
Appeal Decision

Site visit made on 26 September 2016

by **C J Ball** DArch DCons RIBA IHBC

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

Decision date: 7 October 2016

Appeal Ref: APP/F0114/W/16/3148902
Prezzo, 6-7 Brunel Square, Bath BA1 1SX

- 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 Prezzo plc against the decision of Bath & North East Somerset Council.
 - The application Ref 15/03730/FUL, dated 17 August 2015, was refused by notice dated 23 October 2015.
 - The development proposed is the installation of 1 no. external condenser to the rear of the restaurant.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The condenser unit has already been installed so I was able to judge its full impact at my site visit. Another unit, in separate ownership, has been installed adjacent to it. I understand that that unit does not have planning permission, but it is not the subject of this appeal. While the cumulative impact is readily apparent, I have considered here only the Prezzo condenser.

Main issue

3. The impact of the condenser unit on the character and appearance of its surroundings, which include the setting of the listed Bath Spa station within the Bath Conservation Area.

Policy background

4. While the policies quoted in the reasons for refusal are saved policies which do not generally have the flexibility inherent in the commensurate policies of the National Planning Policy Framework, they are entirely consistent with Framework objectives so carry the full weight of the adopted development plan in assessing the balance of considerations required by the Framework.

Reasons

5. The elevated railway track at the recently refurbished Bath Spa station is supported on a series of massive vaults, formerly used for coal storage but now occupied by shops and restaurants. Prezzo, with other restaurants, fronts onto Brunel Place, created on the northern front of the station. A shared plant area occupies one vault under the track opening onto the south side of the station. An open vault nearby gives public access under the track, providing a key

pedestrian route to the station from southern Bath via a footbridge over the river. The area on the southern side of the former coal vaults has been attractively paved, encouraging pedestrian access to the riverside. The condenser unit is located in a small railed enclosure here, adjacent to the riverside railings. I saw that another restaurant has an outdoor seating area nearby, taking advantage of the attractive surroundings and the sheltered southerly aspect.

6. Bath Spa station is listed grade II* for its outstanding architectural and historic interest as a station associated with Brunel and the Great Western Railway. It is a designated heritage asset of the highest significance. The simple but visually powerful vaults are a key element of the overall station structure. They have been sensitively refurbished and put into beneficial uses consistent with their conservation. The paved areas, to the north in particular and to the south to a lesser degree, allow the refurbished station to be properly appreciated within a high quality setting, contributing strongly to its significance and special interest. The station in its setting makes a very positive contribution to local character and distinctiveness, and is an important feature of the Bath Conservation Area.
7. While the condenser unit is located just off the southern pedestrian route, it is particularly noticeable against the railings and very prominent in views of the station structure on the approach from the footbridge. It is also apparent in views from the high and low level footpaths across the river. Altogether it has a negative impact on the ability to appreciate the overall architectural form of the listed station from the south. While this may not be the primary viewpoint, it is still important in revealing the significance of the building. The utilitarian equipment cabinet is seen in incongruous juxtaposition with the paved forecourt and the vaulted stone wall of the station track. Such equipment has no relevance to the railways and it appears particularly out of place in this carefully refurbished historic location.
8. Paragraph 132 of the National Planning Policy Framework makes it clear that, 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. The more important the asset, the greater the weight should be. In this case, the condenser unit undermines the particular quality of the setting of the station, diminishing the significance of the station structure and the contribution it makes to the distinctive character of the conservation area.
9. The siting of the condenser unit within the setting of the station does not harm the fabric of the listed building and I consider the harm caused to the significance of the heritage assets to be less than substantial. Framework 134 indicates that such harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the asset.
10. The appellant argues that the condenser is necessary for the operation of the restaurant and therefore its installation enables the occupation of the unit by a long term, viable business. This ensures the continued upkeep of the listed building and provides employment within the City Centre, both of public benefit.
11. I note that an earlier planning permission included a range of associated condenser units sited within a vault, with ductwork terminating in grilles at the vault enclosure. That seems to me to be the proper approach in these

particular circumstances. I note the difficulties found with this, but that arrangement was the basis upon which permission was granted. While no details have been given, it may be that any new arrangement which may require new openings in the wall may in fact be less harmful overall. As it stands, there is no clear and convincing justification for installing the unit in its harmful external location. While the operation of the restaurant is a public benefit for the reasons given, I am not persuaded that a more appropriate location for the condenser unit is not available. I consider that the benefit of the conservation of the heritage assets far outweighs the public benefits of the proposal identified by the appellant.

12. I therefore come to the view that, contrary to policies BH.2, BH.6 and D.4 of the Bath and North East Somerset Local Plan, which reflect the duty under s66 of the Planning (listed Buildings and Conservation Areas) Act 1990, the condenser demonstrates an unacceptably harmful impact on the significance of valuable heritage assets. It degrades the quality of the setting of the grade II* listed station and undermines the distinctive character and appearance of the Bath Conservation Area, within which it is located. For the reasons given above I conclude that the appeal should fail.

Colin Ball

Inspector