

# Appeal Decision

Site visit made on 9 February 2023

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27<sup>th</sup> February 2023**

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**Appeal Ref: APP/F0114/D/22/3308610**

**12 Cedric Road, Bath, BA1 3PA**

- 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 & Mrs Stuart Galise against the decision of Bath and North East Somerset Council.
  - The application Ref 22/00526/FUL, dated 5 February 2022, was refused by notice dated 28 July 2022.
  - The development proposed is reconfiguration and enlarging of existing rear extension and garage.
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## Decision

1. The appeal is allowed and planning permission is granted for the reconfiguration and enlarging of existing rear extension and garage at 12 Cedric Road, Bath, BA1 3PA in accordance with the terms of the application Ref 22/00526/FUL, dated 5 February 2022, subject to the conditions set out in the attached Schedule to this decision.

## Preliminary matters

2. The originally submitted scheme was amended by the omission of the proposal to reconstruct the neighbouring garage. Accordingly, the description of the proposed development utilised in this decision letter differs from that in the application form to reflect the amendment made to the scheme.
3. The property is located within the Bath Conservation Area (BCA)

## Main issue

4. The main issue is whether the proposed development would serve to preserve or enhance the character or appearance of the BCA.

## Reasons

5. The appeal property is a semi-detached dwelling in a lengthy street comprised of similarly designed dwellings, built of reconstituted Bath stone, and set out in a formal linear layout. The Council acknowledges that many of the dwellings in the street have been extended or modified over time but nonetheless considers that the original development has largely retained its homogeneity. It says in the officer report that:

*The streets' verdant and spacious character can be attributed to its layout and rhythm. The sense of spaciousness is particularly evident in the spacing between the dwellings which in many instances afford views between the main dwellings towards an eclectic mix of garage structures.*

6. The host property has already been extended to the rear, but this makes little or no impression on the street scene. The Council's main concerns relate to the proposed design of the semi-detached garage lying between Nos. 10 & 12 and the additional floorspace created by the modifications and additions at the rear. The Council points to the cumulative footprint of additions and considers that the proposals would lack subservience and represent a sprawling addition failing to respond appropriately in design terms to the host property and existing garage, thus harming the character and appearance of the host property and BCA.
7. I take a different view. The extensions, alterations and amalgamation of the existing rear extension with the garage structure would have a marginal and not unacceptable impact on the street scene. Whilst the appellant's section of the re-modelled garage would take on a different form to that part remaining, the structure, being set so well back from the street between dwellings, would be largely and effectively screened by extant development. That which could be seen in a relatively narrow range of sight would not, in my view, prove visually harmful.
8. Although the scheme as a whole would increase footprint, the effects would be minimal, being largely restricted to the rear of the property. More than sufficient space exists there, given the generously sized garden, to successfully assimilate the additions without causing harm either to the appearance of the already extended host property, or the wider scene.
9. The existing gap or space between dwellings would remain largely unaffected, particularly at the higher level. This would ensure the preservation of the sense of spaciousness which the Council finds an appealing characteristic of the locality, far more so that on the opposite of the street where two-storey side extensions have been permitted.
10. I therefore conclude that the proposal, if built, would not cause harm and the character and appearance of the BCA would thus be preserved. Accordingly, I find no conflict with those provisions of policy CP6 of the Council's Core Strategy (2014) and HE1 of its Core Strategy and Place-Making Plan (2017) which are both directed to protecting the City's historic environment including its conservation areas from inappropriate and harmful development.

### **Conditions**

11. In the interests of visual amenity, I shall impose the Council's suggested condition in respect of external materials.
12. It is also necessary, in the interests of certainty, that the development shall be carried out in accordance with the approved plans.

### **Other matters**

13. I note the references to other development plan policies, but those to which I have referred are considered the most relevant in this case. I have also noted the references to the *National Planning Policy Framework*.
14. Representations were made by the residents of No 10 Cedric Road on the proposals. I note that the officer report addresses the planning-related concerns raised by No 10's residents but also examines the potential impacts of

the development on No 14's residents. Having closely examined the various matters raised by No 10's residents during my site visit I have no reason to disagree with the officer assessment on the issue of neighbouring living conditions either side of the appeal property.

15. I share the Council's view, for the same reasons, that the proposed development would not harm the designated World Heritage Site.
16. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **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: 0142-3-301A; 0142-3-305A; 0142-3-310A; 0142-3-311A; 0142-3-312A; 0142-3-320B; 0142-3-321A; 0142-3-350A; 0142-3-306E; 0142-3-315E; 0142-3-317E; 0142-3-325E; 0142-3-326E; 0142-3-327E & 0142-3-340E.
- 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.