



Appeal Decisions

Site visit made on 18 July 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal A Ref: APP/F0114/W/22/3309043

93B Sydney Mews, Bathwick, BATH, BA2 4ED

- 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 K Chadwick against the decision of Bath and North East Somerset Council.
- The application Ref 22/00256/FUL, dated 4 January 2022, was refused by notice dated 6 September 2022.
- The development proposed is interior and exterior alterations to non original areas.

Appeal B Ref: APP/F0114/Y/22/3309042

93B Sydney Mews, Bathwick, BATH, BA2 4ED

- 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 K Chadwick against the decision of Bath and North East Somerset Council.
- The application Ref 22/00257/LBA, dated 4 January 2022, was refused by notice dated 6 September 2022.
- The works proposed are interior and exterior alterations to non original areas.

Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for interior and exterior alterations to non original areas, at 93B Sydney Mews, Bathwick, Bath, BA2 4ED, in accordance with the terms of the application, Ref: 22/00256/FUL, dated 4 January 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: 21037_LP-01, 21037_P-01 Rev 3, 21037_P-02 Rev 1, 21037_E-1v3 Rev 1, 21037_P-11 Rev 4, and 21037_P-12 Rev 2.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for interior and exterior alterations to non original areas, at 93B Sydney Mews, Bathwick, Bath, BA2 4ED, in accordance with the terms of the application, Ref 22/00257/LBA, dated 4 January 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No installation of the windows and roof lights hereby approved 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.

Applications for Costs

3. Applications for costs were submitted by Mr K Chadwick. These applications are the subject of separate decisions.

Preliminary Matters

4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
5. After the Council made its decision the Local Plan Partial Update was adopted. The Council has advised that the only updated Policy relevant to this appeal is Policy D5 of its Placemaking Plan. I have reviewed the changes between the previous Policy and the new Policy, and they are minor and of no consequence to the appeal proposal. I am therefore satisfied that no party would be prejudiced if I proceed to determine the appeal with reference to the updated Policy without seeking further views from the main parties.

Main Issues

6. Whether the proposal would preserve the grade II listed building known as Nos. 93-99 Sydney Mews.

Reasons

7. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
8. The appeal building is part of a terrace of 7 mews buildings that stand at the rear of the substantial Sydney Place townhouses. They would have been built to serve the houses at Sydney Place, but are now used as independent dwellings. The terrace is designated as a grade II listed building.
9. The rear façade of the listed building has a decorative elevation that faces towards the back of the houses at Sydney Place and comprises an arcade of blind arches with windows. This appears to be part of a deliberate composition to give an appropriately refined outlook from the rear of the high status houses, and is a significant contributor to the building's special interest.
10. This contrasts with the much more modest appearance of the outer face of the building - its front façade - which fronts Sydney Mews. It is divided into separate units that are each defined by a simple flat fronted gable that gives the terrace a strong sense of unity. Most have a single first floor window, however variation at ground floor is considerable and evidence demonstrates that most of these openings are modern. The significance of the front façade lies largely in the overall form of the flat gables and the upper fenestration of each unit, which although not historic in most cases, aligns with the apex of each gable to reinforce the rhythm of the row.
11. Evidence shows that No. 93b was significantly altered in the 1980s when, along with its neighbour, it was converted into two dwellings. Its interior is of no historic significance. Whilst the first floor sash window looks appropriate it is

not historic. It sits under a modern lintel and over an overtly modern arrangement with an up and over garage door beside a modern timber door. These ground floor fittings are particularly inappropriate and currently harm the special interest of the listed building.

12. The proposal would see the inappropriate ground floor openings replaced with a much simpler central opening that would provide daylight and access to the unit. I accept that this part would be fully glazed, however it would be divided into smaller panes so that the extent of glazing would not dominate. Furthermore, placing this opening centrally would reinforce the simple form of the unit. It would be more akin to a former coach opening, and would thereby tie the building's appearance back to the use for which it was originally conceived. An appropriate solid to void ratio would be retained, particularly at ground floor where additional stonework would be formed to either side of the proposed opening. For these reasons I find this element to represent a considerable improvement over the current arrangement.
13. A large opening would be fitted above in place of the existing sash window. This would be taller than the other first floor windows of the listed building. However, the design of the windows at this level differs and most are already modestly different in size. Given the significant difference in scale and form of the openings at ground level I am satisfied that the additional height proposed to the first floor opening would be acceptable. Overall, the opening would be of a proportion that would not appear out of place, and it would be small enough that it would appear secondary to the large opening at ground level below.
14. I accept that the unit would no longer match the neighbouring unit. It is suggested that the current similarities between the units is a characteristic that should be retained as it echoes back to their former combined use. There is however nothing in the current arrangement to suggest they were both part of a single unit. Instead, they look like two units that were developed at the same time in the 1980s, which is not a characteristic that needs to be retained.
15. For these reasons I find that the proposal would preserve the listed building and would thus accord with the requirements of the LBCA and paragraph 199 of the National Planning Policy Framework (Framework), which establishes that great weight should be given to the conservation of heritage assets. It would also accord with Policy CP6 of the Bath and North East Somerset Core Strategy 2014, Policies HE1, D1 and D2 of the Bath and North East Somerset Placemaking Plan 2017 and Policy D5 of the Bath and North East Somerset Local Plan Partial Update. Together these Policies seek to ensure that development is of a high quality of design, that contributes positively to local distinctiveness, and sustains the significance of listed buildings.

Other Matters

16. The appeal site is within the Bath Conservation Area (BCA). The front elevation of the listed terrace contributes positively to the character and appearance of the BCA. Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I have found that the proposal would preserve the listed building on the basis of the interventions proposed to its front elevation. I can see no reason why it should not logically follow that it would also preserve the character and appearance of the BCA.

17. The appeal building is within the Bath World Heritage Site (BWHS). The existing terrace is significant to the Georgian expansion of the city, illustrating social hierarchy and a regency design that is typical of Bath's 18th and 19th century development. It thus contributes to the outstanding universal value of the WHS. I have found that the proposal would not harm the appearance of the building, and am thus satisfied that it would not harm the BWHS.
18. The submissions do not include a drawing of the rear elevation, either as a survey or proposed plan. The proposal would see two rooflights added to the rearward facing roof slope. These are shown with sufficient accuracy on the proposed roof plan that I am satisfied that the failure to supply rear elevation drawings can be accepted.
19. Sydney Place to the rear of the appeal terrace is a Grade 1 listed building and holds strong links with the appeal building for the reasons given. Evidence before me demonstrates that the proposed rooflights would sit behind a substantial parapet wall that forms part of the decorative façade that faces towards the rear of Sydney Place. The rooflights would be set down low in the roof and would thus be largely hidden. Where glimpsed they would be seen in the context of several other openings set onto the adjacent roofs where they would not cause visual harm. I note that the Council reached a similar view. For these reasons I am satisfied that the proposal would not harm the significance of Sydney Place.

Conditions

20. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty.
21. I have imposed a joinery condition for the listed building consent to ensure that new joinery is appropriately design to safeguard the significance of the listed building.

Conclusion

22. For the reasons above I conclude that both appeals should be allowed.

A Tucker

INSPECTOR