



Appeal Decision

Site visit made on 5 November 2019

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/F0114/Y/19/3233058

29 Church Road, Upper Weston, Bath BA1 4BT

- 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 & Mrs Jonathan Lewis against the decision of Bath & North East Somerset Council.
 - The application Ref 19/00640/LBA, dated 13 February 2019, was refused by notice dated 8 May 2019.
 - The works are replacement of aluminium-framed windows with timber-framed windows to front elevation. Formation of bathroom at first floor level including installation of Velux window in concealed roof pitch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the works have preserved the Grade II listed building or any features of special architectural or historic interest that it possesses.

Preliminary matter

3. The works have already been carried out. From my observations during the site visit, the opening between the sitting room and the kitchen appeared to me to be wider than that shown on the 'proposed' plans. I have assessed the 'proposed' works as shown on the plans, rather than what has actually been built.

Reasons

4. Number 29 Church Road is one in a terrace of seven, two-storey cottages, which are the Grade II listed building known as 24 – 30 Church Road. Amongst other things, the statutory list description names the group value of the terrace, which is c. 1830 – 1840 with 20th century additions, constructed of limestone ashlar, under a double-Roman roof, of double depth plan with rear additions. At the date of the list description, No. 29 was identified as having 20th century metal windows and door.
5. Externally, the listed terrace expresses modest proportions and simple detailing, which, along with the consistency and authenticity of material treatment, presents a typical mid-19th century vernacular appearance. The

aesthetic charm and integral contribution of the appeal building to the wider group are undoubtedly aspects of the appeal building's significance and special interest. The significance and special interest of the building, however, is not limited to its exterior. Also of significance are the legibility of the historic internal arrangement, surviving original features and historic fabric.

6. Prior to the works that are the subject of this appeal, No. 29 had evidently been incrementally adapted over time. This includes the construction of a rear addition on the ground floor containing a kitchen and bathroom, as well as the insertion of aluminium-framed windows. In spite of these changes, however, internally, the integrity of the building's historic plan-form of a two-up, two-down cottage with central stair and small landing separating two first floor bedrooms remained legible. So too had the front bedroom chimney-breast, fire surround and insert been retained as a central feature of the space.
7. The appeal works have involved stud partitioning the first-floor front bedroom to facilitate the insertion of a bathroom with independent access via a corridor off the central landing; the insertion of a 'Velux' rooflight; replacement of the aluminium framed windows with timber sashes; and removal of the bathroom partitions within the ground-floor extension to create a kitchen/diner.
8. The replacement windows have positively reinstated a more traditional pattern of fenestration to the benefit of the building and the listed terrace. However, the subdivision of the first floor to facilitate the insertion of a family bathroom independent of the bedrooms has eroded legibility of the building's historic plan form at first-floor level. Notably, the room proportions within the front bedroom have been compromised through the insertion of a corridor and relocation of the door. Moreover, this stud abuts the central chimney-piece, creating an awkward relationship with it and compromising the its significance. The insertion of a rooflight has inevitably involved some small loss of historic fabric.
9. The appeal scheme has therefore caused harm to the legibility of original plan-form, small losses to the fabric, and a weakening of the authenticity of traditional features, namely the fireplace. The positives of the windows, that the cupboard door has been re-used, and that, in theory, a stud partition can be removed, do not mitigate the harmful impact that the works have caused. Cumulatively, therefore, the works have failed to preserve the special interest and significance of the Grade II listed building or the features of special architectural of historic interest that it possesses.
10. Given the extent of the works in the context of the listed building as a whole, the degree of harm has been 'less than substantial' within the meaning of the term in the National Planning Policy Framework, Revised February 2019 (Framework). In the circumstances, the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
11. Having a first-floor bathroom is not an unreasonable expectation for today's family living. However, the Council do not expressly object to the principle of an upstairs bathroom, rather it is the impact of the partitioning to facilitate separate access that is of concern. I agree. Fundamentally, the creation of an upstairs bathroom, with access independent of the bedrooms, is a desirable convenience. Satisfying the private wants and wishes of the appellant and the specifics of their family's needs, irrespective of the occupancy rate, is not of public benefit.

12. It has not been demonstrated that harm that the works cause is necessary to secure the continued optimum viable use of the building as a dwelling. Wider public benefits derive from upgrading the windows with more sympathetic and efficient timber sashes; and through modest and short-term economic benefits associated with the construction phase. Bearing in mind the overarching statutory duties that apply to listed buildings, these must be given considerable importance and weight. On balance, the sum of public benefits of the works does not outweigh the material harm to the designated heritage asset.
13. Accordingly, the proposed works run counter to the clear expectations of Sections 16(2), 66(1) of the Planning (Listed Buildings and Conservation Areas) Act. There is also be conflict with the historic environment policies of the Framework; with Policy CP6 of the Bath and North East Somerset Core Strategy, 2014 and Policy HE1 of the Placemaking Plan, 2017 insofar as these seek to ensure that works and development protects, conserve and enhances the character of heritage assets and has no adverse impact on elements that contribute to the special architectural or historic interest of listed buildings.

Other matters

14. In reaching my decision I have borne in mind the examples of bathroom modifications elsewhere in the listed terrace. However, I do not know the details in those cases, including how bathrooms affected historic plan-form and architectural features; nor do I know if approval was granted in each case, nor the planning merits, overall planning balance, or policy considerations that might have been applied. In any event, I have assessed the appeal scheme on its merits. Therefore, the apparent similarities between other sites or decisions do not justify allowing the harm to the listed building that has arisen from the works in this case.

Conclusion

15. Although the overall harm to the designated heritage asset is less than substantial, public benefits do not outweigh the considerable importance and weight I must afford it. I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR