



Appeal Decision

Site visit made on 23 February 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/F0114/W/20/3251612

Rear of 19 Park Street, Bath, Somerset, BA1 2TE

- 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 Dr Sudhir Vinayak against the decision of Bath & North East Somerset Council.
 - The application Ref 20/00189/FUL, dated 16 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is 1 no. mews flat.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on:
 - the setting of listed buildings along Park Street and Cavendish Road, and the character and appearance of the Bath Conservation Area;
 - the living conditions of future occupiers, with particular regard to the provision of outdoor amenity space.

Reasons

3. The appeal site is a row of three, single-storey, modern garages towards the rear of the curtilage of 19 Park Street. It is within a large, sloping backland area and surrounded by the rear elevations of the high terraced town houses on Park Street and Cavendish Road. The site and backland area are accessed via a narrow, unsealed back lane, which passes a mews house at the highest elevation and walled rear gardens before reaching the site. Beyond the site is a series of garages at the base of the houses along Park Street and the opposite side comprises the well screened gardens of Cavendish Place.
4. It is proposed to replace the modern garage block with a 4-bay garage and 2-bedroom 'mews flat' above. Permission¹ has recently been granted to demolish the existing structure and replace this with a 4-bay garage.

¹ 19/01383/FUL (13 June 2019)

Listed buildings and conservation area

5. The proposed mews house would be within the curtilage of Park Street, a grade II listed building. It would be located at the bottom of the yard behind the house and would not abut the building.
6. On the basis of the evidence before me, the significance of 19 Park Street as a listed building lies, in part, in the structure and architectural detailing to the front of the building. Highlighted features at the rear include bar sashes, bow windows and a small ashlar and asbestos sheet covered extension up to the first half landing. The surrounding houses on Park Street are also Grade II listed, and those on Cavendish Place Grade I listed. The list descriptions indicate that the significance of these as listed buildings is for similar reasons as 19 Park Street. I am satisfied that the buildings would be preserved, and features of architectural interest would not be harmed through the proposal.
7. However, given their shared history and design, the significance of the listed buildings also lies in their relationship with each other. I observed that the backland area is an enclosed, shared, intensely used space overlooked by the surrounding townhouses. The private and calm character of the backland area is in juxtaposition with the busy front elevations.
8. The site is also in the Bath Conservation Area (CA). I have been provided with a map of the conservation area, which covers an extensive area of Bath. I consider that this backland area contributes to the significance of the CA through its history, and in its largely preserved layout and architecture.
9. The recent, extant permission allows the garages to be renovated and brought forward to run adjacent to the lane. I have no information before me on which to assess how likely it is that the approved development will take place, but I have had regard to the fact that the Council were content with this configuration recently, and conclude that the modest modification in the location of the building would not be harmful to the heritage assets.
10. My assessment of the effect of the proposed development on the significance of the heritage assets therefore considers the additional elements of the scheme, which are the extra height and the domestication of the block, including the insertion of first floor sash windows.
11. The resulting building would be approximately 1 m higher across part of the structure, with a similar shape to that already approved. Although no assessment of the effect of the additional height on the setting of the listed buildings has been provided, I am satisfied that the small difference in height would not be harmful to the setting of the heritage assets, nor the views from the listed buildings.
12. The proposed building would read as a mews house, and the first floor would clearly be domestic in character. I have had regard to the historical maps provided by the Bath Preservation Trust, which indicate that the area has never contained mews housing or otherwise been used for residential purposes, and this concurs with my observations. There is therefore no precedent for detached residential development in this backland area. Introduction of housing would introduce a new type and level of activity to the area, in a location that would be highly noticeable by the occupants of the surrounding buildings. It

would therefore not preserve or enhance the historical character and setting of the listed buildings, nor the CA.

13. I acknowledge that there is a mews house at the top of the lane. However, this is at the entrance to the lane and by virtue of being on a bend, it looks through to the main road. In the character of this location, it is set apart from the backland area. I therefore do not consider this characteristic, or that it sets a precedent for domestic development.
14. It is not in dispute that renovation of the garages with materials more characteristic of the surrounding buildings would be beneficial. However, notwithstanding that this is secured by the extant permission, this benefit would not outweigh the harm to the setting of the listed buildings and CA identified above.
15. The proposal would introduce a new, discordant development, interrupting the setting of the heritage assets and for this reason would be harmful. This is in conflict with Policy CP6 of the Bath and North East Somerset Core Strategy (Part 1) (July 2014), which states that the historic environment must be protected and conserved. It is also in conflict with Policy HE1 of the Core Strategy and Placemaking Plan (July 2014) (PP), which states that development having an impact upon a heritage asset must enhance or better reveal its significance and setting.
16. In coming to this conclusion, I have considered the duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, and that under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Living conditions

17. A 'patio' is proposed to the rear of the building. This would be approximately 1.5 m wide by 5 m long and essentially comprises an access corridor to the front door. It would be surrounded on 3 sides by overbearing high walls and potentially overlooked by the raised garden associated with neighbouring No 20 Park Street.
18. The size of the patio is too narrow to be of practical use as an appropriate amenity space, and the quality of the environment is such that adequate and usable amenity space would not be provided, in conflict with Policy D6 of the PP.

Other matters

19. The Council has not identified that the proposal would cause harm to the integrity of the World Heritage Site, and I have no reason before me to disagree with this conclusion.

Planning balance and conclusion

20. There would be harm to the heritage assets from the proposal. This would be 'less than substantial harm' using the terminology in the National Planning Policy Framework (2019) (Framework). This harm must be weighed against the public benefits in line with paragraph 196 of the Framework.

21. The development would replace a row of modern garages with a structure finished with materials more sympathetic to the area and would contribute a single dwelling to the housing supply. However, the public benefits from this are limited by the small scale of the development and do not outweigh the harm to the heritage assets identified above, the conservation of which I am directed by paragraph 193 to give great weight. In addition, I have found that there would be harm to the living conditions of future occupants from inadequate external amenity space.
22. The proposal therefore conflicts with the local development plan when read as a whole, and for this reason, the appeal is dismissed.

B Davies

INSPECTOR