



Appeal Decision

Site visit made on 8 July 2020

by S Thomas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal Ref: APP/F0114/W/20/3245465

181 Haycombe Drive, Southdown, Bath BA2 1PP

- 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 Creevy against the decision of Bath & North East Somerset Council.
 - The application Ref 19/02997/FUL, dated 3 July 2019, was refused by notice dated 6 September 2019.
 - The development proposed is erection of a three bedroom dwelling attached to 181 Haycombe Drive, along with a change of use of 181 Haycombe Drive from a HMO (C4) back to a domestic dwelling (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's first reason for refusal refers to policies from the Bath and North East Somerset Local Plan. However, the Council states that the first reason for refusal should have cited Policies D1, D2, D3 and D7 of the Bath and North East Somerset Placemaking Plan 2017 (Placemaking Plan). It appears from the officer's report that the scheme was assessed against these policies, and so I have dealt with the appeal accordingly.
3. Although the development relates in part to the change of use from a HMO (C4) to a domestic dwelling (C3), the Council's concerns relate solely to the impact of the attached dwelling on the character and appearance of the area and the City of Bath World Heritage Site (WHS). I have assessed the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area and on the WHS.

Reasons

5. The appeal property is a semi-detached two storey property, with a projecting front gable set in a substantial and prominent triangular shaped plot along Haycombe Drive, which at this point has a 'circus' formation. The adjoining property has a mirrored design providing symmetry to the pair of dwellings. Dwellings in the area are characterised by the predominant honey-coloured

limestone featured throughout the WHS and there is a consistent development pattern with corner properties sat within spacious plots and orientated at an angle to junctions. The appeal property is characteristic of this pattern. This, together with surrounding semi-detached dwellings arranged facing the 'circus', create an interesting feature in the street scene, that positively contributes to the character of this residential area.

6. The proposed attached dwelling would be a substantial addition to the side of the appeal property, spanning a considerable width to the northern boundary. Whilst it would continue the existing building line, maintain the angled relationship of the semi-detached dwellings and be set down from the roof of the main property, it would fail to be subservient to the existing dwelling and would be dominant and imposing in the street scene. It would also disrupt the symmetry of the existing pair of semi-detached dwellings, resulting in an unbalanced effect. The proposed attached dwelling would unacceptably diminish the spacious character to the side of the appeal property which is a feature on corner plots.
7. Although a number of the dwellings on corner plots have extended built form to their side boundaries, this is mainly through the construction of outbuildings such as at the adjacent property. Accordingly, these do not have the same dominant impact compared with the scale of the two-storey additional new dwelling.
8. The site lies within the City of Bath WHS, a heritage asset of the highest significance, designated for its Outstanding Universal Value (OUV). The WHS covers an extensive part of the City, including the appeal site, which is located towards its edge. The significance of the WHS can be ascribed to various attributes which convey the OUV of the WHS, which include Roman archaeology, hot springs, Georgian town planning and architecture and the green setting of the city. The significance of the WHS also derives from the visual uniformity of the city due in part to the widespread use of the honey-coloured limestone and the uniform scale of buildings.
9. Whilst the appeal site may not be within one of the most sensitive or historic parts of the WHS, there is nevertheless a visual uniformity of the arrangement of the built form with the consistent use of materials that is typical of the WHS. It therefore has attributes that reflect the character of the WHS. The significance of the WHS is derived from the sum of its parts, including this area. The proposed development would be intrusive and would disrupt the uniformity of the layout of the corner plots. It would not be a sympathetic addition to this part of the WHS and would fail to contribute to the need for the continued conservation of this important heritage asset.
10. For the above reasons, I conclude that the proposal would result in harm to the character and appearance of the area and to the WHS. Accordingly, the proposal would conflict with Policy B4 of the Bath and North East Somerset Core Strategy (2014) and Policies D1, D2, D3, D7 and HE1 of the Placemaking Plan. Amongst other things, these policies seek to ensure that there is a strong presumption against development that would result in harm to the OUV of the WHS and that development should enrich the character and qualities of places, and should contribute positively to and not harm local character and distinctiveness. In addition they seek to ensure development responds positively to site context including layout, streets and siting and spacing;

respond to historic grain and reflects the pattern of existing development; and designated heritage assets should be enhanced with development making a positive contribution to their character and appearance.

Planning Balance

11. I note the appellant's comments regarding slippage against the housing delivery trajectory beyond the 5 year period. However, the Council is able to demonstrate a healthy 6.79 year supply of housing. Therefore, the policies for the delivery of housing appear to be operating effectively to facilitate opportunities for appropriate small-scale housing development. Whilst the Core Strategy is more than 5 years past its adoption date, this does not automatically make the plan out of date. I do not find the most important policies for the determination of this appeal to be out of date and so the 'tilted balance' of Paragraph 11d of the National Planning Policy Framework (the Framework) is not engaged.
12. The Framework requires that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to an asset's conservation (and the more important the asset, the greater the weight should be). The Framework requires that such harm should be weighed against the public benefits of the proposal. In this case, I find the harm to the WHS to be at the lower end of the 'less than substantial' spectrum. The proposal would provide an additional dwelling, thereby contributing to the housing stock. It would also deliver some economic and social benefits. I also acknowledge Paragraph 68 of the Framework recognises the importance of small sites in meeting the housing requirement of an area. However, given the proposal is for only one dwelling, any benefits that might be associated with it would be very modest. Overall, I find the benefits would not outweigh the 'less than substantial' harm I have found.

Conclusion

13. Overall, the proposal would conflict with the development plan. For the reasons above, the appeal does not succeed.

S Thomas

INSPECTOR