



Appeal Decisions

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal A Ref: APP/F0114/Y/21/3274464

Lower Maisonette, 4 Albion Terrace, Kingsmead, BATH, BA1 3AF

- 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 Glenn Harmon of HOKO Design against the decision of Bath and North East Somerset Council.
 - The application Ref 21/00345/LBA, dated 25 January 2021, was refused by notice dated 23 March 2021.
 - The works proposed are external and internal works for the erection of a single storey rear extension atop the existing bathroom and the installation of a flat glass sky light to cover the open trench at the front entrance.
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Appeal B Ref: APP/F0114/W/21/3279105

Lower Maisonette, 4 Albion Terrace, Kingsmead, BATH, BA1 3AF

- 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 Glenn Harmon of HOKO Design against the decision of Bath and North East Somerset Council.
 - The application Ref 21/00308/FUL, dated 22 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is single storey extension atop existing bathroom to provide home office. Flat glass sky light to cover the open trench at the front entrance.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 03 November 2021.

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. 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.
4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.

Main Issue

5. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building, known as 1 – 6 Albion Terrace and whether the proposal would preserve or enhance the character and appearance of the Bath Conservation Area.
6. An additional main issue for Appeal B is the effect of the proposal upon the Bath World Heritage Site.

Reasons

Listed building and conservation area

7. 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.
8. The appeal property is a two storey maisonette set over the basement and ground floor level of No. 4 Albion Terrace. This building is part of a terrace of six houses dating from circa 1820. Their front façade is faced in ashlar stone with a regular arrangement of sash windows set between projecting stone bands and beneath a parapet. The terrace is set back from the street a short depth to account for an open lightwell to give access between the basement and the vaults under the pavement. These areas are enclosed behind railings at street level. The overall architectural composition, including the contribution made by elements such as the basement vaults are significant contributors to its special interest.
9. The terrace stands within the Bath Conservation Area (BCA). The BCA covers a broad area that takes in the historic core of the city, surrounding suburbs and areas of significant landscape. The appeal building is prominently sited alongside the road. It contributes significantly to the character and appearance of the BCA and is representative of the westward expansion of the city. Indeed, the list description suggests that it would have stood at the very edge of the city when first built.
10. The proposal would see the open light well covered by a flat glass rooflight. This intervention would seal the environment of the vaults and light well, which the appellants suggest would allow them to be used as functional storage space. At my visit I saw that the spaces suffered from a significant level of damp. The proposal is not supported with advice from a conservation specialist, as recommended in the Council's Planning Guidance Note Historic Vaults in Bath. I have no information before me to suggest why the existing structure is so damp. Without this I am unable to make an informed assessment of the impact that this element of the proposal would have on the building's fabric.
11. However, based on my observations on site I consider it likely that sealing the area up would exacerbate the existing problem. Not only would this be likely to make the vaults even less useful for storage, it would also be likely to accelerate the decay of historic fabric and may also have an impact on the living environment of the existing Kitchen and Living Room. I note that this installation would make it difficult to provide good ventilation to the Kitchen for

example, and there is nothing before me to indicate where the existing boiler flue would be re-located.

12. The proposal also includes the removal of what is referred to as a masonry partition, fronting the existing vaults. This appears to be a stone front to the vaults, with a door and window opening into each vault. No assessment has been made of the historic significance of this arrangement, and there is nothing before me to justify its removal. At my visit I observed that a similar arrangement appeared to exist to the front of other vaults serving the terrace. Therefore, without any evidence to the contrary, I must conclude that this element of the proposal would result in the loss of historic fabric.
13. From street level the open light wells are a significant component to the architectural interest of the terrace and appearance of the street. They also give an understanding of the social and functional history of these buildings and the interrelationship between the building's polite upper floors and lower service spaces.
14. I accept that a glass panel would be less prominent than an opaque material. However, not only would a large sheet of glass in this position draw the eye, it would also separate the basement level from the upper floors and thus fragment the building's principal façade, harming its special interest and the character and appearance of the BCA. Although a freshly inserted length of clean glass may allow this view to be retained to some degree it is likely that it would quickly collect dirt, taking into account its north facing roadside position, and given the presence of the existing stone upstand it is not clear how rainwater would drain off its surface.
15. The proposal also includes the upward extension of the rear lean-to to form a small office. The rear elevation of the terrace has seen a significant level of change, which includes modern replacement windows, external pipework, new window insertions and replacement rear extensions. These interventions have had a considerable impact on the special interest of the building's rear facade. This element of the proposal would result in the further loss of historic fabric to allow for the formation of the new door. Nevertheless, this would be a small volume of masonry and in the context of the level of alteration that has occurred at the rear I am satisfied that forming the new door would not cause harm.
16. However, the new roof would have a shallow pitch with a modern rooflight fitting, and the new window would be wide and would fail to respect the proportions of existing window openings which have a strong vertical emphasis. I accept that this element of the proposal would be seen alongside other rear extensions elsewhere on the terrace, however, the additional height would make it reasonably prominent from the public realm to the rear where it would be seen in the context of the whole of the rear façade. For these reasons I find that the form and design of the extension would cause some harm to the building's special interest.
17. In terms of the Framework the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would provide a small area for homeworking. I accept that this could mean that an occupier of the dwelling may not need to travel for work and this would be an environmental benefit. However, at my visit I saw that the maisonette had existing living

spaces that could be used for homeworking. It would therefore be unreasonable to conclude that without the rear extension an occupier of the dwelling would have no alternative but to travel elsewhere to work. I therefore give this benefit little weight.

18. The appellant suggests that the proposal would allow the vaults to be used and would protect them for the future. However, for the reasons already given I do not agree that this would be the case and am thus not satisfied that this would be a heritage related public benefit.
19. I give the harm I have identified considerable importance and weight in the planning balance of these appeals. Indeed, paragraph 199 of the Framework establishes that great weight should be given to the conservation of a heritage asset. The public benefits of the proposal would be modest and would not be sufficient to outweigh the degree of harm identified.
20. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the architectural interest of the listed building and would not preserve the character or appearance of the CA. It would be contrary to Policies D1, D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan 2017 (PP), which together seek to ensure that development proposals do not harm local character and distinctiveness and protect the historic environment.

World Heritage Site

21. The appeal building is within the Bath World Heritage Site (BWHS). The existing terrace is significant to the Georgian expansion of the city, illustrating social hierarchy and a regency design that is typical of Bath's 18th and 19th century development. It thus contributes to the outstanding universal value of the WHS.
22. The enclosure of the light well and the formation of the upward rear extension would have an adverse impact on the appearance and architectural integrity of the terrace. The proposal would therefore not accord with Policy B4 of the Bath and North East Somerset Core Strategy 2014 and Policy HE1 of the PP, which together seek to establish a strong presumption against development that would result in harm to the outstanding universal values of the BWHS.

Conclusion

23. For the reasons above, both of the appeals should be dismissed.

A Tucker

INSPECTOR