
Appeal Decision

Site visit made on 3 December 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/F0114/D/19/3240672

9 St Stephen's Close, Lansdown, Bath BA1 5PP

- 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 Ms Clarkson & Dr Ansell against the decision of Bath & North East Somerset Council.
 - The application Ref 19/03309/FUL, dated 22 July 2019, was refused by notice dated 17 September 2019.
 - The development proposed is double storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Bath Conservation Area (CA);
 - The effect of the proposed development on highway safety, with particular regard to on street parking; and
 - The effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to outlook, loss of privacy, daylight and sunlight.

Reasons

Character and Appearance

3. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. From my observations, I consider that the significance of the CA lies, in part, in the historic layout of the city centre and surrounding areas that have retained many grand buildings as well as pockets of greenery.
4. While there is variety to the scale and form of buildings within the CA, the prevalence of Bath stone as an external material creates a consistent identity to much of the area. The changing levels at St Stephen's Close (the Close) and nearby streets provide long distance views across the CA. Within the Close there is a verdant streetscene with planting to the front of properties. Although

not exclusively so, dwellings are frequently set in from the boundary of their plots, particularly at first floor level, including at the appeal site. These frequent gaps between properties gives a spacious feel to the streetscene in this part of the Close. The appeal site makes a positive contribution to the significance of the CA.

5. There is some variety to the appearance of properties in the street, including to their roofs. Nevertheless, within individual properties there is a consistency of features such as roof pitches. The angle of the front part of the side extension roof would be considerably different to those at the remainder of the property. The roof of the existing front gable would still be recognisable. However, in contrast to double fronted properties nearby, as the building line of the extension would be flush with the gable, the protrusion would be lost to one side. While the extension would replace the front conservatory that is not typical of the area, its small size means it has little impact on the existing streetscene.
6. I saw that while there are dwellings of a similar scale and bulk to that proposed in the street, they are set in more generous plots than the appeal site. Moreover, there is often greater spacing between buildings at first floor level, in particular in the part of the Close near the appeal site, than there would be with the proposed scheme.
7. The extensions would be partly on the footprint of the existing garage and conservatories at the property. Nonetheless, the scheme would bring the built form nearer to the side boundary and at a far greater height than at present. It would also extend closer to the rear boundary. The extensions would erode the spacious feel to the streetscene in this part of the Close and result in the plot having a cramped appearance.
8. The extension would utilise complimentary materials and fenestration. Nonetheless, the discordance of the front elevation, roof angle and scale of the built form on a plot of this size would be clearly visible from the street and surrounding properties.
9. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of this. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
10. While it has been suggested that the proposal would enhance the appearance of the area, I have found this would not be the case. The scheme would provide enlarged and more versatile, long-term living accommodation for the appellant and their family. Nonetheless, this is a private rather than public benefit. As such, on the basis of the information before me, in this instance the public benefits would not outweigh the identified material harm to the designated heritage asset. The proposal is therefore contrary to the historic environmental policies contained within the Framework.
11. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with Policies HE1, D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan District-wide Strategy and Policies (Placemaking Plan) and Policy CP6 of the Bath and North

East Somerset Core Strategy (Core Strategy). These, in part, aim to ensure development protects and conserves heritage assets as well as contributes positively to and reflects local distinctiveness.

12. Policy D7 of the Placemaking Plan is included in the refusal reasons. However, as this relates to infill and backland development it weighs neither for nor against the proposal.

Highway Safety

13. The proposed off-street parking provision would fall below the minimum standards referred to in Policy ST7 of the Placemaking Plan. From the information before me, both the proposed garage and existing garage would fall below the required minimum internal dimensions set out in the parking standards. The proposal would provide a single off-street parking space as is currently the case. However, it is likely that there would be an increase in the number of occupants at the site. While the appellant may only have 2 cars at present, this could change in the future.
14. At the time of my visit the Close was lightly trafficked and vehicle speeds were low. Notwithstanding this, within the Close and nearby roads on-street parking spaces were subject to time restrictions and/or limited to those with parking permits. Many areas also had yellow lines restricting where on street parking could take place. Even during the day, I saw that while there were some on-street parking spaces available near the site, their number was limited.
15. While I note reference to easy access to public transport and amenities, there is limited evidence before me with regard to these and no accessibility assessment has been provided to support a flexible approach to the parking standards. The steeply sloping roads that pedestrians would need to use to access the centre of Bath by foot would be likely to deter them from walking to day-to-day destinations.
16. As there are limited parking spaces proposed within the appeal site, the cars associated with the property would be likely to park on the street and it is indicated that the appellant would have access to parking permits to allow this. In light of the parking restrictions in the nearby streets limiting the on-street spaces available, I consider this would lead to instances of dangerous and obstructive parking such as on yellow lines, at road junctions, on footways or across driveways. This would contribute to highway congestion and as a result would compromise highway safety.
17. Consequently, the proposal would fail to prevent increased on street parking and highways safety concerns that would arise from this. Therefore, the proposal would be contrary to Policy ST7 of the Placemaking Plan where it, in part, seeks to prevent an increase in on-street parking in the vicinity of a site that would affect highway safety. It would also fail to accord with the Framework where it states development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Living Conditions

18. There is a conservatory at 10 St Stephen's Close (No 10) with windows facing the appeal site. However, these are small, high level windows. There are much larger windows to the rear and opposite side elevation of the conservatory that provide a more open outlook towards the main outdoor space. The

conservatory is also set in from the boundary with the appeal site. Taking account of these factors, while the proposed extension would bring the built form closer to No 10 than at present, and would be prominent from certain windows, the extension would not be an imposing presence or have an overbearing effect on the outlook from No 10.

19. The orientation of the properties is such that there would be some impact on the sunlight and daylight that would be able to reach the conservatory at No 10 from the extension. Nonetheless, given the course of the sun and therefore the direction of shadowing, the sunlight and daylight from the windows facing the appeal site is already limited to certain times of the day. Moreover, the conservatory is to the rear of No 10. The existing appeal property and the size of the side elevation conservatory windows also restricts the light that reaches the room at present. The size of other windows in the conservatory and the glazed roof would still allow a good degree of light to enter the room.
20. Were the appeal to be allowed, conditions could be imposed to restrict the opening and glazing of the proposed side elevation windows. This would prevent overlooking and loss of privacy at No 10.
21. The scheme would introduce windows closer to other properties and at a higher level than at present. Nevertheless, as the balcony would be angled it would not directly overlook the nearby properties. In addition, a high degree of inter-visibility already occurs between gardens and windows from adjacent properties. Overlooking is inevitable given the close proximity of buildings, their positioning and the relatively limited rear garden depths of some dwellings. This includes from the rear elevation of the appeal property and to 6 St Stephen's Close (No 6). Consequently, the proposal would not cause unacceptable additional overlooking and loss of privacy at nearby properties.
22. The extension would reduce the existing separation between No 6 and the appeal property. Nevertheless, other dwellings already feature in the outlook from nearby properties and their gardens, such as from the rear of No 6. In addition, the vegetation within the garden of No 6 already partly obscures the outlook in the direction of the appeal site. The wide windows at the habitable rooms facing the appeal site would allow some outlook away from the proposed extension. Furthermore, the extension would not be directly in front of all windows serving the rear rooms of No 6. These factors, along with the higher land level at No 6 that would allow an outlook over the proposed extension, would prevent the scheme having an unacceptable impact on the outlook from No 6.
23. Therefore, the proposal would not cause unacceptable harm to the living conditions of the occupiers of nearby properties with regard to outlook, loss of privacy, sunlight and daylight. It would accord with Policy D6 of the Placemaking Plan, where it, amongst other things, seeks to prevent significant harm to the amenities of existing occupiers. Finally, it would not be contrary to the Framework where it aims to create a high standard of amenity for existing and future users.

Other Matters

24. It has been put to me that potential alterations and extensions under permitted development rights represent a fallback position, and that these would have a greater impact than the appeal proposal. There is limited information provided

in relation to any such development and no specific design has been put before me. There is also no certificate of lawful development for any such proposal. Consequently, it is not clear what proposals under such development rights would entail or what effect they would have. Furthermore, there is no guarantee that any potential scheme would be built were the appeal dismissed.

25. My attention has been drawn to rear and side extensions and alterations to other properties in the Close. While there are similar elements to the appeal scheme, none have the variation in roof angle and flush building line at first floor level as the scheme before me. Moreover, the plot shapes and sizes are not the same as at the appeal site. Therefore, they are materially different to the appeal proposal.
26. The Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Designated heritage assets are an example of such assets and the proposal is contrary to the relevant policies of the Framework in regard to these.

Conclusion

27. I have found that the scheme would not cause unacceptable harm to the living conditions of the occupiers of nearby properties. Nevertheless, the harm to the character and appearance of the area as well as with regard to highway safety is determinative.
28. Therefore, I conclude that for the above reasons, and having taken all other matters into account, the appeal should be dismissed.

Stuart Willis

INSPECTOR