



Appeal Decision

Site visit made on 7 December 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/F0114/Y/22/3297885

104 High Street, Bathford, Bath BA1 7TH

- 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 Francis against the decision of Bath & North East Somerset Council.
 - The application Ref 21/03252/LBA, dated 3 July 2022, was refused by notice dated 1 November 2021.
 - The works proposed are described as '*single storey and two storey extension at rear of building*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 28 December 2017 planning permission was granted at this site pursuant to Ref 17/04541/FUL for the '*erection of single and double storey rear extension*'. Likewise, on 24 January 2018, under its companion Ref 17/04542/LBA, listed building consent was granted for '*internal and external alterations for the erection of single and double storey rear extension*'. It is not for me, within the context of an appeal made under s20, to be drawn on whether or not these consents commenced in time or therefore remain extant. I have, however, had regard to this matter insofar as it is material to my assessment of this appeal.

Main Issue

3. 104 High Street is a terraced late 18th Century dwelling which comprises the Grade II listed building 'No 104, including Boundary Walls and Gate Piers' and is also located within the Bathford Conservation Area (the CA). In this context, the main issue before me is the effect of the works on the special architectural and historic interest of 104 High Street and, linked to that, whether the works would preserve or enhance the character or appearance of the CA.

Reasons

4. The significance of No 104 is captured in its humble but attractive architectural composition, the quality and age of its construction materials, particularly its stone walls and Cotswold tile roof, and its modest plan form. The building is well preserved, with mapping in the appellant's Heritage Impact Assessment (2022) indicating that the mainstay of the house has been in its current position, filling the width of its plot, since at least the late 19th Century. The original rear elevation is largely intact and contains what are probably original openings including a doorway, below its perhaps original stone hood. A modern,

slender single storey extension added to the right side of the rear elevation defers with sufficient success to the undoubted special interest of this house.

5. The significance of the CA is largely drawn from its informal assemblage of vernacular village buildings constructed in a shared theme of tiled roofs and Bath stonework. A path running close to the rear garden of No 104 ensures that both its streetward front and back elevations are visible to view. The rear is also visible from other properties to the south. The whole of No 104 therefore makes a significant contribution to the character and appearance of the CA as a rare, preserved 18th Century example of a simple, artisan's cottage, which is now in the middle of a picturesque informal historic terrace.
6. The works would constitute a consequential intervention both in terms of scale and historic fabric loss. Parts of the house important to its significance would be removed, such as an expanse of original rear stonework walling, the backdoor opening and hood, and the first floor, mullioned opening to the right. The extension would be uncomfortably close to the original first floor opening to the left and I cannot be certain would not lead to the removal of historic roof timberwork. A swathe of the roof tile cladding would be removed in any event.
7. The scale of the extension would be disproportionate to the humble plan of the original house. Artificial roofing stones would not respect the breadth and quality of the natural materials present, particularly the existing roof tiles. Internally, partitions would dissect the main bedroom, compromising the remaining openness of the first-floor plan and harming the integrity of the fireplace as the focal point and foremost feature of the room. As such, the works would result in less than substantial harm to the significance of the listed building, and at the upper end of a spectrum of such. It also follows that less than substantial harm to the significance of the CA would also arise.
8. The National Planning Policy Framework explains that great weight should be given to the conservation of designated heritage assets and that any harm to the significance of such an asset requires clear and convincing justification. Paragraph 202 goes on to require 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. In this case, that balancing exercise must take place in the context of s.16(2) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which set a strong presumption against a grant of listed building consent for works that would cause harm to the special interest of a listed building and fail to preserve or enhance the character or appearance of a conservation area.
9. The works would extend the living space to better reflect the appellant's family needs. In this sense, it would offer a public benefit insofar as it would promote health and well-being, with a higher standard of amenity for existing and perhaps future users. However, this would be a modest benefit and there is no substantive evidence that these works are needed to secure the long-term future of the listed building. As such, the public benefits of the works fall decisively short of justifying the harms that would be caused; harms that must each be given considerable importance and weight in the balancing exercise.
10. This also draws the works into conflict with Policies RA2, HE1, D1, D2, D3 and D5 of the Placemaking Plan (adopted 2017) insofar as they seek to promote good design which protects the character of villages, the historic environment generally, and listed buildings and conservation areas respectively.

11. Apropos the potential fallback position covered by Refs 17/04541/FUL and 17/04542/LBA, even if that scheme was found to be extant and able to be built out, it would be a smaller, less intrusive intervention, with less fabric loss and internal division. Important parts of the property, such as the existing backdoor opening, would be preserved within the layout. I do not share the view that these previously approved works would be harmfully piecemeal compared to the appeal proposal; rather, the works would result in less magnitudes of harm to the significance of the listed building and the CA. This potential fallback position therefore carries little weight in support for the works now proposed.

Other Matters

12. The Council is concerned about the prospect of the works disturbing protected species, namely bat. The appellant has referenced the findings of a report off the back of emergent surveys I understand were carried out last year, but the report has not been supplied. However, given that I am dismissing the appeal for other reasons, I have not gone on to consider the matter further.

Conclusion

13. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones
INSPECTOR