



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: 19 January 2023

Appeal A Ref: APP/F0114/W/22/3295595

4 St Mary's Buildings, Lyncombe, Bath BA2 3AT

- 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 Andrew Hodges against the decision of Bath & North East Somerset Council.
 - The application Ref 21/03776/FUL, dated 6 August 2021, was refused by notice dated 16 February 2021.
 - The development proposed is a partial two storey rear extension at 4 St Mary's Buildings, Bath.
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Appeal B Ref: APP/F0114/Y/22/3295593

4 St Mary's Buildings, Lyncombe, Bath BA2 3AT

- 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 Andrew Hodges against the decision of Bath & North East Somerset Council.
 - The application Ref 21/03777/LBA, dated 6 August 2021, was refused by notice dated 16 February 2021.
 - The works proposed are a partial two storey rear extension at 4 St Mary's Buildings, Bath.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a partial two storey rear extension at 4 St Mary's Buildings, Lyncombe, Bath BA2 3AT in accordance with the terms of the application Ref 21/03776/FUL, dated 6 August 2021, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and listed building consent is granted for a partial two storey rear extension at 4 St Mary's Buildings, Lyncombe, Bath BA2 3AT in accordance with the terms of the application Ref 21/03777/LBA, dated 6 August 2021, and the plans submitted therewith, subject to the conditions in the attached schedule.

Main Issue

3. 4 St Mary's Buildings is a terraced dwelling which forms part of the Grade II Listed building '1-9, St Mary's Buildings' (hereafter the St Mary's Buildings) and is located within the City of Bath Conservation Area (the CA). In this context, the main issue in these appeals is the effect of the proposal on the special architectural and historic interest of the St Mary's Buildings and, linked to that, whether it would preserve or enhance the character or appearance of the CA.

Reasons

4. The St Mary's Buildings were constructed circa 1820 under the design of the preeminent Bath architect John Pinch the Elder. The significance of the listed building, beyond this, is principally drawn from its elegantly upswept terrace configuration, its ornate and formal front elevation, largely constructed in limestone ashlar, and its layout. These aspects of significance also allow the St Mary's Buildings to contribute positively to the character and appearance of the CA, as a good example of the Georgian terraces for which the city is renowned.
5. The rear elevation lacks the grandeur of the front and is the scene of a range of later alterations, including two-storey rear extensions of mixed success. There is little, nor was there ever, any clear perception of symmetry. Each house has an intriguing panel of ashlar stonework across the right-hand side of the rear, and it is unclear why. The most compelling suggestion is that these are second hand stones reused here because they did not need to be cut; the original rear window openings are largely contained to the left-hand side of the houses, enclosed in rubblestone. Beyond their visual quality, these resourceful areas of ashlar offer an insight into the culture of construction work during this period, and as such also add to the significance of both the listed building and the CA.
6. The small backyards, once beset with outbuildings and privies with a common foul drain, have been cleared and/or infilled by later rear extensions in several instances. The rear garden boundary walls have been built in ashlar but also in piecemeal fashion, as is the case at No 4. Notably, No 4 has a surviving lean-to outbuilding, present on historic mapping, but also a jarring, prominent timber balcony and associated doorway added probably in the latter half of the 20th Century, and a similarly aged and unrefined casement window at second floor.
7. The infill extension would echo the outbuildings which populated the yards in a manner that has been executed elsewhere. These terraced dwellings are relatively tall in stature, and the second storey of the extension would not be disproportionate in this context. The ashlar wall detail would remain visible above it. Whilst the scheme would see the removal of the yard facing wall of the outbuilding, this fabric is not of primary significance to The St Mary's Buildings. Its demolition, and the removal of part of the ashlar wall to form a new second floor window opening and also the yard's backwall, would be offset by the clear enhancements delivered through removal of the balcony and casement window. For its part, the extension would complement the terrace architecturally.
8. I recognise that the Council has consistently sought to restrain rear extensions across the terrace to a single storey scale. However, it is my overall opinion that the proposed partial two storey rear extension at No 4 would preserve the special architectural and historic interest of the St Mary's Buildings, and the character and appearance of the CA. It follows that the proposal would accord with the heritage and design objectives of Policy CP6 of the Core Strategy (adopted 2014), Policies D1, D2, D3, D5 and HE1 of the Placemaking Plan (adopted 2017) and the National Planning Policy Framework.

Conditions

9. To ensure that the development/works are carried out with the requisite materials, quality and craftsmanship, respective conditions are essential in order to secure the detailed form and finishes of the walls, roofing, the pointing, the window and roof lantern joinery, and the rainwater goods.

Conclusion

10. For the reasons outlined above, and taking all other matters raised into account, I shall allow the appeals.

Matthew Jones

INSPECTOR

Appeal A – Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01a, 02c.

Appeal B – Schedule of Conditions

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) No construction of the external walls shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofing materials, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- 3) No pointing or re-pointing shall be carried out until details of the specification for the mortar mix and a sample area of pointing demonstrating colour, texture, jointing and finish have been provided in situ for the inspection and approval in writing by the Local Planning Authority and retained for reference until the work has been completed. Once approved the works shall be completed in accordance with the approved details.
- 4) No installation of the sash windows, rainwater goods and roof lantern shall commence until full details comprising 1:20 drawings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.