



Appeal Decision

Site visit made on 7 October 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/F0114/W/22/3295389

Land to the South of Yew Tree House, Ostlings Lane, Bathford, Bathford BA1 7RW

- 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 Timothy Lamey against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04026/FUL, dated 27 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as 'Erection of a single bungalow dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area, having particular regard to whether the character or appearance of the Bathford Conservation Area would be preserved or enhanced.

Reasons

3. The site is located within the Bathford Conservation Area (CA). The CA covers the historic core of the village and contains a fine architectural range of properties, including numerous listed buildings, that are predominantly constructed with local stone. The CA is set on a hillside and has a pleasant rural character through its incorporation of numerous stone boundary walls, mature trees, and hedgerows.
4. The appeal site itself measures approximately 350sqm and comprises an area of garden land that is separated from its host property. It is predominantly grassed and contains a small number of trees, as well as an area of hardstanding. It sits adjacent to the public highway but is largely set behind a stone boundary wall. Despite public views of the site being relatively limited, it still provides a sense of spaciousness to this part of the CA, as well adding to its verdant quality.
5. Properties nearby to the appeal site are more modern in comparison to other parts of the CA. They are predominantly detached, two-storey dwellings and set back from the public highway, within sizeable plots, further providing a relatively spacious feel, along this area of Ostlings Lane.

6. The footprint of the proposed dwelling would conform with nationally described space standards, whilst it is also considered to be served by an appropriate level of amenity space. Nevertheless, the appeal dwelling would still appear small in the context of immediate neighbouring development. This would be largely due to its single storey nature. The single storey proposal, alongside its sunken finished floor levels, would reduce the development's visual impacts, and potential impacts to the living conditions of neighbouring properties. However, to my mind, it would also emphasise the difference in scale with neighbouring properties and result in the proposal having a somewhat forced nature.
7. The relatively small scale of the proposed dwelling combined with its positioning close to the boundaries of the rather narrow and irregular shaped plot, would also result in the appearance of a cramped form of development. It's recognised that many neighbouring dwellings are positioned near to their property boundaries, but due to their larger plot sizes they still appear to sit more comfortably than the proposed development.
8. The appellant has provided a plot density study to demonstrate that the proposal would have a smaller footprint/plot ratio than many other small dwellings within Bathford. However, the properties that the scheme has been compared against are in alternative parts of Bathford that generally contain a much higher density of development. The proposal would have a markedly different arrangement to its more immediate built form, which primarily consists of lower density development. In the context that the appeal proposal would be viewed within, the plot would still give rise to a small and cramped appearance.
9. Although the proposal would not be highly visible, the residential use of the site would also erode the sense of spaciousness that the plot provides along this part of Ostlings Lane. The appellants indicate that through incorporating a green roof and the potential for 'green' parking spaces, the scheme could result in a marginal increase in the quantum of green space at the site. Be that as it may, I am not convinced that this would be viewed in a similar manner as the current site that is largely free from built form and therefore has a much more open characteristic.
10. It is recognised that Bathford does represent a sustainable location for residential development. Nevertheless, the proposal would be uncharacteristic of the surrounding pattern of development with consequent harm to the character and appearance of the CA. Therefore, failing to either preserve or enhance its character or appearance.
11. Given the scale and nature of the proposal, I consider it would cause less than substantial harm to the CA. Whilst I note the appellants' own findings also deem that less than substantial harm to the significance of the CA would arise. 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.
12. The proposed development would provide socio-economic benefits associated with the provision of a new dwelling, which is in a sustainable location. However, due to the scale of the proposal such benefits would be modest.

13. Given the harm I have identified to the CA, I do not agree with the appellants that the proposal would provide a public benefit through enhancing the appearance of the site. The opportunity to undertake an archaeological watching brief at the site is also suggested to provide a public benefit through the potentially better revealing the archaeological significance of the CA. However, the Heritage Statement that accompanies the appeal highlights that the surrounding area has been developed extensively during the 20th century and therefore is not likely to contain any significant archaeological remains. Additionally, archaeological investigations are not dependent upon the development, while it may be a likely requirement of the grant of a planning permission. As such, I give this suggested benefit limited weight.
14. Overall, given the scale of the proposal, I find that the public benefits outlined would be modest and not sufficient to outweigh the identified harm.
15. Furthermore, as the existing parcel of land positively adds a sense of spaciousness and verdant quality to the CA, I do not consider that the proposal would result in a more optimum use of the land.
16. Accordingly, the proposal is contrary to policies D2, D4 and HE1 of the Bath and North East Somerset Placemaking Place (2017). Collectively the 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. The proposal would also fail to meet the requirements of Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Other Matters

17. I note the appellant's frustrations with the way the LPA dealt with the application. In particular, given the feedback that had been received from a previous application and pre-application engagement. However, this is a matter for the LPA to address, and I have determined the appeal on its own merits.

Conclusion

18. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Lewis Condé

INSPECTOR