

Appeal Decision

Site visit made on 8 November 2016

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/F0114/D/16/3156614

17 Van Diemen's Lane, Lansdown, Bath BA1 5TW

- 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 Mr T Curling against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01026/FUL, dated 3 March 2016, was refused by notice dated 19 July 2016.
 - The development proposed is the erection of a two storey extension with alterations to the roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey extension with alterations to the roof at 17 Van Diemen's Lane, Lansdown, Bath BA1 5TW, in accordance with the terms of the application, Ref 16/01026/FUL, dated 3 March 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AL 1/1; AS 1/1 and AK 1/1 Revision D.
 - 3) Notwithstanding the materials schedule on drawing reference AK1/1 Rev D, all external elevations shall be constructed from stone to match the existing building in respect of type, size and colour.

Preliminary matters

2. I have used the Council's description of development as this includes the proposed alterations to the roof.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area, with particular regard to the City of Bath World Heritage Site.

Reasons

4. The appeal relates to an extended, detached two-storey dwelling situated at the end the Van Dieman's Lane, which is a steep cul-de-sac running down to the appeal site.
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5. There is a good deal of variation to the dwellings along the length of Van Diemen's Lane, including detached and semi-detached houses and detached bungalows. There is also a good deal of variation in the age, design, size and orientation of the dwellings and there is no fixed building line.
6. Although the existing dwelling is of no particular merit, its size and design is such that it has a neutral effect on character and appearance of the area. The proposed extension and alterations would substantially alter the scale and appearance of the existing building but within the context I have described, it would not appear out of place or harmful, whilst the attractive backdrop of the hills surrounding Bath would be largely unaffected.
7. Even though the dwelling occupies a relatively prominent position at the end of the cul-de-sac and forward of the building line at this point, visibility would largely be restricted to the top floor due to the dwelling being set below road level. In any case I find that the western facing elevation provides sufficient visual interest in its design and detailing at this point.
8. The first floor of the eastern elevation is also relatively prominent given its elevation above the adjacent Charlcombe Lane. However, the scale would be comparable to the dwellings on that street whilst the design would be enhanced by the two proposed feature windows.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. Whilst the plans indicate that the north and south elevations would be finished in natural stone and the east and west elevations would be rendered, the appellant has confirmed that he is prepared to accept a condition to clad the whole of the building in natural stone. This would amount to a significant improvement to the scheme and given the primacy of the east and west facing elevations and the positioning of the dwelling within a World Heritage Site, such a condition is both necessary and reasonable.
10. The site is also situated between the Bath Conservation Area and the Charlcombe Conservation Area. Having regard to the visual and physical relationship to these designated heritage assets, I do not consider that the proposal would materially affect either Conservation Area and as such would preserve the setting of both.
11. For these reasons I do not find that the proposal would be harmful to the character and appearance of the host dwelling or its surroundings, having particular regard to the location of the site within the World Heritage Site. Accordingly, I do not find conflict with Policies D.2 and D.4 of the Bath and North East Somerset Council Local Plan including minerals and waste policies. These policies state, amongst other matters, that development will only be permitted where it responds to the local context in terms of appearance, materials, siting, spacing and layout and where the appearance of extensions respect and complement their host building.
12. Neither do I find conflict with Policy CP6 of the Bath and North East Somerset Council Core Strategy, which states, amongst other things, that the Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Conditions

13. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Having regard to the primacy of the east and west elevations and to the siting of the dwelling within the World Heritage Site, I consider it necessary and reasonable to apply a condition specifying that the whole of the building to be clad in natural stone, rather than in this instance rely on the standard 'matching' materials condition.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Richard S Jones

Inspector