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# Appeal Decision

Site visit made on 4 April 2022

**by Andrew Smith BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> April 2022**

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**Appeal Ref: APP/F0114/W/21/3283661**

**Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath BA1 6JZ**

- 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 and Mrs Jeremy and Sarah Flavell against the decision of Bath and North East Somerset Council.
  - The application Ref 20/04067/FUL, dated 30 October 2020, was refused by notice dated 4 August 2021.
  - The development proposed is extension and alteration to existing Cottage and creation of two detached dwellings.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr and Mrs Jeremy and Sarah Flavell against Bath and North East Somerset Council. That application is the subject of a separate Decision.

## Preliminary Matters

3. The Council has confirmed at appeal stage that it no longer wishes to defend its third reason for refusing planning permission, which related to an alleged loss of biological diversity. I shall consider the appeal on this basis.
4. It has come to my attention that the Council is in the process of undertaking a partial update to its Local Plan (the LPPU). This review has not yet been examined and is thus at a stage that attracts limited weight. I shall consider the appeal on this basis.

## Main Issue

5. The effect upon the character and appearance of the area, including consideration of the effect upon the landscape setting of the locality.

## Reasons

6. The site, which contains a dwelling, Waterworks Cottage (the cottage), and associated areas of private garden, is of generous size, of roughly triangular shape, and steeply sloped. An access track runs its northern side and serves both the site itself and a neighbouring waterworks. The site is positioned to the edge of Bath and alongside lands of undeveloped rural composition, which fall beyond a buffer of planting and within the Green Belt and the Cotswold Hills Area of Outstanding Natural Beauty.

7. Various instances of residential development exist alongside the site and to the opposite side of Charlcombe Way (the road). Although a mix of property sizes, ages and styles are evident, the dwellings closest to the site tend to occupy often well-vegetated individual plots of generous size. Indeed, the site itself is particularly spacious and well-planted to its perimeter. When also factoring in the inherently rural composition of the neighbouring open lands to the north, the site and its immediate surroundings can be observed to exhibit a green and semi-rural character and appearance.
8. The cottage, which I am led to understand dates to the mid-nineteenth century can, in my view, correctly be identified as a non-designated heritage asset. Its significance is derived, in part, from its vernacular style, traditional local materials and historic associations. It is not asserted by the Council, either via its reasons for refusing planning permission or its Statement of Case, that the proposal would cause any loss of heritage significance. Moreover, as the scheme is centred upon the cottage's retention alongside a modest extension and new build development distinct from it, I have no reason to consider otherwise.
9. The scheme is supported by landscape and visual appraisal documents<sup>1</sup> (the LVA), which confirm that, at a local level, the site falls adjacent to the Cotswold Plateaux and Valleys landscape character area (the CPVLAC). The key characteristics of which include the presence of steep valley sides exhibiting a mixture of pasture and woodland, with fields often enclosed via established planting. As acknowledged in the LVA, even though the site is located within an urban character area, it has an obvious connection with the CPVLAC. This is in no small part due to its falling topography and spacious green composition. Indeed, the site offers something of a gentle transition between urban Bath and neighbouring open countryside designated for its outstanding natural beauty.
10. Nevertheless, as was apparent upon inspection, and as is illustrated through the LVA, the site is not easily visible from a wide range of publicly accessible vantage points. This is in part due to undulating landforms and the local presence of various buffers of established planting, including to the site's northern boundary. Moreover, when experienced at distance, the proposal would not encroach into the landscape setting of Bath and would have a negligible visual impact. This is not inconsistent with the stance taken by the Council's Landscape Officer in his or her role as a specialist internal consultee. However, it is how the proposal would respond to its immediate context and be experienced at close quarters upon the road that raises concerns in a character and appearance sense.
11. For the avoidance of doubt, given the varied style and modern nature of many of the surrounding dwellings, I am not opposed to the contemporary design approach that has been followed. This includes the intentions to introduce flat/green-roofed elements and to use a varied material palette. Indeed, I do not dispute the scheme's architectural merit and note that the National Planning Policy Framework (July 2021) (the Framework) indicates that appropriate innovation or change should not be prevented or discouraged (such as increased densities).

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<sup>1</sup> Landscape and Visual Appraisal for new dwellings at Waterworks Cottage, Charlcombe Way, Bath (October 2020) and Supplementary Landscape and Visual Appraisal relating to Waterworks Cottage, Charlcombe Way, Bath (January 2021)

12. Even so, whilst the dwelling annotated as Plot 2 upon the submitted plans would utilise the slope of the site in order to present merely a single storey to the road, it remains that a dwelling of considerable scale, bulk and footprint coverage is intended across three stories upon a somewhat tightly dimensioned individual plot. When also factoring in its somewhat ad hoc positioning relative to the cottage, this new dwelling would appear as a discordant, cramped and unduly urbanising addition to the streetscene. Indeed, visibility and an erosion of the area's semi-rural qualities would be promoted via the removal of vegetation necessitated by access being obtained directly from the road.
13. Whilst the dwelling identified as Plot 3 would have a more discreet presence when compared to Plot 2, it would still represent a substantive addition rising to two stories and covering a large overall footprint upon an individual plot of somewhat restricted size when compared to the typical composition of the closest existing plots to it. Moreover, the scheme (as a whole) would be experienced by neighbouring/local receptors as an unduly intensive redevelopment of the site. Indeed, this edge-of settlement site is not well suited to accommodating the quantum of development that is proposed.
14. Thus, whilst the proposal would not have an unduly adverse effect upon the wider landscape setting of the locality, it would, for the above reasons, cause harm to the character and appearance of the area. Indeed, no longer would the site offer a gradual and harmonious transition between urban Bath and its picturesque rural surroundings. The scheme conflicts with Policy CP6 of the Bath and North East Somerset Core Strategy (July 2014) (the BANESCS), Policies D1, D2, D3, D4 and D5 of the Bath and North East Somerset Placemaking Plan (July 2017) (the BANESPP) and the Framework in so far as these policies indicate that development should respond positively to the site context.
15. For the avoidance of doubt, given that the proposal's adverse impacts would be localised and would not have widespread implications for the character and quality of Bath's rural landscape setting, I do not identify conflict with Policies NE2 and NE2A of the BANESPP in so far as these policies seek to conserve and enhance the landscape setting of settlements.

## **Other Matters**

16. The site is located within the Bath World Heritage Site (the WHS), which is internationally recognised to be of Outstanding Universal Value. Its heritage significance is drawn, in-part, from its Roman origins, the collective scale of many of its historic buildings and its rural, landscaped setting associated to the city being situated within a hollow created by surrounding hills. The site sits beyond this hollow, and thus in a peripheral location relative to the heart of the city. As the proposal comprises works within an established residential curtilage that would have a negligible visual impact when experienced at distance, I am satisfied that, without prejudice to my findings above, the proposal would not cause harm to the WHS's Outstanding Universal Value.
17. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions, the effect upon highway safety, the effect upon wildlife and biodiversity, the construction phase of development and ground stability. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

## **Planning Balance**

18. The Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. Bath is a highly constrained city that provides real challenges with respect to accommodating additional housing, within either the existing urban area or by way of peripheral expansion, which, I note, is reflected in the city's house prices. Whilst the Council has confirmed that it is currently able to demonstrate a five-year supply of deliverable housing sites and I have no clear reason to consider otherwise, a significant outstanding housing requirement remains to be met over the remainder of the plan period (up to 2029). Indeed, one of the stated aims of the LPPU is to replenish housing supply in order for the Core Strategy housing requirement to be met and the necessary supply of housing land to be maintained.
19. In this context, when also acknowledging that the principle of residential development within the city's limits is supported through the BANESCS, that the scheme could realistically be delivered quickly, and that future occupiers of the development would have good accessibility to a range of facilities and services, the benefits associated with delivering two additional family-sized windfall units at this site attract considerable weight.
20. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the number of units under consideration.
21. A net-gain in biodiversity has been demonstrated to be achievable. Given the relatively modest site area in question and that some removal of established planting would be necessitated to facilitate development, I attach limited weight in the planning balance to anticipated benefits in a biodiversity net-gain sense.
22. The proposal's benefits, whilst considerable and meaningful when considered cumulatively, would not outweigh the significant harm that I have identified would be caused to the character and appearance of the area. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

## **Conclusion**

23. For the above reasons, the appeal is dismissed.

*Andrew Smith*

INSPECTOR