

Appeal Decision

Site visit made on 13 March 2017

by G Powys Jones MSc FRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/F0114/D/16/3167077
34 North Road, Bathwick, Bath, BA2 6JE

- 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 Asbury against the decision of Bath and North East Somerset Council.
 - The application Ref 16/03821/FUL, dated 28 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is described by the appellants in the application form as '*the proposed works include the construction of a single storey garage, adjacent to an existing gate, which in turn connects to the existing dwelling. The proposed garage eaves and ridge height match that of the existing dwelling. The proposals include the removal of an existing timber clad garage.*' The Council in its decision notice described the proposal as the '*erection of single storey garage and removal of an existing garage.*'
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey garage and removal of an existing garage at 34 North Road, Bathwick, Bath, BA2 6JE in accordance with the terms of the application Ref 16/03821/FUL, dated 28 July 2016, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. In the interests of precision and brevity I have adopted the Council's description of the proposed development.

Main issues

3. The main issues are whether the proposed development would serve to preserve or enhance the character or appearance of the Bath Conservation Area (CA) or materially affect the setting of the Bath Spa Hotel, a listed building (*Grade II*).

Reasons

4. The appeal property is a single storey dwelling of a fairly modern appearance, built of Bath stone, with a low-pitched and low profile roof. It stands within a generously sized curtilage with mature gardens to the rear. Currently, the garage serving the property is sited towards the rear of the site and is at a lower level than the house. The appellant proposes its demolition and its replacement by another garage sited more to the front of the plot, alongside the dwelling. A small portion of the laurel hedge separating the driveway from the rear garden would be removed.
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5. The Council raises no objection to the demolition and removal of the existing garage, and I have no reason to object to this aspect either.
6. The content of the email exchanges between the parties at application stage has been noted, and the garage's roof design was modified in the hope of overcoming Council officers' concerns. I find nothing objectionable about the modified design of the proposal since it appropriately reflects that of the host property and is of an appropriate, subordinate scale.
7. The garage would be well set back from the front wall of the dwelling. This factor, together with the presence of the laurel hedge fronted by a trellised timber fence at the back of pavement, means that the garage would be barely noticeable when approaching the site from the east, down the hill.
8. The Council considers there to be '*significant views into the plot*'. I acknowledge that the garage, when built, would be seen through the gap formed by the access to the dwelling's driveway and the space between that and a building comprising part of the Bath Spa Hotel. But the available viewing points are relatively limited, especially given that when approaching the site up the hill from the west, views of the garage would be effectively screened by the bulk of the hotel building until one arrives close to the site. That the garage could be seen from limited vantage points does not mean that it would prove particularly noticeable or prominent. Its low profile and harmonious design would ensure that it would not catch the eye, and it would fit acceptably within its surroundings.
9. To my mind, the appellant has satisfactorily demonstrated the care needed in design and choice of materials, which are entirely appropriate for this spatial context, so that the development would cause no harm to the visual qualities of its surroundings. At worst, the development would have a neutral effect so that the character and appearance of the CA would be preserved.
10. The adjacent, partly three-storey hotel building is an imposing and attractive structure that dominates the southern frontage of this part of North Road. The large-scale relatively modern buildings comprising King Edward's School dominate the opposite frontage, possibly even more. In this context, the modestly scaled appeal proposal would make a very limited physical impression. The hotel building at the point closest to the appeal site is at its highest and most prominent, and in my view, it would continue its visual dominance of this frontage, so that its setting would not be materially affected by the proposed garage, and certainly not harmed.
11. Officers say in their report that '*due consideration has been given to the impact on the setting of the World Heritage Site, and given that the site is of relatively modest scale there would not be harm in this regard*'. I share that assessment.
12. I conclude that the proposed development would have no material or harmful impact on the character and appearance of the host property or surrounding area. Accordingly, there is no conflict with those provisions of saved policies BH.2 & BH.6 of the Bath & North East Somerset Local Plan or policy CP.6 of the Bath & North East Somerset Core Strategy that, in combination, seek to ensure that new development does not impair the setting of listed buildings; preserve or enhance the character or appearance of the area's conservation areas and require high quality design within the area's heritage assets.

Conditions

13. The Council's suggested condition in respect of external materials is considered necessary to safeguard local visual amenity.
14. It is also necessary that the development shall be carried out in accordance with the approved plans in the interests of certainty.
15. To reflect the appellants' intentions, and in the interests of visual amenity, a condition is imposed relating to the timing of the demolition of the existing garage.

Other matters

16. All other matters raised in the representations have been taken into account, including the references to the *National Planning Policy Framework* and to other adopted and emerging development plan policy. I consider the adopted policies that I have referred to, being those upon which the Council relies in its sole reason for refusal, to be the most relevant in the particular circumstances of this case. No other matter raised outweighs the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF 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: Drawing Nos. 0120 GA 001 Rev A; 0120 GA 002 Rev C & 0120 GA 010 Rev C.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.
4. Within two months of the replacement garage hereby permitted being brought into beneficial use, the existing garage shall be demolished and all materials removed from the site.