

Appeal Decisions

Site visit made on 7 December 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/F0114/W/22/3300737

The Garden House, St Johns Road, Bath BA2 6PR

- 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 Mrs Gisela Raimes against the decision of Bath & North East Somerset Council.
 - The application Ref 21/05559/FUL, dated 21 December 2021, was refused by notice dated 23 February 2022.
 - The development proposed is erection of retractable fabric awning supported on a white painted, powder coated aluminium frame secured to the east elevation of The Garden House.
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Appeal Ref: APP/F0114/Y/22/3300736

The Garden House, St Johns Road, Bath BA2 6PR

- 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 Mrs Gisela Raimes against the decision of Bath & North East Somerset Council.
 - The application Ref 21/05396/LBA, dated 21 December 2021, was refused by notice dated 23 February 2022.
 - The works proposed are erection of retractable fabric awning supported on a white painted, powder coated aluminium frame secured to the east elevation of The Garden House.
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Decisions

1. The appeals are dismissed.

Procedural Matter

2. The awning is already in situ.

Main Issue

3. The Garden House is one of three dwellings which now inhabit the Grade II listed building 'Bathwick C of E Junior School (former)' (the Former School). In that context, the main issue to be considered is the effect of the proposal on the special architectural and historic interest of the Former School.

Reasons

4. The Former School was constructed between 1840 and 1841 in a decorative Tudor Gothic style under the design of prominent architect John Pinch the Younger. A large extension was added circa 1868 which utilises a simpler interpretation of the Gothic idiom. The Former School is thus important in how its attractive architectural composition directly embodies the changes in the way that Gothic Revival architecture was expressed over the Victorian period.

5. The Garden House occupies the 1868 extension and has exerted residential influence on the setting of the Former School and the lower reaches of the extension itself, with a pastel blue balcony added and an opening modified to create an entrance. Nonetheless, much of the east elevation is preserved and displays the plainer and freer expression of later Gothic Revival; it contributes to the significance of the Former School through its bold, simple fenestration of machine cut stone rangework and ordered window openings which lead it to assert a level of self-assured discipline befitting an historic educational facility.
6. The awning has been affixed across the plane of rangework between two corresponding rows of openings on this elevation. It has introduced a level of domestic clutter at height incongruous to the existing fenestration and has detracted from the significance of the Former School. It is suggested that the awning would not cause harm as it is hidden from public view. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the works can be gained.
7. Whilst awnings were common in the 19th Century, it is necessary to consider how the specific placement of the awning has affected the significance of the listed building in this case. References to contemporary buildings elsewhere, such as the famous department store Harrods, are therefore of little benefit to my assessment. Active retail frontages were innately complimented with awnings in any case. There is no substantive evidence that the Former School had an awning historically, here or in a similarly unsympathetic position.
8. Given the relatively limited impact of the works/development, and as the appellant intends for the awning to be removed after five years, I would quantify the harm to the Former School as less than substantial, and indeed at the lower end of a spectrum of such harm. Nevertheless, Paragraph 199 of the National Planning Policy Framework (the Framework) explains that great weight should be given to the conservation of designated heritage assets. It informs us that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
9. Paragraph 202 requires decision makers to weigh any less than substantial harm to a designated heritage asset against the public benefits of the scheme, including securing its optimum viable use. That balancing exercise must take place in the context of s.16(2) and s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which set a strong presumption against a grant of planning permission or listed building consent for development or works that would cause harm to the special interest of a listed building.
10. The awning provides shade on the balcony and has therefore allowed The Garden House to be more inclusive and promote health and well-being, with a higher standard of amenity for its existing and potential future users. However, it seems to me that there may be other methods to achieve shading which do not require an awning to be affixed to the fabric of the Former School, and therefore represent a less harmful alternative outcome, such as an automatic or fixed parasol. As the awning has caused harm to the listed building, it cannot be held to secure it a more optimum viable use. There is no evidence that the awning is essential to sustain the already viable residential use of the Former School or makes a material contribution to addressing climate change.
11. As such, the weight I attach to these public benefits falls decisively short of justifying the harm that would be caused; harm that must be given

considerable importance and weight in the balancing exercise. Moreover, that conclusion brings the proposal into conflict with the objectives of Policy HE1 of the Placemaking Plan (adopted 2017) and the Framework.

Other Matters

12. The site is within the Bath Conservation Area (the CA) and the City of Bath World Heritage Site (the WHS). Despite the harm that would be caused to the listed building I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence from the private domain. Unlike listed buildings, the significance of a CA is dependent upon how it is experienced. There is also no clear evidence that the proposal would harm the Outstanding Universal Value of the WHS.
13. The appellant has referred to the potential housing land supply situation in Bath and the presumption in favour of sustainable development set out by Paragraph 11 of the Framework. As the scheme would not contribute to Bath's housing supply, these matters have not been determinative in my assessment.

Conclusion

14. The proposal conflicts with the development plan when read as a whole. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010, but the harm caused to the Former School outweighs the benefits of the awning in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

Matthew Jones
INSPECTOR