

Appeal Decision

Site visit made on 16 January 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/F0114/D/22/3310822

Sabinal, Lucklands Road, Upper Weston, Bath BA1 4AU

- 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 R Heck against the decision of Bath & North East Somerset Council.
 - The application Ref 22/02008/FUL, dated 13 May 2022, was refused by notice dated 16 September 2022.
 - The development proposed is for the widening of existing driveway access.
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Decision

1. The appeal is allowed and planning permission is granted for the widening of existing driveway access at Sabinal, Lucklands Road, Upper Weston, Bath BA1 4AU, in accordance with the terms of the application Ref 22/02008/FUL, dated 13 May 2022 subject to the conditions set out below:
 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 complete accordance with the approved plans: D490-000 and D490-303.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Bath Conservation Area and World Heritage Site.

Reasons

3. The appeal site is located within the Bath Conservation Area and World Heritage Site, specifically where high stone boundary walls are a common feature along the roadside. The walls are of an historic form of construction and, whilst not listed in their own right, I consider can be deemed to be non-designated heritage assets. These walls include vehicular gateways of varying widths which serve their respective properties and in many cases are wider than that proposed, which is a material consideration in determining this appeal.
4. I understand that the proposal to widen the access was originally part of an earlier planning application which was approved for the erection of a garage,

pool house and pool, but being a bone of contention that element was withdrawn to enable planning permission to be given.

5. The Council highlight that their maximum width of a parking bay is 2.7m and therefore deem that the proposal is unnecessary, however the local Highway Authority state that the greater access width has the potential to increase the level of visibility on accessing and egressing the property which is of public benefit.
6. Clearly the proposal would give rise to a small loss of historic rubble-stone fabric; and there would be a loss of the stepped design on the eastern side of the access, nonetheless the original decorative wall ends would be reinstated. Therefore, I consider that the harm that would ensue to the non-designated heritage asset would be slight and would only have a minor effect upon its significance. Bearing in mind the improvements to highway visibility and resultant safety I consider that they outweigh the harm.
7. Overall, I consider that the proposal would preserve the character and appearance of the Conservation Area and World Heritage Site as a whole, with no harm caused to the designated heritage asset. I therefore find that the proposal complies with Policies D2, D5 and HE1 of the Placemaking Plan for Bath and North East Somerset (2017) and Policies B4 and CP6 of the Core Strategy (2014), which together require development proposals not to harm local character and distinctiveness where they positively respond to site context, whilst an appropriate boundary treatment be maintained, including the need to safeguard heritage assets and the sensitive management of the historic environment in general.

Conclusion and Conditions

8. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
9. The Council has not recommended that any conditions be imposed within its appeal questionnaire, however at the very least I consider it appropriate to impose the statutory standard time limit condition and one requiring that the development be carried out in accordance with the approved plans, for the avoidance of doubt as to the scope of the planning permission.

C J Tivey

INSPECTOR