



Appeal Decisions

Site visit made on 20 September 2022

by **S Edwards BA MA TCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2022

Appeal A Ref: APP/F0114/W/22/3293174

136 North Road, Combe Down, Bath BA2 5DL

- 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 Jacqui Darbyshire against the decision of Bath & North East Somerset Council.
- The application Ref 21/02541/FUL, dated 26 May 2021, was refused by notice dated 26 November 2021.
- The development proposed is described as "The work includes internal and external alterations to the grade-II listed building and garden outbuilding, including the replacement of the rear utility extension with a new full width extension with bifold doors, forming of new openings and filling in of existing door and window openings, removal of UPVC doors and windows, insertion of a new traditionally detailed timber casement and sash window in the rear elevation, removal of modern joinery, reinstatement of period details including cornices and chimneypieces, insertion of a en suite at first floor and reconfiguration of existing outbuilding to form garden studio. The proposals seek to change the use class of the building from C4 - homes of multiple occupancy to C3 - dwelling houses".

Appeal B Ref: APP/F0114/Y/22/3293168

136 North Road, Combe Down, Bath BA2 5DL

- 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 Jacqui Darbyshire against the decision of Bath & North East Somerset Council.
- The application Ref 21/02542/LBA, dated 26 May 2021, was refused by notice dated 26 November 2021.
- The works proposed are described as "The work includes internal and external alterations to the grade-II listed building and garden outbuilding, including the replacement of the rear utility extension with a new full width extension with bifold doors, forming of new openings and filling in of existing door and window openings, removal of UPVC doors and windows, insertion of a new traditionally detailed timber casement and sash window in the rear elevation, removal of modern joinery, reinstatement of period details including cornices and chimneypieces, insertion of a en suite at first floor and reconfiguration of existing outbuilding to form garden studio. The proposals seek to change the use class of the building from C4 - homes of multiple occupancy to C3 - dwelling houses".

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works relate to a listed building located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. As both appeals relate to the same site and some of the issues raised are of a similar nature, I shall consider them in a single document, in the interests of brevity.

Main Issues

5. The main issues are whether the proposal would preserve no 136 North Road, a Grade II listed building (List Entry Number: 1395890), and any of the features of special architectural or historic interest it possesses and the extent to which it would preserve or enhance the character or appearance of the Bath Conservation Area.

Reasons

6. No 136 New Road forms part of a pair of two-storey houses dating from the early to mid-nineteenth century, which are jointly listed at Grade II. The significance of the appeal building derives primarily from its architectural and historic interest as a modest property characterised by its simple detailing and use of high quality materials, which has to a large extent retained its original plan form.
7. The appeal property lies within the Bath Conservation Area, which draws its special interest from its rich and unique collection of historic buildings of the highest quality and striking visual homogeneity. By reason of its architectural and historic significance, the appeal property makes an important contribution to the character and appearance of the Conservation Area.
8. The rear of the property has been subject to a number of unfortunate alterations and additions during the twentieth century, which nevertheless remain modest in scale. Whilst the existing single storey extension with flat roof detracts from the listed building's special interest, it would be replaced with a significantly larger extension, which would be characterised by its excessive height and extend across the full width of the property. This would be compounded by the footprint of the new addition, which would be similar to the footprint of the original building.
9. I appreciate that the size and design of the proposed extension are in response to the concerns previously raised by the Council, notably regarding the removal of the central pier. However, and despite its single storey scale, the proposed development would, due to its overall size, lack subservience and harmfully dominate the property. It would result in an incongruous addition which would fail to respect its historic form and size, to the detriment of the special interest of this Grade II listed building.
10. Although the extension would be sited to the rear of the appeal property, it would be visible from neighbouring properties and within Gladstone Road. By virtue of the property's contribution to the character and appearance of the Conservation Area, it follows that the appeal scheme would also cause harm to the special interest of this designated heritage asset. Whilst it is suggested that

there are many extensions of a similar size within the vicinity of the site, no details of specific examples have been drawn to my attention as part of the appeals. I cannot therefore be certain that parallels can be drawn with the proposal before me.

11. The appeal scheme would cause less than substantial harm to the special interest of the appeal property and the Bath Conservation Area as a whole, to which I ascribe considerable importance and weight. In such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. Some of the internal and external works, such as the reinstatement of period details and removal of detracting features, would constitute positive interventions and thus assist with sustaining the special interest of the listed property. These can be regarded as public benefits, which I have taken into consideration. The existing uPVC windows sited to the rear elevation of the property would be replaced with timber sash windows. Whilst the existing windows are unauthorised, their replacement can also be regarded as a public benefit.
13. The proposed extension would provide additional accommodation for the occupiers of the property, but this benefit would be to a large extent of a private nature. Having regard to the available evidence, I have no reasons to believe that the continued occupation of the listed property, whether as a single dwellinghouse or a House in Multiple Occupation (HMO), is dependent on the construction of the proposed extension.
14. Furthermore, there is some suggestion that the appeal scheme would enable the property to be used as a single dwellinghouse, which could be regarded as the optimum viable use for the listed building. However, I have been presented with no mechanism to ensure that the occupation of the property as a HMO would cease as a result of the proposed development and works. This consideration is therefore ascribed very limited weight. Overall, the harm which I have identified for each appeal would not be outweighed by the public benefits derived from the proposal.
15. Given the above, the proposed development and works would fail to preserve the special interest of the Grade II listed building and fail to preserve the character and appearance of the Bath Conservation Area. It would therefore conflict with Policy CP6 of the Bath and North East Somerset Core Strategy (Adopted July 2014), Policies D2, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (Adopted July 2017), as well as paragraphs 199 and 202 of the Framework. These seek to ensure that proposals are of a high quality design, whilst protecting, conserving and seeking opportunities to enhance the historic environment, including the character and setting of designated heritage assets.
16. The appeal site forms part of the Bath World Heritage Site (WHS). No concerns have been raised by the Council in respect of the effect of the proposed development and works in that regard, and there are no reasons for me to reach an alternative view. Consequently, I am satisfied that the appeal scheme would not result in harm to the Outstanding Universal Value of the WHS, its authenticity and integrity, and therefore find no conflict with Policy B4 of the Bath and North East Somerset Core Strategy.

Conclusion

17. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR