
Appeal Decision

Site visit made on 23 November 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/F0114/W/20/3257999

Land adjacent to Lawrence House, Lower Bristol Road, Bath BA2 9ET

- 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 Gazelle Properties Ltd against the decision of Bath & North East Somerset Council.
 - The application Ref 19/02767/FUL, dated 14 June 2019, was refused by notice dated 6 March 2020.
 - The development proposed is the erection of building to provide 8 x one bedroom flats.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, and the significance of the Bath Conservation Area (CA).

Procedural Matter

3. As confirmed by the Council, the reasons for refusal on the Decision Notice Nos 2 and 3 have been overcome following the information submitted by the Appellant with this appeal. These matters, relating to ecology (including a Special Area of Conservation relating to bats) and loss of trees are therefore not main issues with this appeal.
4. The appellant has submitted a revised plan with this appeal which shows the proposed layout (13101_014_Rev G). The main change appears to be in relation to the positioning of the path to the side of the proposed building, which is a minor alteration. In these circumstances I will accept this plan as in doing so would not prejudice any interested parties. Furthermore, this has been made available to the Council to comment on.

Reasons

5. The proposal is for a four storey building to contain eight flats. It would be positioned adjacent to Lawrence House, which is a large former office building which is now flats. Lower Bristol Road is one of the main roads into Bath, which is characterised by commercial buildings to its northern side, although often set back from the road behind mature trees and other forms of landscaping. The site is also part of the Bath CA.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. In my view, Bath CA and in particular this area around Lower Bristol Road, derives its heritage significance from its history as a route into Bath and its mix of building types along the river, some of which are industrial. There are also modern style buildings, often set within positive verdant settings with mature tree lines a positive feature, with this area providing towards the 'green setting' of Bath.
8. The proposed building would be subservient to the larger Lawrence House. Furthermore, the design of the proposed building does reflect some aspects of the adjacent former office building. However, Lawrence House and the adjacent Minerva House are the main examples of large and tall buildings (over two storeys) along this section of Lower Bristol Road, but their visual prominence is reduced by their set back position with a line of mature trees along the frontage which contributes towards the verdant character of this part of the street. Some other buildings along Lower Bristol Road close to the site have more open frontages without significant landscaping adjacent to the road, but these are lower profile buildings often with substantial landscaping with tall trees as a backdrop.
9. In this case, the proposed building would be a taller building, having four storeys, though would have its side elevation close to the roadside frontage to such an extent I am not convinced there would be sufficient landscaping between the flats and the front boundary to reduce its visual impact. It would therefore be particularly prominent on the approach into Bath, being a tall building close to the highway edge without the landscaping to soften the visual impact sufficiently to maintain the 'green corridor' characteristic. Instead, this 'green corridor' would be interrupted with relatively clear views of the tall elevations of the proposed building close to the highway boundary, thereby eroding the verdant street scene.
10. Whilst the proposed building may have similarities to Lawrence House (although with improved materials to be used), its position closer to the road with a lack of significant tree screening would likely mean it is more prominent than this existing and larger adjacent building. It is the mature trees that line much of either side of Lower Bristol Road that have the visual primacy within the street scene, rather than the taller buildings. However, this proposal would introduce a four storey building of considerable bulk in a prominent position which would interrupt this corridor of trees, even having regard to the landscaping proposed. This would result in the proposed residential building being an overly dominant feature in the street scene.
11. There is already consent for a two storey residential development on this plot, but the proposed four storey building would be significantly more prominent and more of a dominant feature within this setting than the approved scheme.

As such, the approved scheme does not set a clear precedent in favour of the appeal proposal. Furthermore, I understand there are issues that would require some amendments to the two storey scheme to be implemented, but this does not mean that an additional two storeys are necessarily required. I do not regard it necessary that there would need to be a four storey building to have a design of suitable proportions. Any lower height building would also not necessarily be 'squat' in its appearance. The consented two storey development was close to the boundary with the highway with a 'footprint' similar to that of the residential building now proposed, but being only two storey it would have significantly less of a visual impact than that subject to this appeal.

12. This attractive verdant character of this section of Lower Bath Road, on the 'gateway' approach into Bath and the CA, would be eroded to some extent by the proposed building. As such, it would be overly prominent within this setting. For these reasons the character of the CA would not be preserved. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
13. The public benefits arising from the proposal would be the provision of additional dwellings within Bath in an accessible location, which could be described also as an efficient use of developed land. There would also be construction jobs created for this development. The new building as proposed would shield some views of Lawrence House, but not to a significant extent, with much of Lawrence House already screened by mature trees to its frontage. Overall, whilst I acknowledge the detailed planning balance submitted by the appellant, in my opinion the provision of only eight flats is modest and not sufficient to offset the identified harm, to which I must attach considerable importance and weight.
14. I have had regard to the suggested conditions from the appellant, but these would mostly address possible adverse impacts and so would have a neutral impact to my considerations. Overall, they would not sufficiently address the harm I have identified above.
15. The site is also within the Bath World Heritage Site (WHS) designated area. The Council has not raised an objection to the proposal based on impact to the WHS. Given its more modern setting on the edge of Bath, outside the historic core, I would not disagree with this conclusion.
16. In conclusion, the proposal would result in harm which would significantly and demonstrably outweigh the benefits and is therefore contrary to policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan. These policies require development to respond to the site context, enhance and respond to green infrastructure, relate positively to the street, and ensure the historic environment (including CAs) shall be sustained and enhanced, amongst other things.
17. I note that the Council has made clear in its statement that the proposal does not conflict with policy D3 of the Bath and North East Somerset Placemaking Plan, despite its inclusion on the Decision Notice. I have no reason to come to a different conclusion on this matter.

Conclusion

18. For the reasons given and in considering all matters raised the appeal should be dismissed.

Steven Rennie

INSPECTOR