



Appeal Decision

Site visit made on 27 April 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/F0114/W/22/3290881
73 Poplar Close, Moorlands, Bath BA2 2JA

- 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 David Reed against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04268/FUL, dated 17 September 2021, was refused by notice dated 12 November 2021.
 - The development proposed is described as “the creation of a new dwelling on the land adjoining No. 73 Poplar Close, Bath. The new two storey dwelling is to be a 2No Bedroom with 2No off-road parking spaces”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site lies in a residential area, largely comprising a mixture of two-storey terraced housing, interspersed with four-storey blocks of flats. The houses are set well back from the roads behind unenclosed front gardens, and the flat blocks are positioned on open grassy plots. There are also regular pockets of green public open space and a profusion of ornamental trees, both within public and private areas. As a result, the area has a well-vegetated and spacious appearance. The houses are all of similar design, and the blocks of flats are constructed in the same external building materials. Consequently, the open green areas and the buildings play an equal part in contributing to the area having a coherent and distinctive garden suburb character.
4. Some of the terraces are arranged at right angles to the main estate road, with open frontages and enclosed rear gardens. Where this is the case, the house at the end of the row is set well away from the road, beyond an area of grass, which lies outside the garden enclosure. This is the case with the appeal site, and also with Nos 1, 18 and 19 Poplar Close, which have gable ends facing the same length of road. These areas of grass reduce the potential dominance of the two-storey gables in the street scene, whilst also adding to the balance of greenery. Consequently, they make an important contribution to the spacious green character of the layout.

5. It is proposed to construct a house on the open area to the side of No 73, as an extension of the existing terrace. The dwelling would be of similar design to the rest of the houses in the terrace, with an open frontage and a comparably sized enclosed rear garden. However, whilst in these respects it would conform with its surroundings, the two-storey projection onto the open area of land would not be sympathetic to the pattern of buildings and open spaces that characterise the locality. The front corner of the house would almost abut the footpath, resulting in an abrupt transition from the back edge of the pavement to the two-storey building. This would be at odds with the character of the surrounding area, where buildings are set away from their roadside boundaries, and softened by intervening areas of grass and trees.
6. Currently, when looking up Poplar Close from the north, the open area alongside No 73 is seen in the context of the similar grassed strip of land to the side of Nos 18 and 19, on the opposite side of the road. There is a visual relationship between these open areas, and those to either side of the block of flats beyond, resulting in a pleasing balance between buildings and greenery in the street scene. The proposed house, jutting well beyond the established line of buildings, would be a very dominant feature that would disrupt this balance, resulting in harm to the spacious character of the layout.
7. The proposals do allow for the retention of an open grass buffer between the pavement and the house. However, it would lack the generous proportions of the other areas of soft landscaping. Although the garden boundary wall would be constructed of the same stone as those nearby, it would be much closer to the road than the other enclosing boundary features, so would not assimilate well into its surroundings. Consequently, the very limited extent of the remaining strip of open land would result in its contribution to the character and appearance of the area being very severely diminished.
8. I am mindful that the appeal site is not an area of public open space, so could be enclosed, to some extent, or managed in a different way than it currently is. However, I have not been provided with evidence to indicate that buildings or enclosures of similar scale to the proposed house and boundary wall could be constructed on the site. Consequently, I give little weight to these potential fallback positions.
9. My attention has been drawn to an extant planning permission¹ for the extension of an existing semi-detached house to create a dwelling at 1 Elm Grove, which the appellant contends is comparable to the appeal proposal. However, although that site is only about 200 metres to the west, I saw that it is in an area of a different character, where gardens are enclosed by walls, fences and hedges which directly abut the pavement. As a result, it does not have the same open spacious character as the area surrounding the appeal site. Consequently, I find the case is not comparable to that before me, so it carries little weight in my decision.
10. For the reasons given above, I conclude that the development would harm the distinctive and spacious character and appearance of the area. The proposal would, therefore, be contrary to Policies D2 and D7 of the Bath and North East Somerset Placemaking Plan (2017) (the Placemaking Plan). These Policies seek, amongst other things, to ensure that development reflects local character, and has regard to the quality of the surrounding townscape.

¹ Local Planning Authority reference: 17/04317/FUL

11. The Council's decision notice also refers to Policies D3, D4 and HE1 of the Placemaking Plan. However, the proposal would not affect whether places are well-connected, safe, inclusive, and walkable, and would not affect streets, highways design or public realm. I therefore find no conflict with Policies D3 and D4. Whilst the site is located within the Bath World Heritage Site, the Council's reason for refusal, and supporting evidence, does not refer to any harm to heritage assets. I did not identify any concern in this regard at my site visit. Consequently, I find no conflict with Policy HE1 of the Placemaking Plan.

Planning Balance

12. The development would make effective use of a small site to support the objective of the National Planning Policy Framework (the Framework) to significantly boost the supply of homes, as set out at paragraphs 60 and 69, and Section 11. Furthermore, this would be achieved on an accessible site within the existing built-up area, where development plan policies are supportive of housing development in principle. The proposal would also provide economic benefits through the creation of employment during the construction process. However, as the proposal is only for one dwelling, these benefits would be limited. They do not, therefore, outweigh the harm that I have found to the character and appearance of the area, and the conflict with development plan policies in this regard.
13. Paragraph 12 of the Framework says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Conclusion

14. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR