
Appeal Decisions

Site visit made on 6 September 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal A Ref: APP/F0114/W/22/3292648

4 Darlington Place, Bathwick, Bath BA2 6BX

- 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 James against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04326/FUL, dated 22 September 2021, was refused by notice dated 25 November 2021.
 - The development proposed is a timber conservatory to rear.
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Appeal B Ref: APP/F0114/Y/22/3292650

4 Darlington Place, Bathwick, Bath BA2 6BX

- 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 James against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04327/LBA, dated 22 September 2021, was refused by notice dated 25 November 2021.
 - The works proposed are a timber conservatory to rear.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. As the proposal is in the Bath Conservation Area and relates to a listed building I have had special regard to Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are whether the conservatory would preserve a listed building, and any of the features of special architectural or historic interest that it possesses, and linked to that whether it would preserve or enhance the character or appearance of a conservation area.

Reasons

6. 4 Darlington Place (No 4) is part of a long terrace of houses positioned upon a steeply sloping hillside. This terrace is one of several high quality historic terraces within a mostly residential area, and the repeated form, architectural detailing and use of local stone contributes towards the distinctive visual cohesion of the conservation area. The neo-classical style of the terrace, with its deliberate positioning upon the hillside to provide occupiers with views over the townscape below reflects the planned historic development of the city in the 1800s. In addition, the elegant styles and detailing of the houses contributes to the high quality historic townscape that is part of the significance of the conservation area. The terrace and No 4 thereby make a positive contribution to the character and appearance of the conservation area.
7. No 4 is close to the centre of a group of eight classical townhouses that date from the early 1800s. These houses form a distinct group as their elegant and harmonious appearance with their repeated similarities of size, height, materials and architectural detailing, makes them an attractive and imposing element of the area. Not only do such qualities enhance the character and appearance of the conservation area, but the high quality, deliberately planned repeated forms and styles of the houses is part of their special architectural and historic interest. Moreover, a distinct element of the special interest of this terrace is that the houses have imposing front and rear elevations. To the rear these houses have elegantly detailed forms as evidenced by the ashlar stonework, the mannered classical hierarchy of the windows, and the presence of a variety of neo-classical detailing, such as the rusticated stonework.
8. A further aspect of the special interest of these houses is the long stone walls that delineate their rear gardens. The use of large ashlar stone blocks is a high quality material for a garden wall, and this along with the walls being deliberately coursed to follow the slope of the hillside, reflects the grand and imposing nature of the rear of the terrace.
9. The proposed conservatory would be to the rear of the house, positioned to abut the stone boundary walls. Although it would be single storey and would have a glazed roof and front wall, the size of the conservatory along with its essentially modern lean-to form and style would be an incongruous contrast to the polite neo-classical rear elevation of the house. Whilst the conservatory has been designed to be distinct from the original architecture, in this instance the works would not only interrupt the imposing elegance of the rear of the house, but would

conflict with this deliberately ordered and carefully detailed high status public façade that is such an unusual aspect of the special interest of the listed building.

10. The use of timber and glazing would create a light-weight visual impact to the conservatory. Nevertheless, the height and depth of the proposal would be such that it would conceal the window and rusticated stonework detailing of the ground floor. Even if this stonework were to remain exposed within the conservatory, the elegant impact of this detail would be obscured, including through the use of the room. The prominence of the stonework and its function in drawing the eye to this floor of the building would be significantly reduced.
11. The modern basement window and existing French doors would be removed, but there would also be the loss of other older features, such as the existing garden staircase and the walling beneath the basement window. There has been no assessment as regards the historic nature of these elements, but notwithstanding this, their removal would mean that the conservatory would not have a reversible impact upon this listed building. Furthermore, the impact of the conservatory upon the garden walls has not been assessed. The proximity of the conservatory to the walls is such that it is likely the coping stones would need to be removed, or at least modified, thereby further eroding the formal elegance of the rear of the building.
12. The appellants have drawn my attention to other conservatories that have been permitted nearby. 20 Darlington Place is not part of the eight terraced houses of which No 4 is part. Of the other two examples, 3 and 7 Darlington Place were permitted some time ago, and since that time both government guidance and the development plan for the area have changed. Whilst the neighbouring properties both have rear conservatories, that proposed would have a greater depth than those either side. The neighbouring extensions have no similarity of size, style or form, neither with each other nor with that proposed. The size and height of the proposed conservatory along with its close juxtaposition to those either side would create a jumble of rear elements that would further erode the elegant primacy of the rear elevation. Given these reasons, none of the examples cited forms a binding precedent for allowing the appeals.
13. Reference has also been made by the appellants as regards a previous rear extension that has been removed. However, details of the size, form and positioning of this extension have not been provided, and from the evidence before me, it appears that it was much smaller in size. Consequently, the weight I can thereby attribute to this matter is limited.
14. The conservatory would be visible within the surrounding area, in both public and private views. The steeply sloping nature of the hillside provides views of the rear of the terrace, particularly from below. Given

that the terrace has been designed to have an elegant and imposing presence when seen from the rear, it is a distinctive feature within the surrounding area. Although the rear gardens of the terrace contain a variety of shrubs and trees, the existing conservatories and that proposed are and would be publicly visible. Moreover, landscaping cannot be relied upon to screen development in perpetuity. The conservatory would erode the harmony of the imposing rear façade of the house and thus the contribution it makes to the cohesion of the historic townscape that is an essential element of the character and appearance of the conservation area.

15. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance. Given my findings, the conservatory would not preserve a listed building, nor features of its special architectural and historic interest, and nor would it preserve or enhance the character or appearance of the conservation area. These harms would be less than substantial as the conservatory would affect only part of the listed building and the conservation area, although such harms would be of considerable importance and weight.
16. Under such circumstances, the Framework advises that where development would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal. The conservatory is required to meet the family needs of the appellants. However, these are private benefits and would not outweigh the harms that I have identified, and the continued viable use of the appeal property is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
17. On balance the conservatory would not preserve a listed building and its features of special interest, nor would it preserve or enhance the character or appearance of the conservation area. This would be contrary to the requirements of the Act and objectives of the Framework, and the conditions suggested by the Council, including those controlling materials, would not mitigate these harms. The works would also conflict with Policy CP6 of the Council's Core Strategy (2014) and Policy HE1 of the Placemaking Plan (2017). These policies seek, amongst other things that development enhances or better reveals the significance of designated heritage assets, that extensions to listed buildings have no adverse impact on those elements that contribute to their special interest, and that such works preserve or enhance the elements which contribute to the special character or appearance of the conservation area, thereby reflecting objectives of the Framework.

Other Matters

18. The appeal property is within the City of Bath World Heritage Site. Given the modest size and location of the proposed conservatory when compared to the extent of the World Heritage Site and its setting, the proposal would not result in significant harm to the outstanding universal values of this designation.
19. Local residents have raised a number of matters, including loss of privacy, light, and maintenance access. Having regard to my findings on the main issues I have no need to consider these matters further.
20. Finally, concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the merits of the case.

Conclusion

21. Given the above, the proposal would fail to preserve a listed building and features of its special interest, nor would it preserve or enhance the character or appearance of the conservation area. The scheme would fail to satisfy the requirements of the Act and the Framework, and would conflict with the development plan when taken as a whole. Thus, for the above reasons and having regard to all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR