
Appeal Decision

Site visit made on 22 November 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 29th November 2017.

Appeal Ref: APP/F0114/D/17/3179713

1 Windsor Cottages, Sham Castle Lane, Bathwick, Bath BA2 6JH

- 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 and Mrs Hyman against the decision of Bath & North East Somerset Council.
 - The application Ref 17/00509/FUL, dated 2 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is a side conservatory.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of the Bath Conservation Area (CA).

Reasons

Character or appearance of the CA

3. This semi-detached stone cottage is immediately adjacent to the street, at a junction with a private drive. A stone wall of varying height forms part of the boundary between the cottage, the street and the private drive. Whilst close to suburban housing, the cottage is in proximity to substantial period buildings constructed in the typical architectural style and materials of the CA.
4. The cottage is largely devoid of window or other openings in the elevation directly facing onto the street. At the rear, the cottage has been extended in varying forms and materials and it is open to limited public views. However, the elevation of the cottage parallel to the private drive has a pleasing, well-proportioned and balanced appearance, due in no small measure to the arrangement of the window and door openings and the absence of later additions. Its appearance is therefore similar to the principal elevations of nearby period buildings. Although situated at a right angle to the street, this elevation of the cottage is open to public views. Therefore, whilst it has been described as being at the side, this elevation significantly influences the contribution that the cottage makes to the character and appearance of this part of the CA.
5. The proposed conservatory would be of relatively modest size, but it would enclose a substantial part of the side of the cottage, including a door and

window opening at ground floor level. It would also occupy a significant part of the limited area between the side of the cottage and the boundary wall adjoining the private drive. As a result, the conservatory would have a substantial visual presence at the side of the cottage, significantly eroding the existing architectural features and upsetting its balanced appearance. Moreover, whilst the shallow roof pitch would limit the overall height of the conservatory, this would be largely at odds with the much steeper angled roof form of the cottage and would result in the conservatory having a rather squat appearance. Consequently, the conservatory would be viewed as an alien addition in the street scene, significantly eroding the existing character and appearance of the cottage.

6. I appreciate that the conservatory would be constructed in lightweight materials which are used elsewhere in historic areas and that the existing boundary wall and the lower ground level of the cottage would reduce the extent of the conservatory open to public view. However, these factors would only provide limited mitigation in terms of the harm described above.
7. I have taken account of previous enlargements to the cottage, which have been relatively modest in their individual and cumulative scale. I also appreciate that the cottage is of comparatively modest size and that there might be practical difficulties with extending it on other sides, due to the juxtaposition with the road and other buildings. Whilst it appears that at some stage in the past there was an outbuilding in a similar position to the conservatory, the former structure seems to have been demolished several years ago, possibly in conjunction with a road improvement. In relation to all of these matters, I have to deal with the proposal on its individual merits and on the basis of the current circumstances.
8. I have also taken account of the example of a conservatory at the side of a property elsewhere in Bath. However, for the reasons set out above that example is not comparable with the proposal. Although I am satisfied that there would not be any significant visual impact from the adjacent Kennet and Avon Canal, that does not materially affect my overall findings. I also fully appreciate the improvement in the appellants' quality of life that the proposal would offer. Even so, that would be a private benefit which can only be afforded limited weight in my decision.
9. Therefore, the proposal would fail to preserve the character or appearance of the CA and would not accord with saved Policy BH.6 of the adopted Bath & North East Somerset Local Plan in terms of its scale, position and design. Also, the proposal would not accord with Policy HE.1 of the adopted Bath & North East Somerset Placemaking Plan, as whilst there would be less than substantial harm to the significance of the CA, there would be no public benefits that would outweigh the harm caused by the failure to preserve elements which contribute to its character or appearance.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR