
Appeal Decisions

Site visit made on 1 February 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal A: APP/F0114/W/21/3280606

10 Upper Lansdown Mews, Lansdown, Bath BA1 5HG

- 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 Schady against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01863/FUL, dated 16 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is described as a single storey timber orangery.
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Appeal B: APP/F0114/Y/21/3280609

10 Upper Lansdown Mews, Lansdown, Bath BA1 5HG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Schady against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01864/LBA, dated 16 April 2021, was refused by notice dated 9 June 2021.
 - The works proposed are described as a single storey timber orangery.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issue

3. The main issue is the effect of the works on designated heritage assets, including: whether they would preserve a Grade II listed building, or any of the features of special architectural or historic interest that it possesses; whether it would preserve or enhance the character or appearance of Bath Conservation Area (the Conservation Area); and, in relation to Appeal A, whether it would conserve the World Heritage Site (the WHS).

Reasons

4. 10 Upper Lansdown Mews is a Grade II listed building (the listed building), and thus a designated heritage asset. In this regard the Act sets out the desirability of preserving listed buildings, whilst paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.

5. Insofar as it is relevant to these appeals the special interest and significance of the listed building resides in its early C19th original date, and its design and historic function as a mews building. The building cannot as such be properly understood without reference to 10 Lansdown Crescent, the dwelling it was originally designed to serve. Indeed, the listed building additionally draws significance from a continued ability to perceive this historic relationship, and more so given that 10 Lansdown Crescent itself forms part of a Grade I listed terrace.
6. The listed building is constructed from good quality Bath stone. Its rear elevation is broad, and formal in character, featuring a both simple and symmetrical arrangement of openings. It is not obscured by any existing extensions, and as such appears generally intact. Given its quality, the rear elevation was clearly designed to complement and to appear attractive from 10 Lansdown Crescent.
7. The scheme would see an orangery added off centre to the rear elevation. This would clutter and obscure both its appearance and symmetry and would therefore directly detract from appreciation of its original design and character.
8. The design of the mews is 'grand' relative to that of mews buildings generally, and both its size and quality clearly reflects its original association with a dwelling of particularly high status. Like other mews buildings however, it was constructed to serve a both functional and subservient purpose. Within this context the proposed orangery would appear alien. This impression would be accentuated by the ornateness of its design, which would not complement the simplicity of the rear elevation. The orangery would indeed compromise appreciation of the past function and social status of the building relative to that of 10 Lansdown Crescent.
9. Other mews buildings towards the rear of Lansdown Crescent have been the subject of alteration, including addition of rear extensions. However, most are not individually listed. Of those few which are, 12 Upper Lansdown Mews has been altered through the addition of a structure also described as an orangery. It is unclear whether the design of No 12 previously matched that of the listed building subject of these appeals, or if the design of the orangery itself matched that now proposed. The Council has not otherwise sought to address the particular circumstances of that case. In the absence of any detailed information, I cannot therefore draw any clear parallel. I have therefore considered the appeals on their own merits.
10. In view of my findings above the scheme would fail to preserve the special interest of the listed building, contrary to the expectations of the Act, and similarly fail to conserve its significance.
11. The site is also located within the Conservation Area. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the planned layout, buildings and spaces related to the Georgian townscape of the city. This includes key architectural set pieces such as Lansdown Crescent and the buildings historically associated with them. Within this context the listed building clearly makes a positive contribution to the significance of the Conservation Area.
12. The site is additionally located within the WHS. The WHS's Statement of Outstanding Universal Value specifically relates to the Roman and Georgian

phases of development in Bath, with a particular focus on eighteenth century townscape including its terraces and crescents. Lansdown Crescent is itself specifically named. The listed building therefore building makes a positive contribution to the significance of the WHS.

