



Appeal Decision

Site visit made on 29 March 2023

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/F0114/D/23/3314265

15 Kempthorne Lane, Odd Down, Bath BA2 5DX

- 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 Eleanor Gower against the decision of Bath and North East Somerset Council.
 - The application Ref 22/03192/FUL, dated 9 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as the erection of a single storey rear extension and new gate access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and new gate access at 15 Kempthorne Lane, Odd Down, Bath BA2 5DX in accordance with the terms of the application Ref: 22/03192/FUL, dated 9 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 131.P.010 P1 SITE AND ROOF PLAN AS PROPOSED; 131.P.100 P1 GROUND FLOOR PLAN AS PROPOSED; 131.P.300 P1 ELEVATIONS AND SITE SECTIONS AS PROPOSED; 131.P.301 P1 ELEVATIONS AND SITE SECTIONS AS PROPOSED; 131.P.302 P1 ELEVATIONS AND SITE SECTIONS AS PROPOSED; 131.S.010 P1 SITE AND ROOF PLAN AS EXISTING; 131.S.100 P1 GROUND AND FIRST FLOOR PLANS AS EXISTING; 131.S.300 P1 ELEVATIONS AND SITE SECTIONS AS EXISTING; 131.S.301 P1 ELEVATIONS AND SITE SECTIONS AS EXISTING; 131.S.302 P1 ELEVATIONS AND SITE SECTIONS AS EXISTING; and 131.S.001 P1 LOCATION PLAN.
 - 3) Prior to the installation of the exterior timber cladding to the east and north elevations and the timber gate to the north elevation as delineated on plans 131.P.301 P1 ELEVATIONS AND SITE SECTIONS AS PROPOSED and 131.P.302 P1 ELEVATIONS AND SITE SECTIONS AS PROPOSED, details of the panelling and gateway to be used including the final external finish, shall be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Procedural Matter

2. I have amended the description of the development to better reflect the proposal before me.

Main Issue

3. The main issue in this case is the effects of the development on the character and appearance of the appeal property and the wider area.

Reasons

4. The appeal property forms part of an attractively built C21 housing development, situated adjacent to the Grade II Listed former St Martins Hospital. The property itself is positioned on a corner, with estate roads and footways leading to both the front and the side, there is also a footpath connection which runs directly past the side of the appeal property and its rear garden which leads out from Kempthorne Lane to the A367.
5. The proposed rear extension would be positioned against the existing stone boundary wall enclosing the rear garden. The extension would be single storey but would project above this wall, it would be clad externally in this direction by vertical timber boarding which would be set slightly back from the exterior of the wall. When viewing the proposed extension from the nearby roads and footways, it would be the timber cladding component of the extension that would be readily visible, alongside, but to a lesser degree, the proposed new gate entrance.
6. From my visit to the site and the surrounding area, it was noted that vertical timber boarding was a common material to the side and rear of properties and this material complimented the other exterior materials found in the area. I also noted that the rear elevations and gardens are less formal in their character and appearance than the primary elevations, where a variety of subordinate extensions, outbuildings and other domestic alterations have taken place.
7. Whilst I accept that the proposal would result in a physical form projecting above and directly against the existing boundary wall, the height and massing of the proposal would nonetheless be of a single storey nature. As set out above, the main component of the proposed extension that would be visible would be the timber cladding, which would be stepped back from the existing boundary wall enclosure.
8. In my view, the proposed extension would represent a subservient addition to the host dwelling due to its single storey form and slightly set back positioning from the building line of the host dwelling and the existing boundary wall. Further, the new gate would have no discernible impact on the characteristics of the rear boundary to the appeal property, where it would front onto a private parking space. Subject to an appropriate finish and material being used for the timber boarding and to a lesser extent the proposed new gate, matters which can be controlled via a condition, I am of the view that the appeal proposal would be executed in a manner that would not appear unusual or out of place and the host dwelling and the existing stone boundary wall would remain the dominant features. Therefore, the proposal would have an acceptable effect upon the character and appearance of the host dwelling and the wider area.

9. Consequently, I find that the proposal would accord with policies D2 and D5 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan (2017), insofar as they seek development to contribute positively to and not harm local character and distinctiveness, and require extensions to complement and enhance the host building. The proposal would also accord with paragraph 130 of the National Planning Policy Framework 2021, which amongst other matters requires development to be sympathetic to local character, including the surrounding built environment.

Other Matters

10. The City of Bath, which includes the appeal site, has two inscriptions on the UNESCO World Heritage Site (the WHS) list. In 1987 it was inscribed for its Hot Springs, Roman archaeology, Georgian buildings and natural landscape setting. In 2021 a second inscription was received as one of the Great Spa Towns of Europe – fashionable spa towns laid out around natural springs which are used for health and wellbeing. However, due to the modest scale and nature of the proposals, alongside the appeal property forming part of a C21 housing development, I agree with the Council that the appeal proposal would result in no harm to the Outstanding Universal Value of the WHS. I also concur with the Council that due to similar reasons to the above, alongside the separation distances involved, the appeal proposal would also not harm the setting of the Grade II Listed former St Martins Hospital. The proposals would therefore accord with Section 16 of the National Planning Policy Framework 2021 in this regard.

Conditions

11. The standard time limit is required together with a condition listing the plans in the interests of certainty. I have also included a condition that requires details of the material and finish of the timber cladding and the gate to be used, to ensure that the development as perceived from the adjacent roads and footways is carried out to a sufficient standard of quality.

Conclusion

12. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR