



Appeal Decision

Site visit made on 30 August 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/F0114/W/22/3299242

Chelsea House, 120 Wells Road, Lyncombe, Bath BA2 3AH

- 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 M Slade of Vertex Property Ltd against the decision of Bath and North East Somerset Council.
 - The application Ref 21/05630/FUL, dated 16 December 2021, was refused by notice dated 27 April 2022.
 - The development proposed is side extension to existing house to form new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised block plan¹ was submitted with the appeal. This has identified the 2 parking spaces which would be allocated for the new dwelling, as well as identifying the secure cycle storage and the bin storage area. With regard to the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE* 1982, the revised drawing would not fundamentally change the development. I am content that no parties would be unfairly disadvantaged by my acceptance of the revised drawing. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, having particular regard to the Bath Conservation Area and the City of Bath World Heritage Site;
 - whether the proposed development would provide satisfactory living conditions for existing occupiers, in respect of privacy, noise and odour;
 - whether the proposal makes adequate provision for parking and the effect of any lack of provision on highway safety; and
 - the effect of the proposed development on trees.

Reasons

Conservation Area and World Heritage Site

¹ Drawing No. 1953-CMS- XX, Rev B – Proposed Block Plan

4. Chelsea House is a large detached 19th Century villa, constructed of Bath Stone which has been converted to form flats. It is situated within the Bath Conservation Area (CA). Whilst the CA covers a large area, the architectural interest provided by its 19th Century villas, such as Chelsea House, contributes to its significance. The architectural integrity of Chelsea House has been retained post conversion, including the bay windows to the front and side of the building, the stone staircase leading up to the main entrance and the ornate stone balustrades to the basement windows and at first floor. The uniformly placed and proportioned window openings, with consistent, ornate moulded architraves, together with the balanced roof profiles, provide the building with a satisfying level of coherence and embellishment. Consequently, it continues to contribute positively to the character and appearance of the CA.
5. It is evident that there was previously an extension to the rear of the building, as the scar of this extension is still visible. However, based on the evidence before me, it appears likely that this previous structure was a glass or hot house, which would have been deferential both in its scale and lightweight construction. I have no evidence to demonstrate that it would have been a more solid structure, similar to that now proposed.
6. Whilst the proposal would be subservient to the main building, the use of an asymmetric roof would sit uncomfortably with the more traditional roof form of Chelsea House. It would rise to form a poor relationship with the adjacent historic window opening on the south elevation. The fenestration detailing, especially the large, glazed windows on the western rear elevation, would be out of keeping with the form and detailing of the original windows in Chelsea House. Furthermore, the manner in which the dormers would break the eaves would not reflect the appearance of the existing dormers in the villa. Cumulatively, these design features would harm the architectural integrity of the historic villa. Therefore, the development would fail to preserve the character and appearance of the CA.
7. Due to the position of the proposal, it would not be particularly visible from the public domain. However, such visibility is not a prerequisite for harm to occur. In any event, the new dwelling would be seen by residents from within the appeal site, and also from the neighbouring properties, either side and to the rear.
8. I acknowledge that there are some buildings in the immediate area which are more utilitarian in appearance, including Colleagues House, and the Wellsway shops. However, these are honest modern buildings, whereas the proposal is an inappropriate modern intervention to a historic building. Nevertheless, their existence is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and, for the reasons set out above, concluded that it would cause harm.
9. Therefore, in view of the above, the development would fail to preserve the character and appearance of the CA. The harm to the significance of the CA would be less than substantial. The appellant considers that any harm would be at the lower end of a sliding scale of such harm. Nonetheless I am obliged to attach considerable importance and weight to the desirability of avoiding any harmful effect in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

10. Paragraph 202 of the National Planning Policy Framework (the Framework) (2021) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The development would provide a three bedroomed residential unit in an accessible location. However, whilst the development would provide some moderate economic and social benefits associated with the provision of an additional residential unit, these public benefits would not be significant enough to outweigh the harm to the CA identified.
12. The site is also within the City of Bath World Heritage Site (WHS) which is a designated heritage asset of the highest significance. The Statement of Outstanding Universal Value (SoOUV) is the primary source for understanding the significance of the WHS. The main attributes of the WHS as set out in the SoOUV are its Roman Archaeology, the Georgian Town Planning and Architecture, and the green setting of the city. The Council have referred to Policy B4 of the Bath and North East Somerset Core Strategy (Core Strategy) (adopted July 2014) in the reason for refusal, which relates specifically to the WHS and its setting. The Officer's report provides little to support this alleged harm. Given the scale of the proposal, it is considered that the proposed development would have a localised impact, and therefore, would not have any appreciable impact on the Outstanding Universal Value of the WHS as set out in the SoOUV.
13. Taking the above matters in to consideration, I conclude that the development would fail to preserve the character and appearance of the CA. It would be contrary to Policy HE1 of the Bath and North East Somerset Placemaking Plan (Placemaking Plan) (adopted July 2017) and Policy CP6 of the Core Strategy which seek, in combination, the preservation or enhancement of those elements which contribute to the special character or appearance of the CA, and high quality design which conserves or enhances the distinctive quality and character of Bath's environmental assets.

Living Conditions

14. Access to the proposal would be via a communal path. The path is already used by the other residents of the flats and any adjacent windows of neighbouring properties are already likely to be subject to some passive overlooking and disturbance. As the proposal is only one dwelling, the increase in activity associated with the future occupiers of the proposal would not lead to unacceptable harm, in terms of privacy or noise.
15. I note the Council raised concerns regarding the traffic disturbance associated with the proposal. It has been confirmed that the parking associated with the new dwelling would be to the front of Chelsea House, therefore, any vehicular movements will be restricted to the front of the site. The increase in vehicular movements as a result of the proposal would not be significant enough to cause harm to the living conditions of existing occupiers by way of either noise or odour.
16. Therefore, I am satisfied that the proposal would not harm the living conditions of existing occupiers, in respect of privacy, noise and odour. It would be in accordance with Policy D6 of the Placemaking Plan, which states that development must not cause significant harm to the amenities of existing or

proposed occupiers by reason of, amongst others, increased noise, smell, overlooking, traffic or other disturbance. It would also be in accordance with paragraph 130 (f) of the Framework which states that development should have a high standard of amenity for existing users.

Parking

17. There are currently 7 formal parking spaces marked out to the front of Chelsea House, serving the existing 4 flats. The revised block plan has introduced an additional 8th parking space and allocated 2 of these parking spaces to the proposed development. This would leave the remaining 6 spaces to serve the existing flats.
18. The adopted parking standards, as outlined in Schedule 2 of the Placemaking Plan, requires a three bed dwelling to provide a minimum of two off-street parking spaces. The Accessibility Assessment submitted with the appeal has demonstrated that the site is situated within a highly accessible location. Furthermore, the Census data demonstrates that car ownership in the relevant ward is less prevalent than across the district generally. Therefore, the proposal would provide an adequate level of on-site parking, for both the existing and future occupiers. I note that the 2 allocated parking spaces are situated outside of the red application line shown on the block plan. However, as they are within the blue line, I am satisfied that the appellant has the necessary control over these parking spaces in order for them to serve the proposed development.
19. Therefore, the proposal would provide an adequate level of on-site parking. There would be no consequential harm to highway safety or the living conditions as a result of additional on-street parking. The proposal would accord with Policy ST7 of the Placemaking Plan which seeks to ensure an appropriate level of on-site vehicle and cycle parking should be provided.

Trees

20. A cluster of trees are situated in the rear gardens of the Bloomfield Avenue properties, which lie to the rear of the appeal site, adjacent to the proposed development. There is a substantial boundary wall between the appeal site and the trees which appears to have been in situ for some time. Whilst there are some overhanging branches on the appeal site, the trees appear to be well managed, as set out in the arboricultural report which accompanies the appeal. The arboricultural report has categorised the trees as 'C2' which are trees of low quality with mainly landscape value.
21. The potential for overshadowing would be minimised due to the particular species of the relevant trees and their location in small residential private gardens, which is likely to prevent the trees reaching full canopy size. The roots of the trees would already be constrained by the wall and are unlikely to have grown through into the appeal site. Whilst I acknowledge that due to the proximity of the trees, there may be a 'perception' of risk during stormy weather, based on the evidence before me, most notably the findings of the arboricultural report, it is not considered that this matter would warrant refusal of the proposal.

22. Careful controls in terms of storage of construction materials and any protective measures, the details of which could be secured by condition should I have been minded to allow the appeal, would safeguard the trees.
23. I am therefore satisfied that the proposal would not have an adverse impact on any trees. The proposal would accord with Policy NE6 of the Placemaking Plan which states that development will only be permitted where it seeks to avoid any adverse impact on trees of, amongst others, amenity value.

Other Matters

24. The Officer's report also noted concerns regarding the lack of cycle parking. The revised block plan has now shown an indicative area for cycle storage immediately to the front of the proposed dwelling, as well as moving the bin storage and collection point to this area. Given that I am dismissing the appeal on other grounds, I have not pursued these matters any further.

Conclusion

25. I have found that the proposal would provide satisfactory living conditions for existing occupiers, that adequate parking would be provided, that no trees would be harmed, and that there would be no appreciable impact on the Outstanding Universal Value of the WHS. However, I have found that the development would fail to preserve the character and appearance of the CA. Therefore, the appeal scheme would conflict with the development plan when read as a whole. There are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Laura Cuthbert

INSPECTOR