



Appeal Decision

Site visit made on 15 February 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 11 March 2022

Appeal Ref: APP/F0114/D/21/3281596

15 St. Catherine's Close, Bathwick, Bath, BA2 6BS

- 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 Walker against the decision of Bath and North East Somerset Council.
 - The application Ref 21/01409/FUL, dated 23 March 2021, was refused by notice dated 7 June 2021.
 - The development proposed is erection of double height rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access and replacement with two-storey side extension. Associated external amendments including replacement of all existing windows and front and rear landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of double height rear extension, loft conversion including rear dormer and front roof-light, demolition of existing single-storey garage and 'pop-up' rear access, replacement with two-storey side extension and associated external amendments including replacement of all existing windows and front and rear landscaping at 15 St. Catherine's Close, Bathwick, Bath, BA2 6BS in accordance with the terms of the application, Ref 21/01409/FUL, dated 23 March 2021, subject to the following conditions:
 - 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: 21015-00-300-P02 Lower Ground Floor Proposed, 21015-00-301-P03 Ground Floor Proposed, 21015-00-302-P03 First Floor Proposed, 21015-00-303-P03 Second Floor Proposed, 21015-00-304-P03 Roof Plan Proposed, 21015-00-305-P03 South-East Elevation Proposed, 21015-00-306-P03 North-West Elevation Proposed, 21015-00-307-P03 South-West Elevation Proposed, 21015-00-308-P03 North-East Elevation Proposed, 21015-00-309-P03 Section A-A Proposed, 21015-00-310-P02 Section B-B Proposed and 21015-00-320-P03 Block Plan Proposed.
 - 3) The proposed glass slot indicated as number 3 on plan 21015-00-308-P03 shall be obscurely glazed. Thereafter, the window shall be permanently retained as such.

Main Issues

2. The main issues raised by this appeal are whether the development would preserve or enhance the character or appearance of the Bath Conservation Area and the effect of the proposals upon the living conditions of neighbouring occupiers, most notably No.14 St. Catherine's Close, in respect of outlook.

Reasons

Character and Appearance

3. The appeal site lies within the Bath Conservation Area (CA). The CA covers a large area and has a wide diverse character. Within the area of the proposal the character of the area is residential, with the appeal site set within part of a residential cul-de-sac, consisting of semi-detached and detached dwellings. A number of the dwellings within the cul-de-sac have undergone extensions and alterations. The gap between the properties is inconsistent, as is the building line at the front. However, there is an element of uniformity to the dwellings as they have all been constructed using similar stone. There is also a level difference between the front and the rear of the site, with the rear ground level sitting lower than the street level to the front.
4. Whilst the proposed extensions to No.15 St. Catherine's Close are extensive, it is considered that they have been sensitively designed to be respectful of the host property. The proposed dormer would be a proportionate addition and would be positioned centrally on the rear roof slope, as would the proposed rooflight to the front roof. The proposed rear extension, whilst it is two storeys in height, has simply taken advantage of the level difference. It would still be subservient to the appeal property, with the flat roof sitting below the first floor windows and the use of glazing within the roof and along the rear elevation helping to reduce its bulk. The use of render on the rear extension would also be complimentary to the appeal property, especially as the amount of solid walling in the rear extension has been kept to a minimum due to the full height glazed doors and windows.
5. The two storey side extension would also represent a proportionate and subservient addition to No.15. It would be set back from the front elevation and set down from the ridge of the main house. The use of a hipped roof on the extension would respect the hipped roof on the host property and the closing of the gap between No.14 and No.15 St. Catherine's Close would also not be significantly harmful due to the variety of existing gaps which exist in the cul-de-sac. The use of Bath Stone for the two storey side extension would also help to give a more traditional appearance to the proposals.
6. Whilst more modern fenestration details would be introduced, it is considered that as they would be appropriately sized and positioned, the windows and doors could be incorporated without causing harm. The retention of the stone lintels would help to preserve the character and appearance of the Bath CA.
7. A new landscaped sunken courtyard would be introduced to the front of the appeal property, taking advantage of the site level difference between the highway and the appeal site. A larger driveway would be formed, and the front section of the garden would remain at street level. It is considered that these alterations would all preserve the character and appearance of the Bath CA.

8. I note that since the refusal of the appeal application, a revised application was submitted to the Council which was subsequently approved. This has in essence granted planning permission for the majority of the appeal proposals, with the only element outstanding being the first floor section of the two storey side extension. This is a material consideration which I attach weight to in reaching my decision.
9. Therefore, in view of the above, I conclude that the proposed development would preserve the character and appearance of the Bath Conservation Area. The proposals would be in accordance with Policy D1 of the Bath and North East Somerset Placemaking Plan (Placemaking Plan) (adopted 2017) which seeks to ensure development contributes positively to local distinctiveness, identity, and history. For the same reasons, the development would also accord with paragraph 199 of the National Planning Policy Framework (2021) which states that great weight should be afforded to the conservation of designated heritage assets.

Living Conditions

10. At present, there is a single storey garage which lies adjacent to the shared boundary with No.14 St. Catherine's Close. The proposed development would demolish this garage and replace it with the two storey side extension. There is an existing window along the side elevation of No.14 which serves a bedroom. As confirmed by my site visit, there is another window serving this bedroom along the rear elevation of No.14, which looks out over the rear garden.
11. No.15 is situated slightly closer to the highway at the front than No.14. As a result of this positioning, the side bedroom window of No.14 sits at around the same level as the rear elevation of No.15. The two storey side extension of the appeal proposals would be set in slightly from the rear elevation of No.15. This would mean that the extension would not be positioned immediately opposite the side bedroom window but would be slightly off set. I appreciate that the extension would still be close to this side bedroom window and that No.15 is situated at a slightly higher level than No.14. However, due to the sensitive positioning of the extension, and the use of a hipped roof which would help to reduce the bulk, and thus the impact, of the two storey side extension, I consider that that any impact to this secondary bedroom window would not be harmful enough to warrant withholding permission. Furthermore, it is considered that the primary outlook from this room is from the larger window overlooking the garden. The outlook from this window would be unaffected by the proposals.
12. I note that the occupants of No.16 St. Catherine's Close have also raised concerns regarding the impact of the two storey rear extension on their outlook and privacy. The ground floor of No.16 is at a similar level to the appeal site. The proposed flat roof rear extension would sit below the first floor windows and it is considered that the proposed rear extension, due to its appropriate siting, scale and design, would not harm the living conditions of No.16, in terms of their outlook. I note that the plans state that the top pane of the glass slot between the two storey rear extension and the appeal property adjacent to the shared boundary with No.16 would be obscure glazed. A condition would be necessary that requires this pane of glass to be obscure glazed and to remain as such in perpetuity. This would ensure that there would be no loss of privacy to the occupants of No.16 from this structural glazed section. Furthermore, as

already noted, the majority of the appeal scheme has subsequently been granted by the Council via a revised planning application, which I also attach weight to under this matter. For similar reasons, I also do not consider that the proposal would have an adverse impact on the privacy of other close by properties.

13. Therefore, in view of the above, I conclude that the proposals would not be harmful to the living conditions of neighbouring occupiers, most notably No.14 St. Catherine's Close, in terms of outlook. I find no conflict with Policy D6 of the Placemaking Plan which sets out that development must achieve appropriate levels of privacy, outlook and natural light. It would also be in accordance with paragraph 130 (f) of the NPPF which states that development should have a high standard of amenity for existing and future users.

Conditions

14. In addition to the condition regarding the obscure glazing of the glass slot already mentioned, the statutory time limit condition has been attached. I have also included a plans condition in the interests of certainty.

Conclusion

15. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR