, to emphasise the panoramic views over the area. One of the most significant is from The Royals (the area of grassland referred to) over the village to the Bristol Channel. It also ignored the visibility from the road.



Flats at Henbury House.

An early opportunity occurred after designation for the authority to have ‘special regard’. The first dwelling on the east side of Henbury Road from the City was a house and a collection of buildings known as The Elms. It was then on the supplementary list but recommended for transfer to the statutory list and described in A History of Henbury as being:

‘... a lovely typical Cotswold farm of the seventeenth century...’

Application 3784P/69 dated 14 November 1969 proposed:

‘Restoration and conversion of Elm House (sic) to five flats and housing development for 15 dwellings with garages.’

The City Engineer’s report to the planning committee identified the proposed development as being within the Henbury Preservation Area (and therefore within the Henbury Conservation Area) and referred to discussions:

‘... with a view to producing a design which is in keeping with the extension (sic) development in Henbury Village.’

There was no explanation of what was meant by ‘extension development’ and a surprising lack of reference to the then newly created conservation area status. The file gives no indication that the Chief Engineer or the planning committee had any regard to their statutory obligations under section 1 of the Act. There was some awareness of the implications of designation in a memorandum from the area planning officer to the chief planning assistant:

‘However, some further thoughts have been given to the layout in relation to the Henbury Conservation Area...’

Outline permission was granted and under application and subsequently 1885/72 detailed permission was granted¹⁶ for 15 dwellings with:

‘... Grovebury Double Pan Tiles, Tudor Brown colour and for the walls partly reconstructed stone base of natural stone colour with Alpine Render in white.’

The development is clearly visible (particularly in winter) in the panorama seen from the descent towards the village down Henbury Hill and from the road itself opposite Henbury House.

One of the ‘problem’ houses, and the first in the Area approached from the south and in a prominent high position, was Chesterfield House (Grade II listed). There are fine views to it and from it but over a long period no real solution to its use had been found. In 1958 permission for change of use to a proprietary club had been granted;¹⁷ in 1961 for conversion to 8 self-contained one-bedroom flats,¹⁸ never implemented and various other minor applications.¹⁹

In 1970 there was an application to demolish and replace with 10 houses and garages.²⁰ The planning authority clearly recognised its status in letter to the developers dated 3 November 1970 saying because it was in a conservation area:

‘... indications of the details of the proposed development are considered essential at an early stage to consider the likely effect of new on old...’

This represents something of a rewriting of the statutory obligations. A new application was submitted²¹ for a development of 12 flats. There were a number of objections and it was refused, the grounds including that it would be ‘... detrimental to the visual amenities of the Henbury Conservation Area...’. The house was now in a poor condition and on 6 May 1971 a notice was served under section 6 of the 1967 Act. It was followed by another application²² for:

‘Conversion and renovation of existing house to form six flats; erection of two 3 storey blocks of flats...’

This was granted but did not proceed. Without making any reference to the conservation area, a file note of 8 December 1971 indicated that the planning authority would be favourable to a revised application. Application 3891P/71 was granted on 26 January 1972. The saga continued with an application for garages ‘..which would be plainly visible from the Blaise Estate side...’ Finally a further application was made²³ granted 3 July 1973 to convert the house to four flats, with 9 flats in a new block, thirteen garages and thirteen car spaces.

Throughout there was minimal attention to the fact that this was a listed building, the development was within its curtilage and that it was significant in the conservation area with the result:



Flats at Chesterfield House.



Flats at Chesterfield House.

The old core of the village is adjacent to the Church and includes buildings known as the Vestry Hall, Sexton's Cottage and Close House (Grade II listed)



Churchyard, Vestry Hall, Sexton's Cottage and Close House.

A very significant building is the Village Hall (Charity School), built in 1624 and rebuilt in 1830:



Front of Charity School (Henbury Village Hall).

The curtilage includes a large area to the east surrounded by a typical Henbury high stone wall. That the trustees should have submitted an application to erect 4 three-bedroom houses with garages and parking spaces for this area, also backing onto Henbury Awdelet (in photograph), is perhaps a little surprising.²⁴



Part of area permitted for the erection of houses – and rear of Henbury Awdelet.

It is even more so that the planning authority should have granted outline planning permission (having previously indicated it was not appropriate). The Trustees did not proceed with that proposal but submitted a further application for the erection of a two-storey building with 8 one-bedroom flats.²⁵ which was again granted. Ultimately the Trustees seem to have had second thoughts because in 1992, no development having taken place, they sought and were granted permission to open up the area for car-parking for the Hall,²⁶ which they ultimately implemented.

Throughout, the planning files give no indication that the importance of the site at the core of the conservation area and in the curtilage of a listed building was ever considered.

Henbury Lodge, at the junction of Henbury Road and Station Road is one of the most prominent listed buildings in the conservation area. In private ownership until 1985 permission was granted for conversion to a private hotel.²⁷ Almost immediately the owners began to seek to expand the operation. There was an application to convert the staff accommodation in the stable block to 4 hotel bedrooms²⁸ which was granted, it being noted on the file that it was considered the maximum for the site. This was rapidly followed by an application to alter the existing stable block to provide four extra hotel bedrooms and associated parking, which was permitted²⁹. Less than a year later they sought the removal of a condition restricting the use of the hotel restaurant to residents.³⁰ This was refused and was subject to an appeal. After an ‘informal inquiry’ on 28 January 1988 the restriction was relaxed to allow access to non-residents on Fridays, Saturdays and Sundays. Other applications were submitted leading to potential intensification of the site,³¹ though not all were implemented.

Some elements in the planning department were beginning to regret the original decision, as a file note by the case officer dated 30 April 1990 indicates:

‘One time (5 years ago) splendid family house, now degraded as an hotel ... The outbuildings have been converted to ancillary uses, including yet more bedrooms with incongruous modern windows, doors and dormers – And this with planning control.’



View from Station Road.

This was despite a warning from the Conservation Panel, to which the above application had been referred, commenting that the house was particularly prominent on the approach to the village and continued:

‘This scheme appears considerably over intensive ... the Panel would be opposed to any redevelopment to the rear garden ...’

A similar concern was repeated in relation to an application to increase parking space in front of the house:³²

‘It was felt that the site was massively important to this conservation area, and cars parked in front of this building would be very detrimental to it.’

The planning authority had, however, dug its heels in over the erection of a free standing illuminated sign³³ determining that it should not exceed 1.5 metres in height in the interest of visual amenity, which would be ‘... only just visible above the boundary wall...’ but without reference to the conservation area. Be that as it may, there has been a longstanding additional advertisement of much larger than permitted size with no regard to the permission and no apparent action by the planning authority:



Authorised (on left) and large unauthorised advertisement

But to its credit it did in 2004 require the removal of razor wire:

‘... the razor wire is unacceptable as it fails to preserve the character of the property including the wall and does not preserve or enhance the character of the Henbury Conservation Area.’

The Salutation Inn is one of the largest properties in the conservation area and by far the largest commercial enterprise. Though certainly there was an inn of that name in 1842³⁴ the present buildings, now set well back from the road, are much more recent having the general appearance of a 1920s 1930s ‘road house’. It occupies a prominent position at the junction of Henbury Road and Crow Lane. When an application was made to vary the car parking space in 1972³⁵ the planning authority decided it was not necessary to require advertisement because the proposal :

‘... will not affect the character or appearance of the conservation area...’

It thus recognised that the site fell within the area though misstated the test. From the late 1980s onwards pressure grew to develop the business. In 1988 permission had been granted for the erection of a gazebo in the forecourt, formation of new entrance porches to the ballroom and bar with a new slate and tiled roof.³⁶ Nothing on the files indicates that the existence of the conservation area entered into the thinking of the planning authority.

In February 1999 permission was granted for a single storey extension with a new porch, and enclosed yard and various other external alterations.³⁷ The Conservation Advisory Panel thought the proposed mock Tudor beams to the upper façade were not acceptable and wanted to ensure there was only ‘restrained free standing signage’. In 1999 the premises were re-branded as a ‘Toby Carvery’ and unauthorised signs appeared. Conditions were imposed, in particular in relation to the boundary walls, the reasons being:

‘To ensure that the external appearance of the site is satisfactory and that the character and appearance of this part of Henbury Conservation Area would not be harmed.’ (*emphasis added*).

