



Appeal Decisions

Site Visit made on 15 June 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal A Ref: APP/F0114/W/21/3268466

1 Back Lane, Keynsham, BS31 1ET

- 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 & Mrs Keith & Brenda Poulter against the decision of Bath and North East Somerset Council.
 - The application Ref 20/03506/Ful, dated 28 September 2020, was refused by notice dated 15 December 2020.
 - The development proposed is erection of glazed conservatory to side elevation.
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Appeal B Ref: APP/F0114/Y/21/3268470

1 Back Lane, Keynsham, BS31 1ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Keith & Brenda Poulter against the decision of Bath and North East Somerset Council.
 - The application Ref 20/03507/LBA, dated 28 September 2020, was refused by notice dated 15 December 2020.
 - The works proposed are the erection of glazed conservatory to side elevation.
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Appeal C Ref: APP/F0114/W/21/3270027

1 Back Lane, Keynsham, BS31 1ET

- 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 & Mrs Keith & Brenda Poulter against the decision of Bath and North East Somerset Council.
 - The application Ref 20/03862/FUL, dated 20 October 2020, was refused by notice dated 16 February 2021.
 - The development proposed is erection of glazed conservatory to side elevation.
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Appeal D Ref: APP/F0114/Y/21/3270043

1 Back Lane, Keynsham, BS31 1ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Keith & Brenda Poulter against the decision of Bath and North East Somerset Council.
 - The application Ref 20/03863/LBA, dated 20 October 2020, was refused by notice dated 16 February 2021.
 - The works proposed are the erection of glazed conservatory to side elevation.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Decision – Appeal C

3. The appeal is allowed, and planning permission is granted for erection of glazed conservatory to side elevation, at 1 Back Lane, Keysham BS31 1ET, in accordance with the terms of the application, Ref: 20/03862/FUL, dated 20 October 2020, subject to the conditions in the attached schedule.

Decision – Appeal D

4. The appeal is allowed, and listed building consent is granted for erection of glazed conservatory to side elevation, at 1 Back Lane, Keysham BS31 1ET, in accordance with the terms of the application, Ref: 20/03863/LBA, dated 20 October 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

5. The four appeals relate to two different schemes. Both schemes are for a frameless glazed lean-to conservatory to be attached to the southeast facing elevation of the building.
6. Appeals A and B are for the same scheme under different legislation. This scheme would have a low pitched roof that would attach to the existing building just above the existing ground floor windows. I will refer to this as the low pitched proposal.
7. Appeals C and D are for a scheme that would have a steeply pitched roof that would attach to the existing building just below its first floor windows. Appeals C and D are for the same scheme under different legislation. I will refer to this as the steeply pitched proposal.
8. I have dealt with both proposals, and thus all four appeals, together in my reasoning.
9. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeals.
10. During the course of the appeal process it became apparent that the Council had filled in two of the appeal questionnaires incorrectly by giving incorrect application references. It used similarly incorrect references for its neighbour notifications. It is important that the appeals have been correctly advertised to give interested parties the opportunity to make comments. Therefore, for the avoidance of doubt, the Council sent out the correct notifications, and a further period of time was given to allow any further responses to be taken into account.
11. With regard to Appeals C and D I have before me a drawing that the appellants suggest was submitted to and acknowledged by the Council before it made its decision, but is not listed in the plans list included in the decision notices. This is Drawing D01 Rev 3, which includes a lead flashing detail at the head of the proposed roof. This drawing does not significantly alter the scheme but includes

a modest additional detail. I am satisfied that no party would be disadvantaged if I take this plan into account.

Main Issue

12. The main issue for all four appeals is the effect on the significance of the appeal building, which is part of a grade II listed building, and whether the proposals preserve or enhance the character and appearance of the Keynsham Conservation Area.

Reasons

13. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
14. 1 Back Lane is part of a listed building known as Temple County Primary School. The designation covers the former school building and the attached appeal building, which was originally built as the school master's house. The building dates from circa 1860. It is built in a gothic revival style with steep roof pitches with a low eaves line that is punctuated by large windows and gablets, indicative of its original function. The school master's house is built in the same style, but with a contrasting domestic scale and two storey layout. The list description refers to the building as an unaltered and distinguished example of mid-Victorian scholastic architecture. Despite its residential conversion this external aesthetic has been successfully retained. The building's strong gothic revival style and lack of modern intervention, despite its residential conversion, are primary contributors to its special interest.
15. The building stands within the Keynsham Conservation Area (KCA), which covers a large area that includes the densely developed historic core of the town and the open loosely developed land associated with the River Chew, immediately to the east of the town centre. The former school building is a significant positive contributor to the character and appearance of the KCA, prominently located on a road junction and facing out towards the busy commercial area of the town.
16. The proposals would see the side elevation of the former school master's house extended, which is away from the principal parts of the building that were used for schooling. Both proposals would adopt a frameless glass system, with full height glazed walls and a glass roof. They would both read as clear additions to the host building that would utilise an existing door for access and retain other openings unaltered. The frameless glazed system would have a simple crisp appearance, that would work well with the angular forms of the host building and the narrow sections of the existing windows.
17. Both proposals would adopt a lean-to form that would be an appropriate addition to this side elevation. In terms of overall visual impact, I am not satisfied that the steeply pitched proposal has any significant merit over the low pitched proposal. However, the steeply pitched proposal would connect with the host building at the head of the large relieving arch over the ground

floor window. This would allow this feature to be retained within the extension where it would be seen in context with the window opening, subject to an appropriately worded condition to secure details of the finish of this area of masonry. If chased in at the top this would largely be over the top of the arch, along the horizontal mortar joints between the stone, which could be repaired if the structure is removed in the future without scarring the masonry.

18. In contrast, the roof of the low pitched proposal would cut across the bottom of the relieving arch and disconnect it visually from the window beneath. As well as causing visual harm, chasing in to make a waterproof junction would result in a permanent scar across the angled stones that make up the relieving arch. For this reason, I find that the low pitched proposal would harm the special interest of the building.
19. I accept that there are other examples of historic buildings with similar features that have been intersected to facilitate extensions, however I do not know the full details of the cases referred to, and I note that some of the examples given were carried out a long time ago. However, I must determine the proposal on its own merits, and I give weight to the fact that the listed building has been subject to very little modern intervention, retaining the original appearance of its facades, including the southeast facing elevation of the former school master's house. Leadwork chased into the building elsewhere has not cut across a feature of the building to the same degree that the low pitched proposal would. I thus remain of the view that the roof of the low pitched proposal would harm the appearance and fabric of the listed building.
20. Unlike the prominent gables of the part of the building that was built for schooling, the former school master's house is less prominent to view, set back from the road and enclosed behind a dense yew hedge and mature trees. Although I appreciate that the existing hedge could be removed, I consider this to be very unlikely given that it encloses the garden and provides its users with a good degree of privacy and shelter from the busy highway. The area of the proposal can be glimpsed from a few places, including the steps on the opposite side of the road. From these locations I am satisfied that a view of the roof of either proposal with its simple lean-to form and crisp detailing, even if I take into account the appearance of a horizontal run of leadwork, would be neither incongruous nor obtrusive. Neither of the proposals would be prominent to view from the street or would lessen the contribution that the appeal building makes to the character and appearance of the KCA.

Summary for Appeals A and B

21. In terms of the Framework, the harm identified would be less than substantial. With reference to paragraph 202 of the Framework the proposal would solely be of benefit to the occupiers of the existing dwelling. Therefore, there are no public benefits that would outweigh the degree of harm identified.
22. In summary, the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the special interest of the listed building. It would also be contrary to Policies D1, D2, D3 and HE1 of the Bath and North East Somerset Local Plan 2011-2029 District-wide Strategy and Policies (DWSP) and Policy CP6 of the Bath and North East Somerset Core Strategy 2014 (CS) which together seek to ensure that development proposals are well designed to sustain and enhance the district's historic environment.

Summary for Appeals C and D

23. In summary, the proposal would not harm the significance of the listed building or the character and appearance of the KCA. It would thus accord with the requirements of the LBCA and paragraph 199 of the Framework, which states that great weight should be given to the conservation of heritage assets. It would also accord with Policies D1, D2, D3 and HE1 of the DWSP and Policy CP6 of the CS.
24. In its refusal the Council also referred to Policy B4 of the CS and Policies D6 and D7 of the DWSP. Policy B4 Relates to the World Heritage Site. The appeal site is not within the World Heritage Site or its setting. Policy D6 relates to amenity. The proposal is for a domestic extension that would not harm the living conditions of the occupiers of the appeal dwelling. Its position would ensure that its impact on the living conditions of the occupiers of neighbouring dwellings would not be harmed. Policy D7 relates to infill and backland development. The proposal would be neither. For these reasons these Policies do not appear to be relevant to the appeal proposals or the main issue of the appeals and have thus not been determinative.

Other Matters

25. In respect of Appeals C and D the Council is of the view that the information submitted is not sufficient to enable a full assessment of the impact of the proposal. However, given that the level of detail provided for both schemes is similar it is not clear why the Council did not raise a similar issue in respect of Appeals A and B. I am satisfied that the submission for both proposals includes detailed drawings sufficient to show the construction of the proposal as well as elevation drawings that enable an assessment of its visual impact. A suitably worded condition can be used to secure final agreement for the location of the chasing in required for the flashing. I am thus satisfied that this does not need to be a main issue of the appeals.

Conditions for Appeals C and D

26. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
27. I have imposed conditions to secure details of finishes to safeguard the special interest of the building. I have amended the wording suggested by the Council to make the condition broader, so that it also secures details of the finish of the area of the existing external wall that would become internal as part of the proposal.
28. I have imposed a condition to secure details of the fixing of the conservatory to the existing masonry wall, notwithstanding the details already submitted, to safeguard the special interest of the building including its historic fabric. I have amended the wording suggested by the Council to take into account the discrepancy on the submitted plans between a lead detail that would be chased into the masonry and a seal that would be applied to the masonry surface.

Conclusion

29. For the reasons above, I conclude that appeals A and B should be dismissed, and Appeals C and D should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions for Appeals C and D

Appeal C Ref: APP/F0114/W/21/3270027

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOC 1, E.01, E.02, E.03, EV01 rev 2, EV02 rev 2, EV03 Rev 2, E01 Rev 2, E02 Rev 2, E03 Rev 2, PL01 Rev 2, PL02 Rev 2, SE01 Rev 2, D01 Rev 3, D02 Rev 2, D03 Rev 2 and D04.

Appeal D Ref: APP/F0114/Y/21/3270043

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No construction of the external walls of the development shall commence until a schedule of materials and finishes, including the finish of the external walls that would be made internal as a result of the works, and samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
- 3) Notwithstanding the details shown on the approved plans, details of how the conservatory will be fixed to the existing masonry wall, including the precise location of where any lead chasing shall be chased into the masonry shall be submitted to the Local Planning Authority and approved in writing.