
Appeal Decision

Site visit made on 12 July 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/F0114/W/19/3225012

The Tramshed, Beehive Yard, City Centre, Bath, BA1 5BB

- 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 Neptune Furniture against the decision of Bath and North East Somerset Council.
 - The application Ref 18/05126/FUL, dated 15 November 2018, was refused by notice dated 7 February 2019.
 - The development proposed is extension and alteration to reconfigure new 2nd Floor accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Bath Conservation Area and City of Bath World Heritage Site.

Reasons

3. The proposal site is part of a group of buildings known as the Tramshed in the Walcot Area of Bath Town Centre. It is within the Bath Conservation Area (CA) which is also part of the City of Bath World Heritage Site (WHS).
4. The Tramshed's principal elevation fronts onto Beehive Yard which is relatively enclosed. It is mainly visible from the rear of properties on Walcot Street and the Paragon which are main town centre streets which sit above the site. Nevertheless, the side elevation and part of the principal elevation are visible from the Town Centre along Walcot Street, particularly at its junction with Beehive Yard.
5. When viewed from the front, on Beehive Yard, the Tramshed appears to comprise three elements. The main section at the top of the hill consists of a wide glassed frontage over two storeys above which there is a symmetrical stepped brick façade. This was the original tramcar shed which contributes most to the character of the building and is most visible. To the side there is a flat roofed section that projects forward of the main façade and curves round to link to a wing behind it. The curved section is a relatively recent addition. The wing behind was originally a boiler room. The different elements of the Tramshed, including their roof forms and materials, add visual interest to it and

- contribute to its character. The proposal site comprises the roofs of the former boiler room and curved addition.
6. The appellant's heritage assessment (HA) demonstrates that all the separate elements of Tramshed have been extensively altered. Old plans and an aerial photograph show the proposal site connected to an engine room to the rear of it. The engine room and boiler room roofs were of differing heights, but both were pitched with a lantern roof and connected to a stepped brick gable end. The engine room has been rebuilt and a courtyard now separates the two buildings so that they form separate wings. Although visible from above, and down the side of Beehive Yard, the re-developed engine room is not visible from the front elevation of the building or from the street in the Town Centre.
 7. The former boiler room roof was previously raised and rebuilt to accommodate windows below its eaves. The HA refers to the gable end being reformed at that time. The current roof does not include a lantern feature but has retained the roof slope and is connected to the reformed stepped gable. These alterations were sympathetic to the original roof form and thus in keeping with the character and appearance of the overall building. Despite alterations, the Tramshed includes, or reflects, much of its original form and detailing including red brickwork, high arched windows, stepped gables and façade, and various roof shapes and materials. All these elements contribute to the significance of the building and its positive contribution to the area.
 8. The Council has identified the Tramshed as a non-designated heritage asset (NDHA). The appellant is concerned that the Council has not followed the advice in Planning Practice Guidance on the Historic Environment with regard to listing the building and providing sound evidence to justify its selection. It is not named in the draft City Centre Character Appraisal (draft Appraisal), but Beehive Yard which is dominated by the Tramshed building is identified, with other side streets in the area, as being variously a positive townscape feature and a townscape feature of merit. Given that the draft Appraisal is unadopted I accord it limited weight. Nevertheless, I have found that the building provides visual and historic interest and contributes positively to the area and thus the CA.
 9. There is an extant planning permission for a flat roofed extension on top of the curved section of the building. The proposed development includes an extension of the same dimensions as that which was approved, but with a different layout. The Council has no concerns regarding this part of the proposal. Its concern is with the proposed flat dormer roof extension on the former boiler room wing connected to it. The appellant and a neighbour suggest that it would be seen as a continuation of the flat roofed extension and therefore would not be out of character.
 10. The proposed flat roof dormer would extend from the top of the stepped gable along the length of the roof. Part of it would be set back to provide a balcony. Although the top of the pitched roof would be retained, it is unlikely to be visible from the street below. As a result, the roof slope and stepped gable would be lost from this view which would be dominated by the extension. The dormer would also dominate the former boiler room roof from other views of the building and thus harm both its character and appearance.
 11. Given the small scale of the proposal within the context of the CA as a whole the harm would be localised, limited and less than substantial.

12. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, in accordance with paragraph 196 of the National Planning Policy Framework, I must weigh the harm against the public benefits of the proposal. The appellant has suggested that public benefits would include residential development in a sustainable location that would secure the optimum viable use of the building, and the use of airspace above existing premises as supported by Paragraph 118 of the Framework. However, the proposal would not add to the number of units already permitted and whilst it would increase the size of the units such benefits would not outweigh the harm to the character and appearance of the building and consequently the CA and WHS.
13. The proposal would therefore be contrary to Policy HE1 of the Bath and North East Somerset Placemaking Plan (2017) which only permits development that would preserve those elements which contribute to the special character or appearance of the CA.

Conclusion

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

P D Sedgwick

INSPECTOR