13. I have already found that the scheme would harm the significance of the listed building, and would compromise appreciation of its historic relationship with 10 Lansdown Crescent. However, whilst the proposed orangery would be visible from adjacent gardens and from the rear of dwellings in Lansdown Crescent, no public views would be available. The adverse external effects of the scheme would not therefore be openly perceived by the general public. Be that as it may, both the Conservation Area and WHS are a sum of both their public and private parts. By causing harm to the significance of the listed building, and by furthermore obscuring appreciation of its historic functional relationship with 10 Lansdown Crescent, the scheme would also harm the contribution that the listed building makes to the significance of both the Conservation Area and WHS as a whole.
14. I have found above that the scheme would harm the significance of the listed building, the Conservation Area and, in the context of Appeal A, the WHS. In each regard the harm caused would be less than substantial. I attach great weight to the harm that would be caused to the significance of the listed building and the WHS, and considerable importance and weight to the harm that would be caused to the Conservation Area. In accordance with paragraph 202 of the Framework it is necessary to balance this harm against the public benefits advanced in favour of the scheme.
15. It is stated that the orangery is necessary to meet the demands of today's family life. However, as a generality, no such necessity exists. Insofar as the orangery would provide expanded accommodation for the appellant this would otherwise be a private benefit. Consequently, it attracts no weight.
16. Implementing the scheme would generate a small amount of work/trade for businesses. However, the benefits of this to be broader economy would be negligible, and so attract negligible weight. That being so public benefits would not outweigh the harm caused in relation to either appeal.
17. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets, failing to preserve a Grade II listed building, failing to preserve or enhance the character or appearance of the Conservation Area, and, in relation to Appeal A, failing to conserve the WHS. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy HE1 of the Bath and North East Somerset Local Plan 2011-2029: Placemaking Plan (PP) and Policies CP6 and B4 of the Bath and North East Somerset Core Strategy 2014, which all broadly support the above objectives; Policies D1 and D2 of the PP, which amongst other things each expect development to contribute positively to local distinctiveness and history; and Policy D5 of the PP which amongst other things requires extensions to complement and enhance the host building. In relation to both Appeals the scheme would fail to satisfy the requirements of the Act, and heritage policy set out within the Framework.

Other Matters

18. As established above, the listed building has a direct historic spatial, social and functional relationship with 10 Lansdown Crescent. Moreover, the two buildings remain intervisible, and the historic relationship remains appreciable. The scheme would therefore clearly affect the setting of 1-20 Lansdown Crescent, the Grade I listed building of which 10 Lansdown Crescent is part.
19. Insofar as it is relevant to these appeals, and as partly identified above, the special interest and significance of 1-20 Lansdown Crescent lies in its original construction during the late C18th as a visually distinctive formal terrace of high status dwellings. As a Grade I listed building 1-20 Lansdown Crescent is a designated heritage asset of the highest significance. Given the nature of the historic relationship described above, the listed building subject of these appeals clearly makes a positive contribution to the significance of 1-20 Lansdown Crescent.
20. I have established above that the scheme would compromise an appreciation of this historic relationship. It thus follows that the scheme would also fail to preserve the contribution that this makes to appreciation of the significance of 1-20 Lansdown Crescent as a whole. Consequently, the setting of the latter would not be preserved. The harm caused would again be less than substantial and attracts considerable importance and weight.
21. I am mindful of the fact that whilst the Council made reference to the 'setting' of the site within the context of the WHS, the specific failure of the scheme to preserve the setting of 1-20 Lansdown Crescent was not a reason for refusal of the scheme subject of Appeal A. However, notwithstanding the additional weight that the identified harm lends in favour of dismissal of the appeal, this does not alter the outcome of my findings in relation to paragraph 202 of the Framework set out above. Similarly, the additional conflict that this would cause in relation to the Act, the Framework, and the development plan, does not alter the outcome of my conclusion in relation to the main issue. Given that the matter is not therefore determinative, I am satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

22. The scheme would cause unacceptable harm to designated heritage assets, and in relation to Appeal A, conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR