

Appeal Decision

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/Y/16/3164534

44 Lyncombe Hill, Bath, Somerset BA2 4PH

- 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 Richard Beeby against the decision of Bath & North East Somerset Council.
 - The application Ref 16/02747/LBA, dated 1 June 2016, was refused by notice dated 26 September 2016.
 - The works proposed are alterations to form a new internal opening to the basement.
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Decision

1. The appeal is allowed and listed building consent is granted for alterations to form a new internal opening to the basement at 44 Lyncombe Hill, Bath, Somerset BA2 4PH in accordance with the terms of the application Ref 16/02747/LBA dated 1 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.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: 1001, 1051, 3051 & 3100 all Issue P1. The works shall be carried out strictly in accordance with these approved drawings.

Main Issue

2. The main issue is the effect of the proposed internal opening on the significance of the Grade II listed building.

Reasons

3. The appeal property is the southern end house in a terrace of seven houses built in 1824 (Nos 32-44 even). The significance of the listed terrace lies to a large extent in its symmetrical form with raised pedimented centre and pedimented end units raised above the street level of Lyncombe Hill, a typical example of late Georgian elegant domestic architecture in the city, faced in Bathstone ashlar under slate roofs. Its interior cellular plan form and historic fabric are also important components of its significance as a listed building.
 4. The house consists of two storeys plus attic (now bedrooms) and lower ground floor, which opens onto the garden which fronts Lyncombe Hill. The lower ground floor houses a modern kitchen, which has a modern ceramic tiled floor, and walls and ceilings of modern gypsum plaster finishes.
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5. Statute requires that in considering whether to grant listed building consent for any works 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
6. The proposal is to create a new opening between the two principal rooms on the lower ground floor 1.655m wide and 1.875m high, the same height as the existing door opening from the hallway into the kitchen. The width of the new opening would allow the provision of timber double doors each of which would be the same width and of the same exact design as the original existing kitchen door. The opening would be central in the wall of the rear room, which appears to be currently used as a playroom.
7. The Council objects to the creation of this new opening due to loss of historic fabric and the loss of the historic, cellular plan form of the lower ground floor. However, a significant amount of the existing wall between the two rooms would still remain and be clearly visible, such that the original cellular plan form of the lower ground floor would still be apparent even with the new doors fully open. I do not therefore agree with the Council's assertion that the new opening would have the effect of creating one open plan room. The new doors would more fully preserve the appearance of the dual room plan form when closed.
8. Clearly the formation of the opening would result in the loss of some original masonry but the appellant has confirmed that this would be used for external stone repairs to the house. In any case, I consider the loss of such historic fabric to be of a minor nature given that the plan form of the lower ground floor would be retained and it is reasonable in such circumstances to allow the creation of a larger kitchen/dining area, where residents now are likely to spend a large proportion of their time. As such the proposal would continue to secure the optimum viable and original use of the property.
9. For these reasons I conclude that the significance of the listed building would not be diminished and would therefore be preserved.
10. The Council has not suggested any specific conditions but I consider a condition listing the approved drawings is necessary in order to provide certainty as to the works that have been approved and ensure they are implemented in their totality, as well as the statutory commencement condition. Subject to the above conditions I conclude that the appeal should succeed.

Nick Fagan

INSPECTOR

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