



Appeal Decision

Site visit made on 11 January 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal Ref: APP/F0114/W/21/3283790

71 North Road, Combe Down, Bath BA2 5DF

- 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 Diane Lee against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01356/FUL, dated 20 March 2021, was refused by notice dated 15 July 2021.
 - The development proposed is a new dwelling to side plot of 71 North Road with existing flat reconfigurations.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling to side plot of 71 North Road with existing flat reconfigurations, at 71 North Road, Bath BA2 5DF, in accordance with the terms of the application, Ref 21/01356/FUL, dated 20 March 2021, subject to the condition set out in the attached Schedule.

Preliminary Matters

2. The application form gives the site address as 71 North Road, whereas the appeal document says 71A. Notwithstanding this variation, the location and layout of the proposed development is clear from the submitted drawings. The appeal has been determined on the basis of the submitted drawings.

Main Issue

3. The main issue is:
 - The effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

Reasons

Character and appearance

4. 71 North Road sits within is a substantial corner plot in a predominantly residential area with open land opposite the site to the front. To the west along North Road are 2 other pairs of semi-detached dwellings and a large detached dwelling which appears to be in use as flats. Whilst all are constructed in stone and set within generous plots, there is variety in the detailing, including a mix of sizes and styles of bay windows and varied roof configurations. The dwellings at 65 and 67 North Road do not have bay windows and are set forward of the dwellings either side resulting in an inconsistent building line. To the east, on the other side of the junction with Hadley Road, is a two storey

block of flats, with a short terrace of modest two storey dwellings beyond that along North Road. To the side and rear of the site, the dwellings along Hadley road and Trinity Road are a mix of small blocks of flats and modest two storey semi-detached dwellings set in modest plots.

5. The appeal site is a three storey semi-detached dwelling constructed in stone with a slate roof. It is currently in use as three flats. It fronts onto North Road, with Hadley Road to the side and has a vehicle access and parking area to the front and a large garden to the rear. The site slopes down significantly from the front to the rear, presenting an appearance more like a two storey dwelling when viewed from North Road.
6. The proposal would result in a new dwelling attached to the side of the lower ground and ground floor of No 71. It would be two story, but due to the site levels would appear more as a single storey when viewed from the front. It would be constructed in matching materials and the scale and proportions would reflect those of the existing side extension at 69 North Road. The new and existing dwellings would both be served by good sized gardens.
7. Apart from the consistency in materials, the existing dwelling is part of an area which is characterised by considerable variety in the scale, massing, height, layout, spacing and detailing of dwellings. I acknowledge that the proposal would result in a pair of semi-detached dwellings becoming a short terrace, but it would retain the appearance of pair of extended semis. In addition, the new dwelling would be considerably smaller than the attached existing dwelling and set back at the front elevation. However, given the identified local characteristics, the proposal would respond appropriately to this varied site context and is in keeping with the character and appearance of the area.
8. The site already has vehicle access and parking to the front, as does the adjoining dwelling at No 69. The detached dwelling at 63 North Road has a wide, open parking area to the front, with two vehicle access points. The surrounding area is a mix of on street and off street parking. Consequently, parking at the front of dwellings is a common element within the existing street scene. The proposal would result in the loss of a modest section of the front boundary wall along with an accompanying modest increase in the width of the parking area. This minor change in the appearance of the frontage would not be out of keeping with the character and appearance of the site or the wider area and would not result in harm.
9. The site has an extant permission from 2020 for extension to the existing lower ground floor and ground floor flats. The appeal proposals would result in a separate dwelling rather than an extension, but in terms of the design, scale, detailing and external layout of the built form, this previous scheme is very similar to the appeal proposal. The appeal proposal does include an additional external door, but due to the levels and being located in the side elevation, this would largely not be visible within the main streetscene. The Council contend that whilst they found the previous scheme acceptable in terms of character and appearance, the subservient nature of the appeal proposal makes it read as an extension and is therefore not suitable as a dwelling in its own right. However, the existing dwelling is already sub divided into separate units, with their own external entrances, and as set out above, there is already considerable variety in the scale, design and layout of dwellings in the immediate vicinity of the site.

10. When viewed from the street, the proposed change from extended flats to a separate dwelling, would not result in an impact on character and appearance that is significantly different to the extant permission. The extant permission is similar enough to be considered as a fallback position and there seems to be no evident reason why it would not be implemented, were this appeal to fail. I therefore give this fallback position substantial weight in the planning balance. However, I have not identified harm which needs to be weighed against, so this fallback position just adds weight to my conclusion.
11. The site is within the Bath World Heritage Site and near a Grade II listed building. As The proposal would not result in harm to the character and appearance of the existing dwelling or the surrounding area, it follows that it would have a neutral effect on these designated heritage assets.
12. I conclude that the proposed development would not cause harm to the character and appearance of the existing dwelling or the surrounding area. Consequently, the development would comply with Policies D2, D4 and D5 of the Bath and North East Somerset Placemaking Plan 2017, which together, amongst other things, seek to ensure that development is well designed, does not harm local character and distinctiveness, and has parking integrated into the streetscene.

Other Matters

13. Whilst the Council did not raise parking or highway safety in their reason for refusal, neighbours have raised concerns. They state that the proposed changes to the frontage to accommodate increased on-site parking would have a detrimental impact on the safety of pedestrians and vehicular traffic on North Road. The proposal would result in a modest widening of an existing vehicle access and parking area causing no significant change the current situation. The Council highways officer raised no objection to the proposal but did request that a condition be imposed to secure 2 metre wide visibility splays. The adjoining neighbour at No 69 has stated that achieving the visibility splays would require removing or relocating a pillar on their land. I have no formal calculations regarding visibility splays before me but note that the proposed site layout drawing shows a distance of approximately 5 metres between the side of the extended parking area and the boundary with No 69.
14. Neighbours also commented that the development would add to the existing parking pressures in the area and that the top floor flat had not been considered in the parking calculations. I acknowledge the existing parking pressures in the area but have no information before me to conclude on the current parking arrangements for the top floor flat. However, I note that when assessed against the Council residential parking standards, the proposal would increase the requirement for off street parking at the site, as a whole, by one space. The application was supported by an accessibility assessment and the Council highways officer concluded that the four proposed off street parking spaces would be acceptable. I therefore have no evidence before me which would lead me to conclude that adequate visibility splays cannot be provided on site and that the proposed parking provision would be unacceptable in terms of its layout or number of spaces. Planning conditions can be used to ensure that before the development is used, the parking is implemented, with suitable surfacing and adequate visibility, in order to provide the required off street parking and maintain highway safety.

Conditions

15. The Council have suggested conditions in the event the appeal is allowed and I have considered these and amended them as necessary in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance (PPG). The appellant has raised no concerns regarding the proposed conditions.
16. In addition to conditions relating to the parking area, the reasoning for which has been set out above, it is necessary to specify the approved plans as this provides certainty. Materials to match the existing dwelling and an agreed landscaping scheme are needed in the interests of the character and appearance of the site and the area. A condition is also necessary to ensure the provision of suitable bicycle storage on site to encourage sustainable transport.
17. The Council has also suggested conditions to ensure an appropriate response if contamination is found and to secure rainwater harvesting and water efficiency. These are considered reasonable and necessary to ensure a suitable form of sustainable and efficient development in accordance with the Bath and North East Somerset Placemaking Plan and Core Strategy.

Conclusion

18. For the reasons given above and taking into account the development plan as a whole and all other matters raised, the appeal should be allowed.

Helen Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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 drawings: A01, A02 Revision 1, A03 Revision 2, A04, A05, A06 Revision 1, A07 Revision 1, A08 Revision 1 and A09.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be of similar appearance to those used in the existing building in respect of type, size, colour, pointing, coursing, jointing, profile, and texture.
- 4) No occupation of the development shall commence until 4 parking spaces have been provided on-site. The parking spaces shall be retained permanently thereafter.
- 5) Notwithstanding the approved plans, no occupation of the development shall commence until the parking area shown on drawing reference A03 Revision 2 has been constructed with a bound and compacted surfacing material.
- 6) No occupation of the development shall commence until bicycle storage for at least 2 bicycles has been provided in accordance plan reference A03 revision 2. The bicycle storage shall be retained permanently thereafter.

- 7) Before the extended access hereby permitted is first brought into use, visibility splays of 2m by 2m shall be provided between either side of the access, and the back edge of the footway. These visibility splays must thereafter be kept free of obstructions to visibility at and above a height of 600mm.
- 8) No occupation of the development shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g., Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 9) The development shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
- 10) In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
- 11) The development hereby approved shall be completed in accordance with all measures within the Sustainable Construction Checklist approved with the application, or with measures agreed in writing by the Local Planning Authority. At all times the development shall achieve at least a 19% reduction in regulated emissions compared to that required by the Building Regulations. No occupation of the development shall commence until a Sustainable Construction Checklist (as set out in the Council's Sustainable Construction Supplementary Planning Document, Adopted November 2018) for the completed development has been submitted and approved in writing by the Local Planning Authority. This shall include the completion of all relevant tables, and all relevant supporting documents/evidence (see indicated tracks/thresholds in the checklist).
- 12) Notwithstanding the approved plans, no occupation of the development shall commence until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. It must include details of all trees and plans to be retained; a specification with numbers, size, species and positions of all new trees and plants; details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site; and a programme of implementation.
- 13) All hard and soft landscape works shall be carried out in accordance with the approved details to the approved implementation timescale. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed, or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

*****End of Conditions*****