

Appeal Decision

Site visit made on 7 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/F0114/D/16/3164142
29 Forester Road, Bathwick, Bath BA2 6QE

- 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 & Mrs P Brown against the decision of Bath & North East Somerset Council.
 - The application Ref 16/03651/FUL, dated 19 July 2016 was refused by notice dated 14 September 2016.
 - The development proposed is the part demolition of the rear of the garage and terrace, and the construction of a new single storey rear extension with associated hard and soft landscaping works and new pitched roof to the existing garage in lieu of the existing flat roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the works would preserve the character or appearance of the Bath Conservation Area and their effect on the living conditions at 30 Forester Road.

Reasons

Character and appearance

3. The Bath Conservation Area covers an extensive section of this historic city, and its significance lies in part in the way the diverse range of buildings it contains reflects the evolution and growth of Bath over many years.
 4. No 29 is a semi-detached dwelling that adjoins No 30. It contributes positively to the significance of the conservation area as it is in an estate of broadly similar houses that, with their detailing, arrangement and materials, illustrate an Edwardian phase of growth. Of particular relevance to this appeal are the use of Bath stone in the external elevations and the dwelling's pronounced form with a 2-storey rear wing.
 5. The appeal property has a garage at the back that is accessed along a side drive, as well as an existing single storey extension (the existing extension) that projects about 3m from its rear wing.
 6. It is now proposed to enlarge this existing extension and extend the garage to create an addition that would have an overall projection of roughly 8m. As part of the scheme a new roof would be formed on the garage. It was intended to use recon stone in the proposal to match that of the existing extension, but
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- now the Appellants have indicated a willingness to use Bath stone instead and I consider that would be satisfactory.
7. Rockcliffe Road runs to the side of No 30, but in my opinion this work would not adversely affect the streetscape of that road as it would be substantially concealed by the intervening hedges and fencing.
 8. Moreover, I do not share the Council's view that the mix of roof forms would be unacceptable. Indeed, to my mind the proposal would result in some standardisation as the garage roof would be lowered and given a treatment to accord with that on the existing and proposed extensions, while the roofing on the new element would run seamlessly into the roof on the existing extension.
 9. However, when taken with the garage and existing extension, the proposal would constitute a disproportionately large addition to the property. As a result, the structure would not be a subservient element but rather it would overwhelm and undermine the dwelling's original arrangement and form. By adversely affecting this building in this way, the proposal would not preserve the character or appearance of the conservation area and so would cause harm, albeit less than substantial, to its significance.
 10. In coming to these findings I accept the work could be seen from few public viewpoints. However, I am aware of no basis to protect the conservation area from the public domain only, and it would nonetheless be visible from gardens and adjacent houses.
 11. I was told that many other houses in the vicinity had been extended over time, but I have insufficient knowledge of the circumstances of those schemes for them to affect my reasoning. Specific reference was made to 37 Rockcliffe Avenue but that dwelling is in a very different context and is not as old.
 12. No 29 is also in the City of Bath World Heritage Site, but given the nature of the World Heritage Site and the scale of the proposal this extension would not fail to conserve its significance.
 13. One of the core planning principles in the *National Planning Policy Framework* (the Framework) is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. Paragraph 134 goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against its public benefits. In this case I am aware of no public benefits that would outweigh the harm identified.
 14. Accordingly I conclude that the proposal would not preserve the character or appearance of the Bath Conservation Area, causing less than substantial harm to its significance. In the absence of any public benefits to outweigh this harm the proposal would be contrary to Policies D.4 and BH.6 in the *Bath and North East Somerset Local Plan*, which among other things broadly seek to ensure developments respond to local context and preserve the character and appearance of the conservation area, and the Framework.

Living conditions

15. The proposal would have no adverse effect on the living conditions at 28 Forester Road as it would be behind the garage at that property.

16. Seen from No 30 I accept that much of its height would be concealed by the fence. However, mindful of its projection of 8m I nonetheless consider that sufficient would be above the fence to create an undue sense of enclosure and a loss of daylight and outlook in the rear garden of that house. Whilst there may be planting that rises above the fence that is not as solid and indeed its long-term retention cannot be guaranteed. Therefore its presence does not lead me to different views.
17. I accept though that this increase in height would not be sufficient to have a material effect on sunlight while the extension would cause no harm to privacy.
18. Accordingly the proposal would detract unreasonably from the living conditions at No 30 in conflict with Policy D.2 in the Local Plan, which includes a requirement to seek to achieve a good standard of amenity for neighbouring residents.

Conclusions

19. For the reasons stated I conclude the appeal should be dismissed.

J P Sargent

INSPECTOR