



Appeal Decisions

Site visit made on 17 May 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/F0114/W/21/3278487

Crockbarton East, Rectory Lane, Timsbury, Bath BA2 0JY

- 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 Casson against the decision of Bath & North East Somerset Council.
 - The application Ref 21/01037/FUL, dated 3 March 2021, was refused by notice dated 28 April 2021.
 - The development proposed are for the erection of a timber framed garden room.
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Appeal Ref: APP/F0114/Y/21/3278486

Crockbarton East, Rectory Lane, Timsbury, Bath BA2 0JY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Casson against the decision of Bath & North East Somerset Council.
 - The application Ref 21/01038/LBA, dated 3 March 2021, was refused by notice dated 4 May 2021.
 - The works proposed are for the erection of a timber framed garden room.
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Decision

1. The appeals are dismissed.

Main Issue

2. Crockbarton East is one of a pair of semidetached dwellings which together form the Grade II listed building 1-4 Crock Barton, which is located within the Timsbury Conservation Area (the CA). Against this background, the main issue to be considered is the effect of the proposals on the special architectural and historic interest of the listed building and, linked to that, whether it would preserve or enhance the character or appearance of the CA.

Reasons

3. As the name suggests, 1-4 Crock Barton was originally a terrace of four homes. That format is still clearly legible, demarked by the uniform fenestration of its principal elevation, with two pairs of doors and four discrete bays of windows over three floors separated by attractive walls of coursed rubblestone. The building also largely retains its single depth linear plan.
4. These are evidential and historic features key to the significance of the listed building as a humble yet holistic circa 1700 former terrace of modest dwellings with a well-preserved exterior and a pleasing order to its composition. This in turn leads the building to contribute positively to the significance of the CA.

5. These elements of significance would be harmed by the development/works. The principal elevation would become unbalanced, and the uniform single depth plan would be greatly prejudiced. The paired doorways of the houses now comprising Crockbarton East would be retained, but subsumed into the extension, reducing legibility. The scale and height of the extension would also appear incongruous to the humbler detailing of the building.
6. As this is an inherent issue of siting, plan and scale, it would not be mitigated by matching the finish materials of the existing property nor by minimising alterations to the existing fabric. Whilst the extension would logically protect the newly internalised historic fabric from weathering, I see no reason why it could not just as equally be protected through diligent maintenance.
7. I appreciate that listed buildings can and sometimes must evolve, and indeed that the current guise of 1-4 Crock Barton is a result of its modern revitalisation following a period of decay. Nonetheless, the proposals would result in a harmful chapter in the building's history in my view. It also follows from this that the role of 1-4 Crock Barton within the CA would be diminished.
8. Given the relatively limited impact of the works/development, I would quantify the harm to both designated heritage assets affected as squarely less than substantial. Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. Paragraph 202 goes on to require decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use.
9. That balancing exercise must take place in the context of s.16(2), s.66(1), and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of planning permission, or listed building consent, for development or works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
10. As to the public benefits, the proposals would likely promote health and well-being, and a higher standard of amenity for existing and future users of the property. However, the weight I attach to these benefits falls decisively short of justifying the harm that would be caused; harm that must be given considerable importance and weight in the balancing exercise.
11. Furthermore, that conclusion draws the proposals into conflict with Policies D1, D2, D5 and HE1 of Bath and North East Somerset Local Plan Placemaking Plan (adopted 2017) which, together, seek to promote high quality design, protect local character and distinctiveness, and safeguard the historic environment generally, its listed buildings and its conservation areas.

Conclusion

12. For these given reasons, and taking all other matters raised into account, I conclude that the appeals should be dismissed.

Matthew Jones

INSPECTOR