
Appeal Decisions

Site visit made on 6 July 2017

by **G J Fort BA PGDip LLM MCD MRTPI**

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

Decision date: 03 August 2017

Appeal A: Ref: APP/F0114/Y/17/3172747

Somerset House, 1 Church Street, Widcombe BA2 6AZ

- 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 Simon Calvert-Jones against the decision of Bath & North East Somerset Council.
 - The application Ref 17/00280/LBA, dated 19 January 2017, was refused by notice dated 17 March 2017.
 - The works proposed comprise a single-storey garden extension to the basement flat.
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Appeal B: Ref: APP/F0114/W/17/3172749

Somerset House, 1 Church Street, Widcombe BA2 6AZ

- 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 Simon Calvert-Jones against the decision of Bath & North East Somerset Council.
 - The application Ref 17/00279/FUL, dated 19 January 2017, was refused by notice dated 17 March 2017.
 - The development proposed is a single-storey garden extension to the basement flat
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Decisions

Appeal A: Ref: APP/F0114/Y/17/3172747

1. The appeal is allowed and listed building consent is granted for a single-storey garden extension to the basement flat at 1 Somerset House, Church Street, Widcombe BA2 6AZ in accordance with the terms of the application Ref 17/000280/LBA dated 19 January 2017 subject to the conditions in the schedule to this decision below.

Appeal B: Ref: APP/F0114/W/17/3172749

2. The appeal is allowed and planning permission is granted for a single-storey garden extension to the basement flat at 1 Somerset House, Church Street, Widcombe BA2 6AZ in accordance with the terms of the application, Ref 17/00279/FUL, dated 19 January 2017 subject to the conditions in the schedule to this decision below.

Procedural Matters

3. The Council adopted the Bath and North East Somerset Placemaking Plan (the Placemaking Plan) on 13 July 2017, after the determination of the applications that led to these appeals. The Placemaking Plan supersedes the policies of the

Bath and North East Somerset Local Plan (adopted October 2007) that were relevant at the time of the determination of the above-referenced applications. I sought comments from the parties on the effects of this change in relation to the scheme, and as a consequence consider that no prejudice would occur as a result of my consideration of the Placemaking Plan in my assessment of the merits of the appeals.

4. There is an extant listed building consent and planning permission¹ in relation to the site for a scheme substantially similar to the one subject to these appeals. These consents relate to a garden building of the same proportions as the current appeal scheme. The extant permissions also relate to a glazed link building, although this would be set-back further from the rear wall of Somerset House than the one proposed in the current appeal scheme. The scheme subject to the extant permissions was under construction at the time of my site visit.

Main Issue

5. I consider the main issue in both appeals to be the effect of the proposals on the special interest of Somerset House, a Grade II listed building, its effects on the character and appearance of Bath Conservation Area, and on that of the World Heritage Site.

Reasons

Special Interest and Significance

6. Situated in an elevated location on Widcombe Hill, Somerset House is a building of considerable scale, the austere Neo-Classical detailing of which, and the use of honey-coloured Bath stone in its facing are key characteristics of the architectural style and ornamentation of the wider Conservation Area and World Heritage Site. Featuring a broad frontage, Somerset House comprises three storeys over a lower ground floor to the front and four storeys to the rear due to the slope of its site. Bounded by tall walls, the appeal building has a large terraced garden to the rear that sweeps down with the underlying topography to open landscape beyond, punctuated sporadically by buildings and clumps of tree cover.
7. The significance and special architectural interest of Somerset House derives, to a substantial degree from its scale and presence, the powerful austerity of its tripartite front, and the unusually detailed porch with columns and pilasters showing the influence of the Greek Revival. Its materials palette and architectural aesthetic also contribute to the wider character and appearance of the Conservation Area more generally. The appeal building's formal terraced gardens and their assimilation with the wider open landscape to the rear contrast strongly with the solidity and presence of the walls to the front and sides, and these elements, taken together form a setting that contributes considerably to Somerset House's significance. It follows that such attributes in turn contribute positively to the character and appearance of the Conservation Area and to the purposes for the Inscription of the World Heritage Site.

¹ Approved on 13 July 2016 (Council references 16/02454/FUL and 16/02455/LBA)

The appeal scheme

8. The appeal scheme would see the addition of a garden extension building to the side of Somerset House to which it would be linked by a single-storey glazed structure. Aside from the setback of the rear wall of the glazed link element the details of the proposed works and development would be substantially the same as the proposals subject to the extant planning permission and listed building consent. The appeal scheme would differ only insofar as the rear wall of the glazed link element would be placed closer to, but still set back from, the rear wall of Somerset House in order to envelop the existing exterior door on the host building's flank wall. The scheme that received those previous consents was under construction at the time of my site visit, and as a consequence, I consider this previously approved proposal to be a genuine fallback position to which I accord considerable weight.

The effect of the proposed works

9. The rear wall of the proposed glazed link building would be set back around half a metre from the rear wall of Somerset House. I note that the placement of this glazed wall would be around 400mm closer to the rear wall of its host building than that of the consented scheme. However, the lightweight materials employed in this element of the appeal scheme, which offer a clear contrast to the solidity of the masonry employed in both Somerset House and the proposed garden extension, combined with the link building's clearly subservient scale in the context of the listed building, and its set in from the rear wall, lead me to the view that the proposed works and development would not read as a full width extension. Consequently, the appeal scheme would not appear as a dominant addition to the listed building.
10. The appeal scheme would increase the overall footprint of extensions at the site to a limited degree over and above the previously consented scheme. However, it would do so in the context of a listed building of considerable scale, depth and massing. Due to this, the proposed works would not undermine the presence of Somerset House, or erode its setting to a degree that would impair its special architectural interest or diminish its significance.
11. Whilst I saw that the proposed link building would encompass the door in the flank wall that currently gives access to the garden, this doorway and its relationship to the garden would remain clearly discernible through the glazing employed in the rear element of the link building. As a consequence, I consider that this aspect of the appeal scheme would not interfere with or obscure the building's architectural character.
12. Thus taking these matters together I consider that the appeal scheme would avoid harm to the significance and special interest of Somerset House. Accordingly, and cognisant of my duties arising under sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the appeal scheme would preserve the special interest of the building and its setting.
13. I am mindful also of the duty arising from section 72 (1) of the 1990 Act. In this regard, due to the subservient and sensitive relationship of the appeal scheme to Somerset House, its extremely limited visibility in public views available close to the site, and the very minimal perceptual difference between the proposed works and the fallback scheme in longer range views, I consider

that the proposed development would avoid harm to, and thus preserve, the character and appearance of the Conservation Area, and the significance of the World Heritage Site. Taken together this outcome would also accord with paragraph 132 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings.

14. As I have detected that no harm to the significance or special interest of Somerset House would arise as a result of the proposed development, I consider that it would not conflict with the National Planning Policy Framework (the Framework), or with Policies D.1, D.2, D.3, D.4, D.5, D.6, D.10 and HE1 of the Placemaking Plan. Taken together, and amongst other things, these policies seek to ensure that the significance of heritage assets is conserved; that the special architectural or historic interest of listed buildings is preserved; that the World Heritage Site is sustained and enhanced; and that new extensions are of an appropriate grain, respond positively to their site context, and are of a good, modern innovative design that complements their host buildings.

Conditions

15. I have assessed the condition supplied by the Council against paragraph 206 of the Framework, which states that they should only be attached where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
16. In the interests of certainty, I have attached a condition specifying the approved plans to the planning permission. In order that the appeal scheme is sensitive to the special interest of Somerset House, and the character and appearance of the Conservation Area more generally, I consider it necessary to attach a condition to both the listed building consent and the planning permission requiring submission of material samples to the Council prior to the commencement of construction of its external envelope. I have made minor amendments to the wording of the condition in the interests of clarity.

Conclusions

17. For all the reasons set out above, and having taken account of all matters raised, I conclude both appeals should be allowed.

G J Fort

INSPECTOR

Schedule 1: Conditions for Appeal A

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of the works on the external envelope of the extension hereby approved, samples of all the external building materials shall be provided for inspection by, and approval in writing of, the local planning authority. In the case of the external stone walling materials the sample should be provided in the form of an in situ panel, which is to be approved by the local planning authority and retained onsite for reference until the works are completed. The works shall be carried out in accordance with the approved details.

Schedule 2: Conditions for Appeal B

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 043 1000; Block/ Site Plan as proposed 043 3001 Rev D; Lower ground floor plan as proposed 043 3010 Rev G; Ground floor plan as proposed 043 3011 Rev C; North elevation as proposed 043 3015 Rev C; South elevation as proposed 043 3016 Rev C; West elevation as proposed 043 3017 Rev C; Section A as proposed 043 3018 Rev C; Section B as proposed 043 3019 Rev E; External Door Detail 043 3100 Rev A; Internal Door Detail 043 3101 Rev A; Sliding glazed door detail 043 3102 Rev A; Rooflight detail 043 3103 Rev A.
- 3) Prior to the commencement of the works on the external envelope of the extension hereby approved, samples of all the external building materials shall be provided for inspection by, and approval in writing of, the local planning authority. In the case of the external stone walling materials the sample should be provided in the form of an in situ panel, which is to be approved by the local planning authority and retained onsite for reference until the works are completed. The works shall be carried out in accordance with the approved details.