



Appeal Decision

Site visit made on 12 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/W3330/W/23/3316964

Seventh Day Adventist Church, Mary Street, Taunton TA1 3PE

- 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 da Silva against the decision of Somerset West and Taunton Council.
 - The application Ref 38/22/0194, dated 30 June 2022, was refused by notice dated 31 August 2022.
 - The development proposed is a two-storey side extension to increase the conference floor space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided an amended plan showing the extension roof on the front elevation. Given that the revised plan seeks to clarify the proposal, I consider that no party would be prejudiced if I take it into account. I shall therefore determine the appeal using the amended plan.
3. At final comments stage, the Council sought to provide further information in respect of bats. However, I am mindful of the advice in the Planning Inspectorate's 'Procedural Guidance: Planning Appeals England', that new evidence is not normally allowed at this stage. This is because other parties would not be able to comment on it. For this reason, I have been unable to take this information into account in reaching my decision.

Background and Main Issues

4. The appeal site lies within the Mount Street/Vivary Park Conservation Area (CA) and adjacent to Grade II listed buildings at Mary Street House and Queen Anne Cottage, also known as 19 Mary Street (No 19). The Council considers that the appeal building constitutes a non-statutory designated heritage asset (NDHA). The main issues are the effect of the proposal on the character and appearance of the appeal building, including whether it constitutes a NDHA, on the CA and on the setting of the listed buildings; and the effect of the proposal on protected species, namely bats.

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the listed buildings and their settings, or any features of special architectural or historic interest. Section 72 of the same Act requires that I pay special

attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. Mary Street House is an early 19th Century three-storey brick building with a hipped roof, located perpendicular to Mary Street itself. It has various extensions including a two-storey section adjacent to the appeal site. No 19 is an early 18th Century brick building with decorative features including a moulded cornice and parapet and a central doorway with architrave surround. No 19 was once used as a brewery. In the context of this appeal, the significance of the listed buildings is their age and attractive, historic appearance.
7. The appeal site is a two-storey red brick building located hard to the edge of the street and positioned between Mary Street House and No 19. The appeal building has an attractive catslide roof form, and decorative openings along the elevation facing No 19 and its front. These suggest that the building once formed stables and a goods storage for the brewery at No 19. Any functional connection between No 19 and the appeal building may have been severed many years ago. Nevertheless, the appeal building has some historic interest and is itself an attractive structure. For these reasons, I consider that it constitutes a NDHA.
8. The CA encompasses attractive, solid, domestic, commercial and (former) institutional buildings on Mary Street and Mount Street, together with the municipal Vivary Park. Relevant to this appeal, the significance of the CA is the age and the attractive architectural appearance of its buildings and street scenes. For the reasons already given, the appeal building contributes positively to this character.
9. The proposal seeks to erect a two-storey extension to the side of the appeal building, infilling an existing L-shaped gap, so that the footprint of the building would become rectangular. At first floor level, the extension would have the appearance of a long dormer, positioned on the side of the building adjacent to Mary Street House. It would make use of the available space, replacing an unused garden area with additional floorspace, including an enlarged Worship Hall and lecture room.
10. The extension would not alter the exposed rafters and would have little effect on the decorative features of the building. It would also be screened from No 19 by the rest of the existing building. As such, it would have a neutral effect on No 19 and its setting. It would also allow the existing roof to remain dominant, with the roof extension appearing as a modern addition.
11. Nevertheless, the proposal would have a flat roof form. The horizontal emphasis of the roof would jar with the pitched catslide roof slope of the existing building. Furthermore, the large mass and bulk of the first-floor element would appear excessively dominant and out-of-place on the roofscape. For these reasons, the proposal would be an incongruous addition to the roof that would detract from the appearance of the building.
12. When viewed from the street, the proposal would be set well back from the frontage and would be partially hidden behind the existing building. However, the flat roof element of the proposal would be clearly visible above the existing catslide roof, harming the street scene. It would also be visible from surrounding buildings. Mary Street House has modern extensions facing the

appeal site, but the proposal would also be viewed in the context of its positive elements, such as its Mary Street elevation. As a result, the harm I have identified would also detract from Mary Street House and its setting.

13. Accordingly, I conclude that the proposal would have a harmful effect on the building itself as a NDHA, on the character and appearance of the CA as a whole, and on the setting of Mary Street House, thus failing to preserve them. Consequently, the proposal would conflict with policies CP8 and DM1 of the Taunton Deane Borough Council Core Strategy (TDCS), adopted September 2012. Amongst other things, these policies require that historic assets are conserved and that the character and appearance of buildings and the street scene are not harmed.
14. For similar reasons, the proposal would also conflict with the Council's District-Wide Design Guide Supplementary Planning Document, dated December 2021, and its requirement that proposals should aspire to a quality of design commensurate with that of the host building. Bearing in mind the statutory requirements, and as required by the National Planning Policy Framework (the Framework), I give great weight to this harm. I will weigh this harm against the public benefits of the proposal in the planning balance below.

Protected Species

15. The Council considers that the proposal has the potential to affect protected species, namely bats. Government Circular 2005/06 relates to biodiversity and geological conservation. It advises that there should be no requirement for surveys of protected species to be undertaken, unless there is a reasonable likelihood of the species being present and affected by the development.
16. The proposal would involve alterations to the existing historic roof. Internally, the main roof is open vaulted with rooflights which, in the appellant's view, makes the presence of roosting wildlife unlikely. Even so, I understand that bats can live in very small gaps or crevices, such as under tiles, eaves and external roof joinery, which the proposal would affect. It is therefore quite likely that bats are present. Consequently, in the absence of an ecology survey, I have insufficient information to be satisfied that the proposal would not harmfully affect the habitat of bats.
17. It has been suggested by the appellant that if bats were found during construction works, the matter could be left to control by Natural England's licencing regime. However, the Circular makes clear that it is essential that the presence or otherwise of protected species, and the effect on them by a proposal, is established before planning permission is granted. This is to ensure that their presence is fully taken into account. The matter cannot therefore be left to a later stage.
18. Consequently, I conclude that the proposal could well have a harmful effect on bats. As such, it would be contrary to TDCS Policy CP8, which requires the conservation of the natural environment, and that proposals which may harm this should not be permitted. The proposal would similarly conflict with the Circular and the requirement of the Framework to conserve the natural environment.

Planning Balance and Conclusion

19. In the language of the Framework, the harm I have identified to the building as a NDHA, the CA and Mary Street House would be less than substantial. Weighed against this, its public benefits would include the increase in community involvement of the church, including children and youth clubs, nursing home visits and free health and other courses to the community. As well as requiring good design, the Government's National Design Guide encourages buildings to be functional and comfortable.
20. An overcrowded building would doubtless make the activities of the church more difficult. However, I have little to suggest that it would prevent or significantly limit its community involvement. Therefore, in acknowledging the benefits, I conclude that they would not outweigh the less than substantial harm to the character and appearance of the area including the CA, the setting of Mary Street House and the appeal building as a NDHA. Nor would this be sufficient to overcome my concerns regarding the effect of the proposal on bats.
21. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR