



Appeal Decision

Site visit made on 25 March 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 24 May 2022

Appeal Ref: APP/F0114/D/22/3291499

53 Church Road, Combe Down, Bath BA2 5JQ

- 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 Fiona West against the decision of Bath and North East Somerset Council.
 - The application Ref 21/03413/FUL, dated 14 July 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as 'Demolition of existing lean to garage and adjacent conservatory and replacing with one and a half storey side extension accommodating a store room, study and utility room'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Bath Conservation Area (BCA).

Reasons

3. The BCA covers a significant extent of the city and therefore has a broad and varied character. Its significance lies partly in the evolution of the city's built form over a considerable historic period. The part of the BCA that the appeal site lies within is characterised by a variety of building types and styles. Nevertheless, there remains a general cohesiveness that stems partly from the traditional architecture, including the widespread use of traditional stone.
4. No. 53 Church Road is an end of terrace dwelling. It has predominantly stone elevations with a front bay window at groundfloor level, and a pitched tiled roof. It is located within a short row of terrace properties that share a consistency in form through their design, use of materials and detailing. The draft Coombe Down Character Appraisal identifies that the development of terraces of artisan housing comprised a key aspect of the growth of the area in the later 19th and 20th Centuries. The appeal property appears to be part of one such terrace.
5. The dwelling has previously been extended to the side through the addition of a single storey garage and a UPVC conservatory. The extensions, particularly the conservatory are rather unsympathetic additions. Notwithstanding this, the appeal site as a whole makes a positive contribution to the character and significance of the CA.

6. Adjacent to the site is an access to a private rear parking court serving the neighbouring terrace of dwellings (nos. 1 – 5 Church Place). The access arrangement results in there being a gap between the appeal dwelling and the adjacent terrace to the west. This gap, together with the corner location of no. 53, results in the appeal dwelling being prominent in the street scene.
7. Whilst subservient in scale, the side extension would not be so visually given the proposed use of timber cladding, irregular roof form and over-sized window to the front elevation. The incongruousness of this extension would be a marked contrast to the pleasant and traditional homogeneity of the wider street scene. Whilst the existing extensions are not necessarily of great architectural merit in themselves, they are more subtle than the appeal scheme. The proposal would, by virtue of the above, be a much more dominant addition and have greater prominence in the street scene. Consequently, it would draw more attention to its unsuitable design and result in greater overall harm to the character and appearance of the BCA.
8. I do not have the full details of the circumstances of the other modern examples of developments provided by the appellant. However, some are not domestic buildings and therefore their contexts are markedly different to the appeal proposal. Others tend to be far more discrete than the appeal scheme. Additionally, extensions appeared to relate much more comfortably to their host properties in terms of their overall proportions, whilst their contrasting nature appeared less jarring than the appeal proposal. The planning process, and indeed national policy, is not averse to the use of modern design but it has to be considered on its own merits and with regard to its own, often individual, context.
9. The overall effect of the appeal scheme would therefore be to diminish unacceptably the character, appearance, and integrity of the host building, with consequent harm to the character and appearance of the BCA. Accordingly failing to either preserve or enhance its character or appearance.
10. Given the scale and nature of the proposal, I consider it would cause less than substantial harm to the BCA. Nevertheless, any harm to the significance of a designated heritage asset requires clear and convincing justification and in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
11. The proposed development would provide additional living space benefiting the owners/occupants of the appeal dwelling. Since this would in the main be a private benefit, I can afford it only limited weight. No further public benefits of the scheme have been advanced. It is sufficiently clear therefore that they would not be sufficient to outweigh the harm I have found.
12. With this in mind, the appeal scheme would be contrary to Policies CP6 of the Bath and North East Somerset Core Strategy (adopted 2014) and Policies D2, D5 and HE1 of the Bath and North East Somerset Placemaking Plan (adopted 2017). Together these policies, amongst other matters, seek to ensure that development proposals are of a high-quality design, that do not harm local character and distinctiveness, and protect the historic environment.
13. Furthermore, the proposal would also fail to meet the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 or the Framework insofar as it relates to heritage assets.

Other Matters

14. The appeal building is within the Bath World Heritage Site (BWHS). The proposed extension would have a localised impact, and therefore, would not have any appreciable impact on the outstanding universal values of the BWHS.

Conclusion

15. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR