



Appeal Decision

Site visit made on 26 May 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 5 June 2020

Appeal Ref: APP/F0114/D/20/3245945

Kelso House, 23 Sion Road, Lansdown, Bath, BA1 5SH

- 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 P. Griffiths against the decision of Bath & North East Somerset Council.
 - The application Ref 19/03941/FUL, dated 5 September 2019, was refused by notice dated 19 December 2019.
 - The development proposed is erection of new fence to boundary wall adjacent to Sion Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the conservation area.

Reasons

3. The site is in the Bath Conservation Area and the City of Bath World Heritage Site. Kelso House occupies a large, prominent corner plot at the junction of several residential streets and is opposite the entrance to a department of Bath Spa University. The fence would be constructed above the long, curved Bath stone wall, which forms the front garden boundary of Kelso House. The predominantly residential area surrounding the site comprises large plots with front boundaries of characteristic Bath stone walling combined with well-established and substantial mature hedging. Unusually for the area, there is no consistent hedge behind the wall of Kelso House, but rather a combination of low shrubs and widely spaced trees.
4. There are no other examples of wooden fences in a similar context in the immediate vicinity or on Sion Road. The long and elevated straight edged, close boarded timber fence would be in a prominent location when viewed from the public domain and, in the context of its surroundings, would appear visually intrusive and discordant. As such it would harm the character and appearance of the conservation area.
5. I have examined examples of timber fences from the wider area drawn to my attention by the appellant and in general have found these to be less intrusive because they are either not in as prominent a location, shorter in width, further

set back or are softened by vegetation. The neighbouring fence referred to appeared to have been removed by the time of my site visit. I have taken into account that the appearance of the timber will visually recede with time, but harm would be caused in the interim and the structure itself would remain uncharacteristic in the long term. I have also noted the appellant's argument that a timber fence would be preferable to raising the wall, but this is not part of the proposal currently before me.

6. I appreciate that there would be benefit to the occupants in reducing the risk of falling from the current wall, but this does not justify the harm to the character and appearance of the conservation area.
7. The proposal is not protective of the character and setting of the conservation area and does not preserve or enhance characteristic elements. I conclude that it would be harmful and in conflict with Policies CP6 of the Core Strategy for Bath and North East Somerset (adopted 2014) and HE1 of the Placemaking Plan for Bath and North East Somerset (adopted 2017), which together aim to protect the quality of the historic environment.
8. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to preserving and enhancing the character and appearance of the conservation area and this is a matter of considerable weight. For the reasons set out above, the proposal would have a negative effect on the significance of a designated heritage asset. I do not consider the overall harm to the conservation area to be 'substantial' and I have therefore applied the test in paragraph 196 of the Framework. No public benefits have been put before me that would outweigh the harm identified above.

Conclusion

9. For the reasons above, and having regard to all other matters raised, the appeal should be dismissed.

B Davies

INSPECTOR