
Appeal Decisions

Site visit made on 14 November 2016

by Joanna Reid BA(Hons) BArch(Hons) RIBA

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

Decision date: 22 November 2016

Two Appeals at 25-27 Green Park Mews, Kingsmead, Bath BA1 1JD

- The appeals are made by Mr Christopher Maggs of Stonecraft of Bath Ltd against the decisions of Bath & North East Somerset Council.
 - The development and works proposed is change of use and erection of first floor extension to produce offices for the garage below.
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Appeal A Ref: APP/F0114/W/16/3152769

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 16/01489/FUL, dated 29 March 2016, was refused by notice dated 27 May 2016.
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Appeal B Ref: APP/F0114/Y/16/3152768

- 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 application Ref 16/01490/LBA, dated 29 March 2016, was refused by notice dated 25 May 2016.
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Appeals A and B: Decisions

1. The appeals are dismissed.

Appeals A and B:

Procedural matters

2. The appeal site address is included in the heading above as it was given on the application form. Even so, from the location plan, which identifies the mews behind numbers 25, 26 and 27 Green Park as being numbered '25 to 27', the appeal site includes only the mews building behind number 25 Green Park.
3. Notwithstanding the description given in the heading above, from the representations made, the use of the appeal building for car repairs would cease and the proposed ground floor parking area would be for users and/or visitors to the office, so I shall deal with the appeals on that basis.

Main issue

4. Numbers 20 to 30 (consecutive) Green Park (the listed building) includes a terrace of buildings that is included in the statutory list in Grade II. The appellant accepts the Council's assessment that the back wall of the appeal building (the listed wall) should be treated as part of the listed building. I see no reason to disagree. The listed building and the appeal site are located within the Bath Conservation Area and World Heritage Site.

5. With this in mind, the main issue is whether the proposed development and works would preserve the setting of the listed building, and whether they would preserve or enhance the character or appearance of the Conservation Area.

Reasons

6. The mainly 3 storey plus attic and basement c 1790 to 1805 double-depth stone faced listed building is stated in the list description to include 11 terrace houses, although 25 Green Park has been converted to flats. The ordered classical architecture of its front faces Green Park, and its typically plainer back faces over former and existing back gardens towards and beyond the listed wall. Beyond and attached to the listed wall is a mews terrace which includes the appeal building. The historic architecture of the listed building, including its form, layout, features and materials, contributes positively to its special architectural interest, and to its significance as a terrace of historic houses.
7. The mainly stone mid-terrace appeal building at the back of 25 Green Park is part of a terrace of low-key mainly industrial units that are reached from Green Park Mews, which is a narrow cul-de-sac that runs parallel to Midland Bridge Road at a gradually lowering level. Due to the width and depth of these roads, the modest scale of most nearby terraced mews units, their siting at a lower level to Midland Bridge Road, and the depth of most existing and former back gardens at the back of the listed building, the immediate area is characterised by the considerable openness between the back of the listed building and the supermarket building on the far side of Midland Bridge Road. This openness is important to the setting of the listed building because it allows generally open views from rooms at the back of the listed building and from most gardens, and because it enables the special interest of the listed building to be appreciated from the public realm.
8. This openness is also important to the historic character and the well-ordered appearance in this part of the Conservation Area, because it allows the historic architecture of the back of the listed building, the taller vegetation in some gardens, and the subservient mews character in the historic street scene in Green Park Mews to be appreciated. Thus, the character and the appearance of the immediate area contribute positively to the significance of the Conservation Area as a whole as an area of outstanding historic townscape.
9. The height and form of most units in the nearby mews terrace respect the general height, form and character of the listed wall and the largely consistent low eaves at their fronts contributes positively to its subservient character and broadly unified appearance. Thus, the mews terrace makes a positive contribution to the setting of the listed building. The modest scale, varied but mainly low-key roof forms, mostly stone walls and large door openings onto Green Park Mews are also important to the utilitarian character and appearance of the mews terrace.
10. The appeal building includes a low-pitched mono-pitched roof, which slopes down from the listed wall to lower eaves in Green Park Mews. The flat-roofed extension would be set in a little from the garden side of the listed wall, it would be less than a metre taller than the wall, and its back wall would be rendered. Thus, there would be a clear change in appearance between the listed wall and the extension, and so, between the new and historic fabric.

11. However, at the front, the upper floor extension would rise significantly above the generally consistent low eaves line nearby, so it would look unacceptably dominant and intrusive. Due to its substantial bulk and prominence, the extension would also harmfully disrupt the mainly unified low-scale frontage that is important to the character and the appearance of the mews terrace. Thus, the extension would harm the character and appearance of the mews building and the Green Park Mews and Midland Bridge Road street scenes. Moreover, due to its bulk, scale and siting, the extension would also unacceptably intrude into the important open views to and from the back of the listed building, and from the back garden of 25 Green Park within its setting. Furthermore, because the extension would intrude into the important openness above the listed wall, interrupt the important views of the back of the listed building, and damage the subservient character of the mews terrace, it would harmfully erode the significance of the Conservation Area.
12. There is an upper floor extension of similar height to the proposal next door, but it looks out of place, and the Council has explained that express consent was not granted for it. The hipped-roofed mews at 33 Green Park Mews is further from the listed building, much further along Green Park Mews, and behind a different lower terrace, where the form, character and appearance of the mews is somewhat different. Little information was put to me about the 2 and 3 storey development that is under construction in James Street West. However, as there are other 2 and 3 storey buildings nearby on both sides, its context differs from that of the scheme before me. So, these existing developments do not provide support for this detrimental scheme.
13. In the terms of the *National Planning Policy Framework* (Framework), the proposal would cause less than substantial harm to the significance of the listed building, and less than substantial harm to the significance of the Conservation Area. Framework paragraph 134 explains that where a proposal would 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 securing its optimum viable use.
14. The use of the listed building would not change, so its optimum viable use is not relevant. Regarding the Conservation Area, the 'its' in 'its optimum viable use' would seem to refer to the designated heritage asset, which is the Conservation Area as a whole. So, the change of use would have very little effect on its optimum viable use, and thus, it has insignificant relevance.
15. Turning to the public benefits, there would be almost no public benefits for the listed building. In respect of the Conservation Area, the proposal would make use of the existing building to provide a new office with on-site parking in a relatively accessible and sustainable urban location in line with the thrust of relevant Development Plan and national policy. However, having regard to the modest scale of the office, the loss of a similar area of existing employment floor space, and the provision off-street parking for the proposed use, this would amount to little public benefit. The building could be tidied up and made more energy efficient, subject to obtaining necessary consents, without the need for this harmful scheme. The potential use by a local business attracts little weight because future occupiers may not offer local services. Also, the appellant's suggested condition to control the roof material would be insufficient to make this damaging proposal acceptable.

16. As there would be almost no public benefits in respect of the listed building, and few public benefits in respect of the Conservation Area, they would not be enough to outweigh the less than substantial harm that the proposal would cause to the setting of the listed building, or to outweigh the less than substantial harm to the Conservation Area. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to preserve the contribution of its setting to the significance of the listed building as a terrace of historic houses, or to preserve the Conservation Area in a manner appropriate to its significance as an area of outstanding historic townscape.
17. The proposal could achieve some modest social and economic gains, including the potential slight increase in the number of people who could work in the building and their support for local shops. However, these gains would be considerably outweighed by the environmental harm that the proposal would cause to the setting of the listed building and to the Conservation Area. So, the proposal would not amount to sustainable development.
18. Therefore, I consider that the proposed development and works would fail to preserve the setting of the listed building, and that they would fail to preserve or enhance the character or the appearance of the Conservation Area. They would be contrary to Policy D.2 of the *Bath & North East Somerset Council Local Plan* (LP) which seeks high quality design, LP Policy D.4 which seeks respect for the local context and the host building, LP Policies BH.2 and BH.6 which reflect the thrust of the statutory duties with regard to listed buildings and conservation areas respectively, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
19. For the reasons given above and having regard to all other matters raised, including the support of a nearby occupier, the appeals fail.

Joanna Reid

INSPECTOR