



Appeal Decision

Site Visit not undertaken

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal Ref: APP/F0114/Y/21/3269086

Brook Lodge, 199, London Road East, Batheaston, Bath BA1 7NB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
- The appeal is made by John Corcoran against the decision of Bath and North East Somerset Council.
- The application Ref 20/04544/VAR, dated 27 November 2020, sought to vary condition No 05 of a listed building consent Ref 20/02625/LBA granted on 29 September 2020.
- The works proposed are internal and external alterations for the erection of a single storey rear extension following demolition of existing attached lean-to structure.
- The condition in dispute is No 05 which states that: The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
 - Revised Drawing 29/09/2020 249 05 REV.A PROPOSED JOINERY AND METAL WORK DETAILS
 - Revised Drawing 29/09/2020 249 06 REV.B PROPOSED DETAILS
 - Revised Drawing 29/09/2020 249 03 REV.B EXISTING AND PROPOSED PLANS
 - Revised Drawing 29/09/2020 249 04 REV.B EXISTING AND PROPOSED ELEVATIONS
 - Drawing 23/07/2020 249 02 BLOCK PLAN
 - Drawing 23/07/2020 249 01 LOCATION PLAN
- The reason for the condition is: To define the terms and extent of the permission.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application sought to vary a plans condition of a listed building consent. With reference to Section 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there was no mechanism by which the Council could have imposed the original condition. The condition is therefore invalid. As a result, I have no alternative other than to dismiss the appeal on procedural grounds.
3. The Planning Inspectorate initially arranged for the appeal to be determined following a site visit. On finding that the original condition imposed by the Council is invalid, it was no longer considered necessary to visit the site.

Conclusion

4. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR