

Appeal Decisions

Site visit made on 14 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 24th March 2017

Appeal Ref: APP/F0114/W/16/3164090

The Firs, Main Road, Chelwood, Bristol BS39 4NW

- 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 N Wright against the decision of Bath & North East Somerset Council.
 - The application Ref 16/03018/FUL, dated 10 June 2016, was refused by notice dated 20 October 2016.
 - The development proposed is the erection of a rear garden room and first floor extension.
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Appeal Ref: APP/F0114/Y/16/3164091

The Firs, Main Road, Chelwood, Bristol BS39 4NW

- 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 appeal is made by Mr & Mrs N Wright against the decision of Bath & North East Somerset Council.
 - The application Ref 16/0319/LBA, dated 10 June 2016, was refused by notice dated 20 October 2016.
 - The works proposed are internal and external alterations to erect a rear garden room and first floor extension.
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Decisions

1. Both appeals are allowed.
 2. Planning permission is granted for the erection of a rear garden room and first floor extension at The Firs, Main Road, Chelwood, Bristol BS39 4NW in accordance with the terms of the application, Ref 16/03018/FUL, dated 10 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Works must proceed only in accordance with the following measures for the protection of bats and birds:
 - a careful visual check for signs of bird nests and bats shall be made of the interior, exterior and roof of the section of the building to be demolished, prior to any works affecting these areas;
 - active nests shall be protected undisturbed until the young have fledged;
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- works to the roof and any areas with potential to support concealed spaces or crevices shall be carried out by hand, carefully lifting tiles and boards (not sliding) to remove them, and checking beneath each one;
 - if bats are encountered works shall cease and the Bat Helpline (Tel 0845 1300 228) or a licenced bat worker shall be contacted for advice before proceeding.
3. Listed building consent is granted for internal and external alterations to erect a rear garden room and first floor extension at The Firs, Main Road, Chelwood, Bristol BS39 4NW in accordance with the terms of the application, Ref 16/03019/LBA, dated 10 June 2016, subject to the following condition:
- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Main Issue

4. The main issue is the effect of the proposed rear garden room/conservatory on the character and special interest of this Grade II listed building.

Reasons

5. The appeal property is one of a pair of mid-eighteenth century pitched roof houses, its attached neighbour being the Old School House. The pair was listed in 1994. Its significance as a listed building derives principally from the historical association between the Old School House and the former village school diagonally opposite on the north side of the road, now the Parish Hall, as well as the formality and attractiveness of its front elevation raised above the level of the main road (the A39) by an attractive vernacular stone wall.
6. The rear part of the building has a second dual pitched roof. It appears to me that this part of the building was likely to have been an extension to the original building. Although it is clearly itself of some age and shows the historical progression of the building, it is of lesser significance than the front elevation. To the rear of the Old School House is a single-storey pitched and hipped rear extension of similar dimensions to the conservatory proposed in the appeal, which is clearly of late twentieth century construction.
7. The Firs also has a single storey twentieth century mono-pitched extension between the original building and its rear projection, above which it is proposed to erect a first floor extension. The Council does not object to this aspect of the proposals and I agree with its assessment in this regard.
8. But it objects to the overall proposals on the grounds that the proposed conservatory would be excessive in size with a lean-to roof whose shape and pitch is at odds with the character of the main house and that it would almost obscure the full length of the rear elevation. It does not consider that the rear extension on the Old School House should serve as a precedent because it comprises an insensitive addition to the listed building.
9. I agree that this proposal must be considered on its own merits and that the extension next door does not set a precedent. Statute requires that in considering whether to grant listed building consent or planning permission for works or development which affect a listed building the decision maker shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.¹

10. The rear elevation of the appeal property has three ground floor windows which would be enclosed by the conservatory. One of these, the middle window, would be altered into a door opening to form access into it. This would obviously necessitate some loss of historic fabric but the Council does not appear to object to that and I consider such a loss to be minor.
11. The roof of the conservatory would be of a shallower pitch than the existing pitched roofs on the house but would be similar to that on the proposed first floor extension, to which there is no objection. As such I cannot see why its pitch would be objectionable.
12. The conservatory would to some extent obscure the ground floor of the existing rear elevation. But this elevation is read in conjunction with the sideways projection of the original front part of the building, the mono-pitched side extension and the extension next door. As such the proposed garden room would not harm the character or appearance of the building's existing rear elevation. The conservatory would also be predominantly glazed and it would therefore normally be possible to see through it to the openings in the rear elevation.
13. Whilst it would occupy most of the width of the house it would be inset from the twentieth century side extension and, in my view, complement rather than detract from the dwelling's overall rear elevation. It would not affect the dwelling's key architectural features and would therefore preserve the listed building.
14. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Policies in the development plan are also material to the determination of listed building applications. Policy BH.2 of the Bath & North East Somerset Local Plan 2007 (LP) requires development affecting a listed building to preserve its special architectural or historic interest or any features of special interest it possesses as well as its historic form, structural integrity and character. LP Policy D.4 requires development to respect local context and reinforce local distinctiveness. For the reasons given above the proposed conservatory would comply with both these Policies, and also with relevant policy in the National Planning Policy Framework.
15. For the reasons given above I conclude that the appeals should succeed.

Nick Fagan

INSPECTOR

¹ S16(2) & 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990