



Appeal Decision

Site Visit made on 16 March 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/F0114/D/20/3263740

1 St Saviours Terrace, St Saviours Road, Larkhall, Bath BA1 6RL

- 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 Marilyn Horne against the decision of Bath and North East Somerset Council.
 - The application Ref 20/01194/FUL, dated 25 March 2020, was refused by notice dated 23 October 2020.
 - The development proposed is new driveway with proposed dropped curb and removal of existing disused bus stop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the area, including the significance of the Bath Conservation Area (BCA); and (ii) the effect of the proposed access arrangement on the provision of local public transport connections in the area.

Reasons

Character and appearance

3. The appeal property comprises an end of terrace dwelling located within the expansive BCA. I have therefore attached considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA) in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The BCA has a remarkable degree of visual homogeneity. Its attributes include a large proportion of neo-classical buildings arranged in uniform crescents, squares and terraces, and interspersed by a hierarchy of complex and delicate spaces and landscaping.
5. The existing wall along the appeal property's frontage forms part of a lengthy boundary that encloses the shallow, albeit attractive front gardens of the properties along this part of St Saviours Terrace. There are small gaps enclosed by gates along the wall's length through which properties obtain pedestrian access. Other than an access to a detached garage next door to the appeal property, there are no other vehicle driveways along this section of St Saviours Terrace.

6. The existing front wall has a uniform height and appearance, with finishing materials comprising Bath stone to match the adjacent dwellings. The wall's special qualities comprise its consistent scale and vernacular appearance, while clearly defining the interface between public and private land. These qualities make a positive contribution to the BCA and its significance.
7. The proposed removal of a section of the property's boundary wall to facilitate the new driveway, would create an appreciable gap along the boundary with the highway. This would be much wider than the existing gated access openings and result in a discordant break to the regular rhythm and uniformity of the boundary enclosure. As a consequence, there would be an erosion of the wall's quality and appearance to the detriment of the local built environment's fabric. I also noted that the proposed driveway, together with the adjoining access to a neighbouring detached garage, would accentuate the visual break in the boundary along the street frontage, thereby weakening the distinctive division between public and private land.
8. The section of wall to be removed would be relatively short as a proportion of its overall length. Nevertheless, even minor changes to the appearance of structures in a conservation area that displays such unique homogeneity and uniformity in the arrangement of buildings and spaces, can be prominent and harmful, as would be the case in respect of the appeal proposal.
9. In light of the above reasons, the proposal would have a harmful effect on the character and appearance of the surrounding area, including the significance of the BCA. It would fail to accord with policies D1, D2, D3, D4, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) (the Placemaking Plan). These require, in part, that proposals contribute positively to local distinctiveness, reflects boundary treatments that are appropriate to the area, be designed to provide continuity of street frontage and to preserve or enhance those elements that contribute to the special character or appearance of the conservation area. Furthermore, the proposal would not comply with the National Planning Policy Framework (the Framework) in conserving the significance of heritage assets.
10. In terms of the Framework the harm I have identified is less than substantial. There would be some public benefit in removing at least one on-street parking space, thus creating more space on the highway. However, this would lead to a small reduction in on-street parking and the public benefit of this would not outweigh the harm to the BCA as a whole.

Bus stop

11. An existing bus stop is located in front of the proposed new driveway. This comprises a build-out from the existing pavement into the highway from where bus service users would be able to wait and board buses from. An area of the adjacent highway has road markings indicating the words "bus stop".
12. The Council's officer's report states the proposed access would benefit highway safety by removing a parking space from the street, while the visibility at the proposed access would meet the standards set out in the Manual For Streets. Despite the Council's indication that aspects of the scheme meet highway safety standards, there is nevertheless concern that the proposed access would require the removal of the existing bus stop.

13. The appellant has indicated that the bus stop is no longer in use, however, no confirmation of this has been provided by the local bus company or public transport provider. Moreover, whilst services may no longer call at the bus stop, I cannot be certain that it is not still in use or whether there would be future plans to use it by the local public transport operator. Therefore, given this level of uncertainty, the removal of the bus stop could have an undesirable impact on the provision of an accessible form of transport that would be used by people to access, shops, services and employment.
14. The bus stop is on land that is outside of the appellant's control therefore an agreement would need to be sought for those works on the highway. Consequently, even if the bus stop is no longer in use or required by the operator, I have no mechanism before me in terms of how it would be removed to make way for the new driveway, and upon whom this action would be required.
15. I have been referred to another bus stop approximately 150m away, which could be used following the removal of the bus stop adjacent to the appeal site. But I cannot be sure, that it would provide a suitable alternative given that it may be in use by a different bus service, route or provider.
16. Despite the appellant's concerns I am not convinced that the bus stop and the associated kerb build-out is a pedestrian hazard. It contains upright bollards with reflective markings that are clearly visible and do not obstruct the adjacent pedestrian footway.
17. On this basis, given the lack of information on the current status of the bus stop, I cannot be certain that the proposed access would not result in the loss of a public transport connection in the area. Consequently, there would be conflict with Policy D1 and D4 of the Placemaking Plan, insofar as it requires development proposals to make connections by public transport and to consider the needs, amongst other things, of public transport users within all aspects of street design. The proposal would also fail to accord with the Framework, in terms of giving priority, so far as possible, to facilitating access to high quality public transport (paragraph 110).
18. In my conclusion on this main issue I have not referred to Policy ST7 of the Placemaking Plan used in the Council's decision notice, as this does not specifically relate to public transport accessibility.

Other Matters

19. The appellant considers that the existing bus stop is ungainly, and its removal would improve the appearance of the street scape. Be that as it may, this does not override the harm the proposal would have on the significance of the BCA.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR