
Appeal Decision

Site visit made on 20 September 2022

by Mr Pinto BA, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/F0114/D/22/3296028

44 Warminster Road, Bath, BA2 6XJ

- 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 Guy Hogg against the decision of Bath and North East Somerset Council.
 - The application Ref 21/05109/FUL, dated 10 November 2021, was refused by notice dated 7 January 2022.
 - The development proposed is erection of ground floor rear extension and first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of ground floor rear extension and first floor rear extension at 44 Warminster Road, Bath, BA2 4RZ in accordance with the terms of the application, Ref 21/05109/FUL, dated 10 November 2021, and the plans submitted with it, all received by the Council on the 16 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of deliveries (including storage arrangements and timings), contractor parking, traffic management, working hours, site opening times, wheel wash facilities and site compound arrangements. The development shall thereafter be undertaken in accordance with the approved details.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 2104HOG_LP-01. Location & Site Plan, 2104HOG_E-1. Existing Principle Elevations, 2104HOG_E-11. Proposed Principle Elevations, 2104HOG_E-12. Garden (South) Elevations, 2104HOG_E-13. Other Proposed Elevations/Sections, 2104HOG_E-2. Other Proposed Elevations/Sections, 2104HOG_E-3. Wider Garden Elevations, 2104HOG_P-01 Existing Ground Floor Plan, 2104HOG_P-02 Existing First Floor, 2104HOG_P-04 Existing Roof Plan, 2104HOG_P-11

Proposed Ground Floor Plans, 2104HOG_P-12 Proposed First Floor Plan,
2104HOG_P-13 Proposed Roof Plan.

Preliminary Matters

2. I have adopted the description of the development included in the Council's Decision Notice as it more accurately describes the proposed works.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and the area.

Reasons

4. The appeal site is located in Bathampton, on the A36 Warminster Road, in a residential area dominated by large detached houses set back from the highway and located within fairly spacious plots. The topography of the appeal site is such that the existing dwelling lies on significantly higher ground than the public footpath, and therefore more prominent within the streetscene than it would be otherwise, despite the presence of mature bushes and other greenery.
5. The host dwelling consists of a detached large dormer bungalow which, as evidenced by the site's planning history and the Applicant's Appeal Statement (2022) (The Appeal Statement), has been the subject of previous extensions, the most recent of which being application Ref 21/03111/FUL, for a single storey extension and a 2 storey extension (dormer extension) and new terrace to rear elevation with a car port to front driveway, permitted on 3 November 2021.
6. This appeal is for an approximately 4.5 metres extension on the ground floor, forming a U-shaped, with a central terraced area and an extension to the existing dormer, or top floor of the house, to accommodate additional space and an additional bedroom.
7. The Council has raised significant concerns regarding the top floor, or dormer element, of the proposed development, particularly in relation to its shape and position, which projects beyond the existing roof slope and onto the roof of the proposed single storey element. The Council has stated in its Delegated Report that the extension appears bulky, with massing which is disproportionate in comparison to the existing dwellinghouse. It also states that the use of metal cladding would exacerbate the issue, given the large expanse of wall which would be clad in this material.
8. Policy D2 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan (2017) (the Local Plan) states that development proposals would be supported where they contribute positively to and do not harm local character and distinctiveness. Policy D5 of the Local Plan does state that extensions must complement and enhance the host building.
9. It is the Appellant's view, as stated within the Appeal Statement, that there would be no materially detrimental impacts arising from the proposed development if constructed. The Appeal Statement further adds that the proposal represents a modest, contemporary and well-designed extension to

the dwelling house which would be in-keeping with the original house and surrounding area.

10. It is the Council's view, as stated within the Delegated Report (2022) and the Decision Notice (2022), that the proposed first floor extension appears bulky, with massing which is disproportionate in comparison to the existing dwellinghouse, failing to respond to the character of the existing building and the local site's context.
11. Drawing 2104HOG_G-P13, dated from the 10 November 2021 and submitted in support of the application, shows that the proposed roof extension would be contained within the existing roof form and, since it is to the rear elevation of the existing building, would not be easily perceived from public land.
12. The proposed roof does project beyond the existing roof slope and onto the roof of the proposed single storey element, but the building line of the proposed top floor does not extend further than that of the single storey element of the extension.
13. Consequently, although the proposed development would constitute a significant extension to the existing dwelling, its overall dimensions and designed, coupled with the proposed ground floor development, would ensure that the roof extension would not unduly overhang or be of such a size that would be considered disproportionate to the existing dwelling, once the ground floor extension is complete.
14. The design of the proposed roof extension is contemporary in style, being dominated by extensive panes of glass with two panes of timber cladding in the centre. These panes of timber cladding would assist in visually tying the proposed roof extension to the ground floor element of the house by echoing the materials permitted on the ground floor extension, as per the previous application permitted on the 3 November 2021.
15. Consequently, I do not find, considering the design and overall appearance of the ground floor, that the proposed roof extension would fail to complement and enhance the character and appearance of the host building.
16. I do, nevertheless, accept the Council's point that the proposed use of metal cladding could exacerbate concerns in relation to the overdominance of the proposed roof extension and its bulky appearance. Nevertheless, as recognised in the Delegated Report (undated), a condition could, if the application were to be approved, to secure a sample of the materials used in order to ensure an appropriate finish.
17. In relation to its impact on the character and appearance of the area I believe this would be minimal as the development would be, for the most part, concealed from public land. Furthermore, the present character and appearance of the area, particularly of Warminster Road, is defined by those large detached houses, like the appeal site, that stand proudly along the street, but these do differ significantly in terms of design, bulk, materials and overall appearance.
18. In conclusion, for the reasons stated above, I do not find the proposal to be in conflict with Policy D2 or D5 of the Local Plan which aim to set ensure that development proposal positively contribute to and do not harm the character of an area and must complement and enhance the host building.

Other Matters

19. I note that the site lies within the Bath World Heritage Site (WHS). As such, I have paid special attention to the desirability of preserving or enhancing the character or appearance of this internationally designated heritage asset and placed great weight on its conservation. However, I also note that the Council has not raised any concerns in relation to the potential effects of this proposal on the WHS and, given my findings above, the nature, scale and location of the proposed development, I would agree that the scheme does not result in harm to the values of the WHS.

Conditions

20. The Council has prepared a list of suggested conditions which include the standard time limit and implementation conditions. I have considered these in light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
21. In order to provide certainty, a condition specifying the approved drawings so far as they relate to the details to be approved at this stage, would be necessary.
22. Taking into consideration the location of the site, I have considered that a Construction Management Plan is required in the interest of safeguarding the living conditions of the occupants and users of the surrounding area and highway safety.
23. I agree with the Council that, in the interests of the protecting the character and appearance of the development and the surrounding area a condition is required in respect of materials.
24. A condition has been recommended preventing use of the roof area as a balcony, terrace, or other similar area. However, the plans show no access to the main roof area and the area behind the parapet would not be conducive for use as an amenity space. As such, I do not consider this condition to be necessary.

Conclusion

25. For the reasons given above, I conclude that the appeal should, subject to the identified condition, be allowed and planning permission granted.

Mr Pinto

INSPECTOR