



Appeal Decision

Site visit made on 2 November 2023

by D Cramond BSc MRTPI

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

Decision date: 27.11.2023

Appeal Ref: APP/F0114/W/23/3318063

120 Wells Road, Bath, BA2 3AH

- 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 Matt Slade, Vertex Investments Ltd, against the decision of Bath and North East Somerset Council.
 - The application Ref 22/04893/FUL, dated 5 December 2022, was refused by notice dated 6 March 2023.
 - The development proposed is the erection of a side extension to existing house to form new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

Character and appearance

3. The appeal property is a large detached 19th Century Bath Stone villa with impressive largely original embellished and balanced elevations particularly road facing and on the west side. It is now in use as flats. It stands as an impressive attractive edifice, set back, in a sizeable plot. The locality is of established character and includes a range of villa type buildings along with some more modest or modern construction. The site is within one of the character areas of the Bath Conservation Area and is in the City of Bath World Heritage Site (WHS). The appeal property is noted as an unlisted building of merit in the Bear Flat & Oldfield Park Conservation Area Character Appraisal; it is a non-designated heritage asset. The proposal is as described above. It would be a pitched roof structure and have accommodation on three levels; lower-ground, ground, and a first floor served by dormers.
 4. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special
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regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Policy HE1 of the Placemaking Plan for Bath and North East Somerset (2017) (PP) which is concerned with safeguarding heritage assets and amongst other matters includes the requirement to preserve or enhance a Conservation Area's character and appearance. The policy also specifically seeks to conserve the qualities of non-designated heritage assets.

5. To my mind one of the defining attributes of the original building is that it stands clear of boundaries and the principal west facing elevation can be appreciated in this way. The grandeur is logically displayed with a degree of openness and symmetry. Regrettably the proposed sizeable addition would markedly remove the symmetry and uncharacteristically, for this form of villa, take the building right up to a site boundary, the southern rear. It would be unduly cramped for a villa of this nature and uncharacteristically and uncomfortably sit on a boundary with proximate neighbours to the south.
6. A garden area for the proposed dwelling would also impinge upon the surrounding shared space which visually presently reads as one rational curtilage. New, reconstituted, materials would add to the disjointed scene. Using same-sized dormers and a chimney on a new lower structure would not lead to a convincing or harmonious final building. I do not accept that there would be comparability with a former light weight glass house on this part of the site. I appreciate that the planned extension would not be widely on view but that is not a reason to allow harm to any heritage asset.
7. Given the nature of the scheme I conclude that the proposal would run contrary to the aims of S72(1) of the Act and with PP Policy HE1. The scheme would not preserve or enhance the character or appearance of a Conservation Area or conserve the qualities of a non-designated heritage asset. It would also conflict with Policy CP6 of the adopted Core Strategy (2014) (CS) which, amongst other matters, seeks high quality design respecting local context and creating attractive places.

Other matters

8. I note above that the appeal site is within the WHS which is a designated heritage asset of the highest significance. The Council has referred to CS Policy B4 in the Decision Notice, which relates specifically to the WHS and its setting. Having carefully considered the case in hand and the extensive published material and on-the-ground context I would say that the Council has been 'over-zealous' in using a CS Policy B4 reference. I have reached my over-arching conclusion on impacts upon the Conservation Area and the non-designated heritage asset factors above but I would agree with the Appellant on the matter of the WHS.
9. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets including Conservation Areas; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal

proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

10. I say this having regard within the planning balance to the Appellant's points about a number of environmental and technical factors on which there is now no dispute. I also recognise that the scheme would be energy-efficient, encompass new landscaping and would bring with it the economic and social benefits associated with one new dwelling in an accessible location. I appreciate that the Appellant has sought via scheme amendments to address comments made by my colleague (Appeal Ref APP/F0114/W/22/3299242) and some other parties. However, for the reasons given above I am convinced that this scheme, even in its re-designed form, would not be of sufficient merit to allow this appeal.
11. I have carefully considered all the points raised by the Appellant but taken individually or collectively these matters do not outweigh the concerns which I have in relation to the main issue.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR