



Appeal Decision

Site visit made on 5 September 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/F0114/W/22/3313086

Ground Floor Flat, 15 Bladud Buildings, Bath BA1 5LS

- 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 Ms Emily Peacock against the decision of Bath & North East Somerset Council.
 - The application Ref 22/03969/FUL, dated 30 September 2022, was refused by notice dated 6 December 2022.
 - The development proposed is described as 'Retrospective application to increase length of single storey slate clad rear extension previously approved under 18/02149/FUL'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my heading above I have taken the description of the development from that given on the appeal form and decision notice rather than the original planning application form as it better reflects the development for which permission was sought. The information before me indicates the revised description was agreed with the appellant as part of the registration of the planning application.
3. The appeal seeks to regularise a rear extension that has already been constructed. A small rear extension increase was previously granted planning permission and listed building consent¹. By comparison the scheme before me is longer by approximately 0.6m.
4. Planning permission (the appeal proposal) and listed building consent² were refused on 6 December 2022. Despite the provision of the decision notice for the latter being included as part of this appeal proposal, no corresponding appeal is before me in relation to the listed building consent refusal. Hence, the scope of my determination concerns only the refusal of planning permission.
5. Since the Council made their decision, the Local Plan Partial Update for Bath & North East Somerset Council (LPPU) was adopted in January 2023. Both parties have had the opportunity to comment on the LPPU as part of their submissions. The Council have drawn my attention to policy CP1 of the LPPU which relates to the retrofitting of existing buildings. I shall consider the relevance of this as part of my determination.

¹ References 18/02149/FUL & 18/02150/LBA dated 31.8.2018

² Reference 22/03970/LBA

6. The policies otherwise cited on the decision notice, namely B4 and CP6 of the Council's Core Strategy, July 2014 (CS) and D2, D5 and HE1 of the Placemaking Plan, July 2017 (PP) remain part of the development plan and fundamentally unchanged. I am satisfied that no injustice will result from the change in policy circumstances.

Background and Main Issue

7. The appeal concerns the ground floor flat of no.15 Bladud buildings, which forms part of the Grade II listed building '1-15 Bladud buildings' (List Entry Number: 1394761) and is within the Bath Conservation Area. In making my determination I have been mindful of the duties in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The appeal site also lies within the City of Bath World Heritage Site and the Great Spa Towns of Europe World Heritage Sites, which are identified heritage assets of the highest significance within the National Planning Policy Framework (the Framework).
8. Against this background, the main issue is the effect of the appeal scheme on the character and appearance of the area, having particular regard to the significance of relevant designated heritage assets.

Reasons

Significance and special interest

9. 1-15 Bladud buildings was added to the statutory list in 1950 and comprises a terrace of 15 houses, fronting The Paragon in central Bath. Dating from 1755-1762, with later alterations, the listed terrace is built of limestone ashlar, with each house three windows wide and three storeys high with attics and basements and double-pitched slate mansard roofs.
10. The statutory list description identifies the front and rear elevations of the listed terrace as similarly composed and ornamented. A central pediment features in the front and rear elevations of the terrace, which together with the stepping forward of nos. 1 and 15 at either end emphasises an overall balance and symmetrical composition. This results in a highly consistent rhythm and coherent architectural aesthetic.
11. The listed terrace responds to the steep local topography, where ground levels drop dramatically to the rear. Consequently, this gives the rear elevation of the terrace a commanding elevated and prominent presence over land and buildings to the east, including Walcot Street being directly below.
12. Therefore, the significance and special interest of the listed building as an entity is derived, in part, from historic associations, as well as its considerable aesthetic interest as a fine example of Georgian town housing. This is denoted in the relatively high status evident in the architectural execution, traditional materials found, legibility of its historic plan form and layout. Bladud buildings connects with, and faces towards, similarly Classically proportioned Georgian terraces along The Paragon. As such, the listed building as an entity forms a valuable component of a wider, deliberate townscape, contributing to its group value.
13. The listed terrace has been subject to various alterations over time, including some single-storey extensions, including at no. 15. No.15 marks the end of the

terraced group and is stepped slightly forward. Nevertheless, its layout, form, detailing and materials continue to denote the architectural authenticity of the listed terrace as an entity. Thereby no. 15 makes an integral contribution within the listed building and reinforces its significance and special interest.

14. The CA covers an extensive section of Bath, and its significance lies partly in the way the range of buildings and spaces it contains reflect the evolution and growth of the city over time. A chief component of its significance come from the concentrations of high quality, classically styled Georgian buildings that underpin the architectural backdrop of the city. Built in distinctive honey coloured limestone, they are often purposefully laid out to provide pleasing vistas and to take advantage of the natural topography and surroundings.
15. The Outstanding Universal Values (OUVs) of the City of Bath World Heritage Site is derived primarily from the hot springs, Roman archaeology, quality and extent of Georgian buildings and natural landscape setting. Bath is also inscribed as a World Heritage Site as one of the Great Spa Towns of Europe. The OUV in that respect comes from the city's physical and social history as a fashionable spa destination laid out around natural springs used for health and well-being. This is intrinsically connected to the growth and popularity of the town during the 18th and 19th centuries which resulted in the extensive, planned, largely Georgian townscape still in evidence. The aesthetic quality of Georgian terraces in the wider townscape are important constituents of the OUV of both World Heritage Sites.
16. The appeal site comprises part of an example of the high-status, ornately detailed terraces that respond to the steep hillsides of Bath and is prominent within the city centre. The appeal site is therefore an important part of the built backcloth that underpins the character and appearance of the CA as a whole. It is also of value to the OUVs of the City of Bath and Great Spa Towns of Europe WHS inscriptions, as well as to their significance as designated heritage assets.

