



Appeal Decision

Site visit made on 18 July 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 08 August 2017

Appeal Ref: APP/F0114/W/17/3172217

12 Claremont Road, Bath BA1 6LX

- 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 Keynsham Properties Development against the decision of Bath & North East Somerset Council.
 - The application Ref 16/04717/FUL, dated 20 January 2016, was refused by notice dated 15 February 2017.
 - The development proposed is construct 1 detached house and new garage to No 12.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both main parties have referred to policies within the emerging Placemaking Plan¹ (PMP). However, these largely duplicate policies cited in the reasons for refusal and in any case, the PMP has not been adopted. As such I give its policies limited weight.
3. The description of development in the heading above is that given on the application form.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the City of Bath Conservation Area (CA) and the Bath World Heritage Site (BWHS).

Reasons

5. The appeal site is a rectangular plot situated alongside Claremont Road which currently contains a row of garages. The site lies within the CA and BWHS, and within a significant strip of open space which separates Eastville Terrace (the Terrace), to the north, from a linear development to the south.
6. The development would comprise the replacement of the garages with a two storey detached dwelling built in a cottage style, with wall dormers on both front and rear elevations serving the first floor accommodation. The dwelling would be set down from road level, resulting in the ground floor accommodation being largely screened when viewed from Claremont Road.

¹ Bath and North-East Somerset Council, Placemaking Plan, Pre-Submission Draft December 2015

7. The Terrace, some 10 metres from the site, is an elevated row of town houses whose front elevations have sweeping views across the appeal site to the southern reaches of the Bath and the countryside beyond. Evidence before me indicates that it is a non-designated heritage asset. Opposite the site, imposing three and four storey period terraces and villas built in a neo-classical style are also very prominent in the street scene. The layout of the established building pattern reflects the formality of Bath's early suburban C19 development and the buildings in the immediate vicinity of the site are fine examples of its early architecture.
8. In addition to allowing views from the Terrace, the open space separating it from development to the south allows full appreciation of the Terrace's frontage. It is also reflective of the spatial planning of Bath's C19 development. As such, I conclude that the open space provides a setting for the Terrace and has both visual and historic significance.
9. Although the dwelling would be sited below road level, its roof and part of its upper storey would project above the site's boundary wall and would obstruct views of the Terrace's front elevation, particularly when approaching from the south. This would detract from views of the Terrace and encroach into its setting.
10. The appellant's evidence does not include a heritage assessment as required by Paragraph 128 of the National Planning Policy Framework (the Framework). Although the statement states that individual details on period dwellings in the area are replicated at the development, there is no consideration of the significance of the site's setting, or an appreciation of the underlying architectural coherence of buildings in the immediate context of the site.
11. Furthermore, the development's design style and proportions, reflective of a rural vernacular, particularly on its front elevation, would appear awkward in such close juxtaposition to the aspirational and more flamboyant architecture of its neighbours. Moreover, the details noted as being reflective of nearby dwellings, are set within a different context. For example, although some nearby dwellings have dormer windows, these are subservient to, and set back into the roof structure of rather grander buildings, rather than being a main feature, as for this appeal. The inclusion of isolated details does not justify a development whose overall design concept is so unreflective of its architectural setting.
12. I conclude therefore that the development would appear incongruous in this setting. Given its prominence and intrusiveness in relation to the Terrace it would neither preserve nor enhance the character or appearance of the area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
13. Paragraph 134 of the Framework states that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal. In this instance, the harm to the CA would be less than substantial, but the very limited public benefit of one dwelling would not outweigh the harm to the character or appearance of the CA.
14. I appreciate that the garages do not make a positive contribution to the CA or BWHS. However, they are largely inconspicuous from the public domain except where glimpsed through the wall opening, and do not intrude into views or

appreciation of the Terrace. Although they are not in particularly good condition, this is insufficient reason to justify the development. As such, I disagree that the development would be an improvement on the current situation.

15. Accordingly, I conclude that the development would be detrimental to the character and appearance of the CA and BWHS.
16. In the light of the above, the development would be contrary to the provisions of both the Act and the Framework which seek to conserve and enhance the historic environment. It would also be contrary to Policy CP6 of the Core Strategy² (CS) which seeks to promote, protect, conserve or enhance the Council's environmental assets through high quality design which reinforces and contributes to its specific local context, as well as the provisions of Policies D2 and D4 of the Local Plan³ (LP). These, taken together require development to respond to local character and distinctiveness. The development would also fail to comply with LP Policy BH6 which sets out specific criteria to ensure that development in a CA preserves or enhances the character or appearance of the area.

Planning Balance

17. The appellant refers to Paragraph 49 of the Framework which states that housing applications should be considered in the context of the presumption of sustainable development. However, as there is nothing before me to indicate that I should not give the Council's policies full weight, I conclude that the tests for this appeal are those relevant local policies cited in the reasons for refusal.
18. In any case, even if the Council was unable to demonstrate a five year housing supply, it would be policies for the supply of housing that would be deemed out-of-date as stated in Paragraph 49 of the Framework, rather than those I have referred above.

Conclusion

19. For the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

² Bath and North-East Somerset Local Plan, including minerals and waste policies, adopted July 2004

³ Bath and North-East Somerset Core Strategy, adopted July 2014