
Appeal Decision

Site visit made on 6 June 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Appeal Ref: APP/F0114/D/19/3221713

1 Highbury Place, Walcot, Bath BA1 6DU

- 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 Steve Leckie and Ms Sue French against the decision of Bath & North East Somerset Council.
 - The application Ref 18/04209/FUL, dated 15 September 2018, was refused by notice dated 9 November 2018.
 - The development proposed is described as creation of car parking space.
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Decision

1. The appeal is allowed and planning permission is granted for a car parking space at 1 Highbury Place, Walcot, Bath BA1 6DU in accordance with the terms of the application, Ref 18/04209/FUL, dated 15 September 2018, subject to the following conditions:
 - 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: PL01 Existing Garden Plan; PL02 Location and Existing Site Plans; PL03 Existing Side and Front Elevations; PL04 Existing Side Elevation and Short Section; PL05 Proposed Garden Plan; PL06 Proposed Site Plan; PL07 Proposed Side and Front Elevations; PL08 Proposed Side Elevation and Short Section; K2291 SK01 Structural Engineers Drawing.

Preliminary Matters

2. I have used the description of development in the decision notice, which is shorter.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. I have therefore referred to this in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular reference to the World Heritage Site, conservation area and setting of the adjacent listed buildings.

Reasons

5. Highbury Place is an historic residential terrace, where each dwelling has a corresponding garden, situated across the road. The appeal site forms part of the garden serving No1, which is a Grade II listed three storey Georgian townhouse. The garden area is enclosed by a low plain ashlar limestone wall, with a garden gate flanked by two small stone pillars. The wall makes a positive contribution to the conservation area, World Heritage Site and setting of No1, albeit limited. The garden falls away from Highbury Place sloping towards Snow Hill. Alongside this is a pedestrian footpath which is also bounded by a continuation of the wall which then runs along the length of the garden. It is this part of the wall which is more prominent and visible.
6. The appeal site is located within the Bath Conservation Area and Bath World Heritage Site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework, at Section 16 sets out the national policy context on heritage assets, including conservation areas, listed buildings and World Heritage Sites.
7. The conservation area and World Heritage Site includes the historic core of the city and is characterised by attractive Georgian architecture punctuated by open green spaces and mature trees, much of this development maximises the expansive views over the city. Highbury Terrace is no exception to this.
8. There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also placed upon me, given that the appeal proposals would affect the setting of a listed building. I am required to have special regard to the desirability of preserving the setting of such a building in this case.
9. The section of the wall proposed to be partly demolished is less prominent than that of the wall to the side of the garden. The majority of neighbouring properties have removed sections of the same front wall to create parking spaces, and in some cases have added garages. I do not, therefore consider that allowing the proposals would result in the setting of an undesirable precedent.
10. The wall enclosing the front part of the garden would be partly removed in order to provide a vehicular access into the parking space. One stone pillar would then be moved to 'frame' the opening. This would be a permanent change that I consider would cause less than substantial harm to the heritage assets I have listed.
11. Paragraph 196 of the Framework requires such harm to be measured against any public benefits. At the site visit, I observed that Highbury Place has some on-street car parking, but it was apparent to me that car parking is generally in very short supply. In this regard, I have taken account of the comments supplied by third parties who neighbour the site, the local Councillor as well as the comments of the highway authority. I consider there to be a public benefit to the proposals through the provision of an off-street parking space, which would result in reduced pressure on car parking within the street.

12. The Council have raised concerns over the need for wall strengthening in order to facilitate the proposed development, where they state that the work would 'further degrade' the character of the wall. I have seen no evidence that this would be the case. Conversely, I consider that such works are likely to result in the long-term preservation of the wall, enhancing the setting of the heritage assets listed, in accordance with paragraph 200 of the Framework. This is also a public benefit of the proposals.
13. Taken together, and weighed against the less than substantial harm I have identified, I therefore conclude that the proposals accord with policies D2 (Character and Distinctiveness) which seeks development which contributes positively to local character and distinctiveness and HE1 (Historic Environment) which seeks development which seeks to safeguard heritage assets, of the Placemaking Plan for Bath and North East Somerset (2017), as well as paragraph 196 of the Framework.

Conditions

14. Other than the standard time limit (condition 1), I have applied condition 2 specifying the relevant plans as this provides certainty.

Conclusions

15. For the reasons given above, and having regard to all other matters, I allow this appeal.

Sian Griffiths

INSPECTOR