Generally the planning authority had shown a relaxed attitude to developments to the building itself. The attitude to advertisements (pub signs) was much more strict. In early 1999 they granted permission for signs³⁸ the officer’s advice being, having first identified the key issue as being whether the proposed level of signage was acceptable within a conservation area:

‘Within the context of the wider conservation area the signs would not be intrusive and would appear acceptable.’

A report to the Planning, Transport and Development (North) Area Sub-Committee³⁹ records permission for two illuminated signs 1.3m x 1.5m had been granted under delegated powers in April 1999 but unauthorised signs had instead been erected. Applications in the alternative had been submitted⁴⁰ The former was for 4 signs:

‘Two double sided, twin post free standing forecourt signs and two single car park directional signs.’

the latter for two. Both were refused on the grounds:

‘The proposed signs by reason of their size, design and position would be detrimental to the visual amenities and character and appearance of the Henbury Conservation Area...’

That decision was upheld on appeal.⁴¹ An application submitted later in the year for two signs⁴² was refused on similar basis and an appeal⁴³ [APP/Z0116/H/1514] was dismissed on conservation area grounds. The local planning authority eventually had its way:



Authorised advertisement.

though the mock Tudor had remained!

Blaise Castle House (grade II* listed) designed by William Patey with its estate has been owned by the City since 1926. It and part of its grounds, designed by Humphry Repton, fall within the conservation area and have over a long period before designation provided protection to the west and southwest of the village. Visually the

estate is one with The Royals (see above) which were incorporated in 1958 (see the Conservation Study).

There is little doubt but that the finest panoramic views of the Conservation Area are from the west over the open parkland towards Blaise Castle House itself. This area, part within and part without the Area, is bounded on the north by Kings Weston Road and on the south and east by the wooded hill with the Castle on top. At the time of designation, this area was taken up by cricket and hockey pitches (one cricket pitch is still in use), a small car park, a few relatively insignificant buildings, a small children's play area and a miniature railway, all on the left of the viewer. The Enhancement Statement for Henbury⁴⁴ refers to it as a 'picturesque estate' and confirms that 'the remaining open space is essential for maintaining the setting of the village'.

All this land, being part of the original acquisition by the City, remained under its ownership and control which gave it considerable protection, at least until the City was successful in obtaining a Lottery Grant of £2.7m for the Estate. The original Report referring, inter alia, to this open parkland recorded

'The Setting Map defines the immediate environment of the Village which has strong visual links with it. The majority of this land is already in public ownership and special attention will be paid to landscaping and other attractions proposed within it.'

It is clear that it was this grant proved the catalyst for change. A part and parcel of the lottery bid was the provision of significant play areas, and improvement to the then existing car park and conversion of an existing building to serve refreshments. Potentially all three requirements would have to be met from within the Conservation Area or immediately on the western fringe.

The car park fell just outside the Conservation Area, being off Kings Weston Road to the north. An application was made (by the City Council to itself) to extend the car park associated with the Blaise Castle Estate.⁴⁵ The Report to the sub-committee dated 2 February 2000 included the question 'Would the proposal harm the Henbury Conservation Area?' (*emphasis added*) It concluded that the removal of some sections of the original stone wall would be counter balanced by the re-use of the stone where

the wall was extended at existing entrances to the then parking area and that tree planting would be part of the development. Whether that was a fair assessment or convenient wishful thinking must be in the eye of the beholder:



View of new car park looking towards Blaise Castle House and Conservation Area.

The Council commissioned a report ‘Blaise Castle Estate Children’s Play Provision Report’. It notes that the scheme would be within the Conservation Area and notes it would be ‘visually sensitive’.

In due course an application was made⁴⁶ for the construction of junior and adventure play areas. The officer(s)’ report to the Committee of 21 April 1999 is illuminating. The Friends of Blaise, who had supported with funding many improvements to the Estate, objected because of the impact on the historic landscape (which of course included the Conservation Area). The Henbury Conservation Society were reported as being:

‘Amazed the Council are considering such an encroachment within the Conservation Area.’

The Garden History Society had expressed concern about ‘the impact of views of the House’. There were 39 other recorded representations, none supporting the proposal, though not all were concerned with direct visual impact, concerns about the

generation of additional traffic and parking in the Area were also highlighted. In the Report to the Committee Key Issue A was identified as being

‘Will the proposed play areas harm the character and appearance of the Conservation Area...?’ (*emphasis added*)

The Report went on to set out the officer’s views:

‘... it is the case that the play equipment proposed, for the adventure play area is large and for the childrens (*sic*) area boldly coloured, introduces a new and significant element into this historic area providing the setting of the listed building and into the Conservation Area’

but concluded:

‘On balance it is considered that any adverse effects to the landscape, the setting of the House and the character and appearance of the Conservation Area are outweighed by the benefits to the local area...’ (i.e. improvement in play facilities in the area.)



Part of adventure area, House in background.

Between the car park and the new children’s play area and adventure area lay a small unattractive old building, used at one time as changing rooms and toilets but seemingly once a cow byre. An application was submitted in 2000 in relation to this building.⁴⁷ The Council’s view was:

‘This proposal seeks to restore something of the character of the Cow Byre by creating an open-fronted structure on oak posts and beams. This will be

backed by a series of sliding shutter doors of softwood frames with chequer plate galvanized steel infill panels.’

The Delegated Report and Decision asked the question whether the proposal would ‘harm’ the Conservation Area and gave the answer:

‘No ... The unused cow byre would also be improved in appearance...’

That development did not proceed but was supplanted by another in 2001⁴⁸ which proposed:

‘Conversion of derelict cow byre ... into new public toilets and park wardens (*sic*) office and plant room and new build café with kitchen and new landscaping’

Perhaps the most damning representation came from the Avon Gardens Trust:⁴⁹

‘... the intrusion into the historic landscape, the most publicly visible approaches to the Mansion and the estate.’

and consequently being:

‘... inappropriate in the vulnerable historic landscape.’

The development was completed.

Views from the west, House obscured.





The three developments above completely changed this part of the Conservation Area and the very important view towards its core.

One of the few planning applications (as opposed to listed building consents) relating to the immediate area of the House was in 2000,⁵⁰ which sought a change of use in relation to what was then a disused nursery garden/kitchen garden site to 'educational facility for land based subjects'. The report to the Planning, Transport and Development Committee emphasised that the site was within the conservation area, within the curtilage of a listed building and that the boundary walls were separately listed. There was wide consultation about this proposal. That permission was granted, the main concerns of residents and others being in relation to then existing and potential traffic problems, demonstrates that conservation area status need not have an ossifying effect on the area without breaching the principle of the status.

Tucked away amongst the many applications for listed building consent relating in the main to minor alterations to the House was one for the removal of metal security gates

from the rear entrance on Henbury Road and their replacement with ones more in keeping.⁵¹ An officer asked himself, and answered, in his report:

‘Will the proposals preserve and enhance the conservation area? Yes!’

and continued:

‘... will be of benefit to the character and appearance.’

At least in one minor matter the words of the Acts resonated in one planner’s mind.

A small amount of incongruous infilling has been allowed. One of the attractive houses in the village is the listed (grade II) The Hollies (266 Henbury Road), probably a Georgian gentrification of a much older farmhouse:



The Hollies

As a result of an application made in 1972⁵² it found a house build alongside:



and another immediately to the rear.⁵³



266A Henbury Road.

In neither case does the planning file indicate that any attention was paid to the fact that this was within the central core of the village.

Westmorland Farm, the buildings of which straddle Crow Lane at its junction with Henbury Road, was compulsorily acquired by the Council in 1947 and part then let to its original owner on an agricultural tenancy. Dating from the 16th century and reputedly containing beams from the wrecks of the Armada [see *Old Henbury* by Marguerite Tonkin] it became something of a thorn in the side of the Council. In 1952

there was an application to turn it into a petrol filling station⁵⁴ and in 1960 into a betting office.⁵⁵ The former application lapsed and the latter was refused. After that there were numerous unauthorised uses particularly on the south side of Crown Lane where there were also a number of derelict or semi-derelict farm buildings. The Council considered issuing enforcement notices but was constrained by the fact that it was the owner.

Taking advantage of the designation of the conservation area the Council felt justified in seeking re-zoning of this area as a public open space ‘ in accordance with the policy of the Henbury Conservation Area Report. This proposal was adopted by the Open Spaces and Amenities Committee on 15 December 1969 and this eventually led to a formal decision some years later.’⁵⁶

Over the years a series of applications were made in respect of the main complex around the listed farm house; the conversion of a barn to a 5 bedroom dwelling;⁵⁷ conversion of a stable block to a house.⁵⁸ The conversion of other redundant buildings and extension to the main building followed. In relation to one⁵⁹ the Conservation Panel expressed concern to no avail. They were:

‘... unhappy with the proposals for this outbuilding to the listed farm...’

They went on to make comments more applicable to a listed building than conservation area considerations. The Panel unsuccessfully opposed further development. The Bristol Visual & Environmental Group also objected to development in the same year.⁶⁰ Whilst applications continued to be made, not all successful what appears to have been missing from all consideration was the importance of the site on the immediate eastern boundary of the Area.

Two applications were concerned with open spaces on and just outside the Area. The land to the north side of Arnall Drive (the Arnall Drive Open Space) was predominantly taken up with two sloping soccer pitches. An application was made to re-grade (i.e. level) the one on the northeast.⁶¹ The report to the Committee posed the question:

‘Would the proposal harm the visual amenity of the area?’

which is perhaps not quite the question that should have been asked. It answered:

‘The site adjoins the Henbury Conservation Area boundary which is a (*sic*) arbitrary one rather than a visual one ... The pitch will still read as part of the existing open space and will not look out of place. It will not harm the character or appearance of the Henbury Conservation Area.’

Another large open area (formerly part of the fields of Westmorland Farm) sweeps round from Crown Lane to Tormarton Crescent and Station Road, lying part within and part without the Area. In 1973 permission had been granted⁶² and implemented for footbridges over the brook, children’s play grounds, changing rooms, maintenance depot, bowling green and 4 tennis courts all without apparent reference to the Area. In 1981 a further significant development was proposed for changing rooms and a football pitch, all on land owned by the Council.⁶³ This raised much local opposition and the report from the Assistant City Planning Officer to the Committee⁶⁴ ran go 4 pages. No consideration was given in the report to its proximity to the Area and it also included the possibility of an alternative site (which was within the Area) at The Royals (see above):

‘... but since this is part of a particularly attractive parkland area it is considered its use as such would be undesirable.’

The outline application was approved but the development did not proceed.

Two significant developments just outside the Area have recently been approved.. The earlier was for the re-siting and rebuilding of Henbury School.⁶⁵ The Report to the Committee⁶⁶ identified:

‘The northern boundary of the Henbury Conservation Area lies along Avonmouth Road (Way) and abuts the school playing fields to the south.’

Key Issue F was identified as being:

‘Would the proposed development be acceptable in terms of its impact on the setting of the conservation area and the character of the locality?’

It continues by noting that the development, which was to include a significant number of houses:

‘... will significantly reduce the level of open space and therefore affect the long-range views of the site. The proposed new siting for the school and sports centre is closer to the conservation area. ... The setting of the conservation

area will therefore change in character from the low, modern building ... to two buildings of high quality...

In conclusion it is considered that the principles of development shown on the drawings would establish the basis for a high quality development that respects the character and appearance of the locality and respects the setting of the Henbury Conservation Area....’

On Crow Lane, to the east of Westmorland Farm had been a 1960s swimming pool, demolished in 2005/6. An application was submitted to build a church on part of this Council owned site.⁶⁷ On 13 July 2006 the Area Planning Co-ordinator wrote to the architects that the site was:

‘... located as within the Crown Lane area of designated open space and in closes proximity to the Henbury Conservation Area.’

In the report to the Committee⁶⁸ Key Issue D was identified:

‘Is the design of the proposal acceptable with regard to it’s (*sic*) local context and its impact on the adjoining Henbury Conservation Area?’

It then gave a description of the building and continued:

‘Given that this site will be visible from the public realm and will be a focal point for the local community, the use of high quality materials has been requested ... sample panels have already been provided for the roof slates. This is considered acceptable given the large area of roof expanse which will be visible from the public realm.’

That was the only comment on its impact on the Area.

- ¹ See video – The Friends of Blaise/Henbury Conservation Society – The genius of the Place -2004
- ² Town and Country Planning Act 1968
- ³ *ibid*, section 57(3)
- ⁴ See Lewis F. Sturge Q.C. in his commentary ‘The Town and Country Planning Act 1965 and the Civic Amenities Act 1967 at page 5.
- ⁵ See e.g. The Town and Country Planning Act 1971; The Town and Country Planning Amenities Act 1974; The Planning (Listed Buildings and Conservation Areas) Regulations 1990; The Town and Country Planning (General Permitted Development) Order 1993.
- ⁶ [1989] 2 P.L.R.9
- ⁷ *ibid* at page 12
- ⁸ The Times, December 15, 1989.
- ⁹ [1991] 2 P.L.R. 51
- ¹⁰ [1992] 1 All E.R. 573
- ¹¹ [1992] 1 All E.R. 45 at page 49
- ¹² Protecting our historic environment: making the system work better – Annex 3.
- ¹³ Henbury: A conservation study.
- ¹⁴ 46/2852/6
- ¹⁵ Under section 32 Town and Country Planning Act 1962.
- ¹⁶ Application 1885/72
- ¹⁷ Application 3439/P
- ¹⁸ Application 3849/61
- ¹⁹ Applications 579/61; 1779/64; 3269/64; 4044/65 and 3960/68.
- ²⁰ Application 3565/70
- ²¹ Application 2058P/71
- ²² Application 3891P/71
- ²³ Application 3228P/72
- ²⁴ Application 524P/74
- ²⁵ Application 605P/75
- ²⁶ Application 1343L/92N
- ²⁷ Application 2007F/85N
- ²⁸ Application 0304A/86X
- ²⁹ Application 1765F/86X
- ³⁰ Application 0346X/87X
- ³¹ Applications 0850L/90N; 2845L/90N; 3097F/90N.
- ³² Application 2843L/90N
- ³³ Application 0465L/86X
- ³⁴ A History of Henbury
- ³⁵ Application 3987P/72
- ³⁶ Application 88/00122/F
- ³⁷ Application 98/02943/
- ³⁸ Application 99/0076
- ³⁹ 8 December 1999.
- ⁴⁰ Applications 99/02592 and 99/02640
- ⁴¹ APP/Z0116/H/02301
- ⁴² Application 00/01343/A
- ⁴³ APP/Z0116/H/1514
- ⁴⁴ November 1993
- ⁴⁵ Application 99/03893/FB/N
- ⁴⁶ Application 99/00508/FB/N
- ⁴⁷ Application 00/0648/FB
- ⁴⁸ Application 01/02981/FB
- ⁴⁹ 7 December 2001
- ⁵⁰ Application 00/01477/F/N
- ⁵¹ Application 89/01264/LA/N
- ⁵² Application 1173/72
- ⁵³ Application 2975/72
- ⁵⁴ Application 1531P/52
- ⁵⁵ Application 4325P/60
- ⁵⁶ Application 198P/73
- ⁵⁷ Applications 1891F/86N & B5403/87
- ⁵⁸ Application 07271/85N & 0278F/85N
- ⁵⁹ Application 0032H/87N
- ⁶⁰ To application 880L/87N

⁶¹ Application 02/01657/FB/N

⁶² Application 717P/73

⁶³ Application 1357P/81N

⁶⁴ 11 August 1981

⁶⁵ Application 03/04280/F/N

⁶⁶ 18 February 2004

⁶⁷ Application 06/02553/P

⁶⁸ 11 October and 15 November 2006