The effect of the appeal scheme on significance

17. The appellant's Heritage Statement³ shows the pre-existing rear extension to no. 15 comprised a modest flat roofed, slate clad projection into a roof-terrace area enclosed by railings that sat atop a larger extension at lower ground floor level and close to steps between Bladud buildings and Walcot Street.
18. Notwithstanding it occupied a relatively small footprint and was only single-storey, the pre-existing extension evidently departed from the underlying ordered, and balanced architecture of the listed terrace and eroded, to some degree, the consistency of its rear elevation and the balanced composition of the listed building as a whole. However, the impact of the previous extension was tempered by its modest footprint, which was set-back from the patio edge and from the rear elevation of the neighbouring house.
19. The appeal scheme has introduced a larger projection to the rear of no.15. Relative to the pre-existing smaller extension, the larger tapering wedge shaped footprint projects further outwards from the rear façade of no.15 and emphasises the incongruous form of the addition. Notwithstanding it is of a similar height and material treatment as the pre-existing extension, the appeal scheme has resulted in a very obvious increased outward projection. The

³ Drawing number 3576-01-a and Heritage Statement prepared by D R Mills & Associates

introduction of a window opening within the side elevation of the appeal scheme further announces it as a deviation from the integrity of the building's plan-form and ordered detailing.

20. Taking these factors together, the appeal scheme diminishes the architectural uniformity of no.15 by emphasising a negative component that has an obviously inconsistent and unsympathetic aesthetic appearance. This contrasts adversely with the predominant regularity of the footprint and ordered built form of the listed terrace as a whole. The detrimental effect of the appeal scheme is exacerbated by the prominence of the appeal site, which is at an elevated level and adjacent to a flight of steps. Hence, it is apparent from Walcot Street, especially on the approach to the steps when looking upwards.
21. It follows that the appeal scheme has failed to preserve the special architectural and historic interest of the Grade II listed building as an entity, which runs counter to the expectations of section 66(1) of the Act.
22. Additionally, the development has weakened the positive contribution made by the appeal site and wider listed terrace to the consistency and architectural quality of the CA. It follows that the character and appearance of the CA as a whole has not been preserved nor enhanced. Conflict therefore also arises with section 72(1) of the Act.
23. By the same effect, the appeal scheme has diminished, albeit in a small way, the aesthetic quality of Georgian terraces in the Bath townscape. Thus, the OUVs of the WHSs have not been protected and sustained and their significance as designated heritage assets has been harmed.
24. Cognisant of the small scale of the appeal scheme, the degree of harm to the significance of each relevant designated heritage asset, has, in the terms of the Framework, been less than substantial.
25. Paragraph 199 of the Framework states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation (and the more important the asset, the greater the weight should be). Paragraph 202 of the Framework requires the harm to each asset to be weighed against the public benefits.
26. The appeal scheme has provided an additional bedroom to the ground floor flat at No. 15, increasing the size of the overall accommodation. Some economic benefits during construction and increased investment into the fabric of the listed building have taken place, which represent public benefits. Nevertheless, owing to the very minor scale of the scheme, the cumulative weight of public benefits is very modest.
27. On the other hand, even less than substantial harm to a designated heritage asset carries considerable importance and weight. The sum of public benefits is not sufficient to outweigh the great weight that the less than substantial harm to the designated heritage assets carries. Conflict therefore arises with the historic environment protection policies in the Framework.
28. The development is also contrary to policies B4 and CP6 of the CS and policies D2, D5 and HE1 of the PP. These policies when read together, amongst other matters, seek development that avoids harm to local character and distinctiveness and requires extensions to complement and enhance the host building. Furthermore, they state that proposals should conserve the historic

environment unless the harm is justified by public benefits. Policy B4 of the CS confirms the strong presumption against development that would result in harm to the OUV of the Bath World Heritage Site.

29. On the evidence presented, I do not find further specific conflict arises in relation to policy CP1 of the LPPU which seeks to encourage retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change.

Other matters

30. The appellant indicates that she proceeded with the development in discussion with the Council, and that practical construction factors dictated its extent. It is also clear that permission was granted in 2018 for a smaller extension. Nevertheless, there is no evidence to show that the Council encouraged or supported the development that has been carried out. Even if that was the appellant's understanding, that would not obviate the need to first obtain planning permission for a scheme that differed from approved plans.
31. In comparison to the 2018 permission, the appeal proposal is a larger extension in outward projection and overall volume. Even if the 2018 approval were available as a 'fall-back' position, it is not shown that it would be equally or more harmful than the appeal proposal, rather the contrary. Accordingly, this is not a factor that would surmount or justify the detrimental effect arising from the appeal proposal.
32. The appellant considers the proposal was not noticed by anyone from Walcot Street and points out that no one objected to the retrospective application. However, my observations were that the structure is clearly apparent from Walcot Street. Furthermore, the absence of objections does not address or outweigh the harm I have identified.

Planning balance and conclusion

33. I find that the development conflicts with the statutory provisions set out in the Act, the historic environment policies within the Framework, as well as heritage and design policies in the development plan.
34. Planning law⁴ requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have not found material considerations that would justify taking a decision other than in accordance with the development plan.
35. Therefore, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 & section 70(2) Town and Country Planning Act 1990