



Appeal Decision

Site visit made on 9 November 2020 by Ben Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/F0114/D/20/3257781

61 Bay Tree Road, Fairfield Park, Bath BA1 6NE

- 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 R Kumar against the decision of Bath and North East Somerset Council.
 - The application Ref 20/01610/FUL, dated 5 May 2020, was refused by notice dated 23 July 2020.
 - The development proposed is described as a new part single part two storey extension to rear, same as permitted application 20/00077/FUL, but with larger ground floor area.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new part single part two storey extension to rear, same as permitted application 20/00077/FUL, but with larger ground floor area at 61 Bay Tree Road, Fairfield Park, Bath BA1 6NE in accordance with the terms of the application Ref 20/01610/FUL dated 5 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 02A, 03A, 04A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the living conditions of the occupants of No 59 Bay Tree Road, with particular regard to outlook.

Reasons for Recommendation

4. The semi-detached appeal property sits along a residential street which rises south to north and is characterised by similar two storey semi-detached or

terraced units with a consistent gap between properties and set back from the road providing a sense of space. The neighbouring property to the south, No 59 sits lower than the appeal property and is set significantly forward.

5. The Council has previously granted planning permission for extensions to the property comprising part single storey, part 2 storey. It has indicated that the difference between the appeal proposal and the approved extension is the increase in depth of the wrap around extension by approximately 1 metre. It considers that all unchanged aspects of the proposal are acceptable.
6. In this regard I find that the two-storey element of the extension would be of limited depth and would sit sufficiently far away from the boundary with No 59 so as to not harm the outlook from this neighbour.
7. The single storey element of the proposed extension would project to the side of the host property and would extend 1m from the boundary. A single storey detached garage building currently sits on the boundary at this point, which would be removed to make way for the extension.
8. Given the difference in ground levels, the proposed single storey element would sit higher than the ground level of the garden to No 59. Although the extension would be visible from the rear rooms and garden of No 59, I am satisfied that its modest height, roof design and siting would ensure that it would not be a prominent or intrusive feature in views from these areas. Accordingly, it would be unlikely to make the rear rooms or garden less pleasant to use as a result.
9. I conclude therefore that the proposal would not be harmful to the outlook from No 59 and the living conditions of the occupiers of this property would be preserved. Accordingly, the proposal complies with Policy D6 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan (adopted July 2017), which seeks to prevent significant harm to the living conditions of adjoining occupiers.

Other Matters

10. The appeal site is located within the Bath World Heritage Site (WHS), the significance of which includes the quality of the built environment. The Council considers that the proposal is acceptable in terms of its effect upon the character and appearance of the area, and I have no reason to find differently in this regard. Accordingly, I consider that the proposal would not cause harm to, or loss of the special architectural, cultural or historic interest which contribute to the outstanding universal value of the WHS. Its significance as a designated heritage asset would be sustained, in accordance with Policy B4 of the Bath and North Somerset Core Strategy (2014).

Conditions

11. The Council has suggested the imposition of conditions relating to the start date of development and requiring compliance with the application plans which I consider to be necessary in the interest of clarity. In addition, I agree that a condition requiring materials to match the existing property is also necessary in the interest of the character and appearance of the area.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the conditions set out above.

RC Kirby

INSPECTOR