



Appeal Decision

Site visit made on 7 November 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28TH November 2023

Appeal Ref: APP/F0114/W/23/3320547

36B St John's Road, Bathwick, Bath BA2 6PX

- 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 C Nicholson against the decision of Bath and North East Somerset Council.
 - The application Ref 22/03301/FUL, dated 16 August 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as the erection of vertical extension to existing office accommodation to create an additional storey, including incidental works of demolition.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The existing building and the character and appearance of the locality; with special regard to the City of Bath Conservation Area (CA); and also the Bath City World Heritage Site (WHS); and
 - The living conditions of occupiers at 36A St. John's Road, with particular consideration to access to light, outlook and privacy.

Reasons

Character and Appearance

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. Additionally, a material consideration to the scheme is the WHS which is centred around the City as a whole for its contribution to six cultural attributes such as Roman Archaeology; Hot Springs; eighteenth century architecture; eighteenth century town planning, green setting; and social setting.
4. The Bath City Conservation Area covers much of the historic city, and contains a number of character areas which have contributed to the development of Bath as one of Britain's premier spa towns over the centuries. Much of this greater area of Bathwick appears to derive from the eighteenth century, with the dominance of Georgian architecture amongst the surrounding green hills and landscaped setting with its high quality building stock and predominant use of Bath stone. However, in this particular location along St. John's Road, the

character is more mixed with two storey post war terraces and three storey modern apartment blocks set amongst the more dominant character of historic buildings, such as the Bathwick School and the views of historic buildings, chimneys, and the church spire which contribute strongly to the local character and distinctiveness of the area.

5. The appeal site is part of one of the more modern apartment blocks which has components of three storeys with parapet roof, and components of timber cladding elements with flat roof that are set back from the main three storey protrusion in order to reduce visual bulk and dominance. The appeal site is part of a two storey element of the building that projects forward from the main body of the building and contains a metal clad mono-pitched roof form with large overhang that mimics the angle of the roof behind. This component of the appeal building is closer to the road than the remainder of the building, and is quite prominent in its positioning within the street scene. I agree with comments in the appeal documents as well as a previous appeal¹ that the appeal building as existing is somewhat disjointed and asymmetric in appearance, and would have minimal contribution to the significance of the CA or the WHS. Despite this, the simplistic and more functional design of the appeal building is honest in its design approach and appearance and does not attempt to be pastiche or distract, but allows the surrounding positive historic buildings, elements and spaces as previously mentioned, to dominate the locality.
6. In undertaking extensions and alterations to the roof of an existing building, the Bath and North East Somerset Placemaking Plan 2017 (PP) Policy DP2 sets a number of design principles that seek to contribute positively and not harm local character and distinctiveness, such as responding to local context; improving areas of poor design; responding to urban morphology and responding to architectural styles, materials and landscape, amongst others. PP Policy DP5 is specific to building design which seeks that buildings must be well detailed with particular regard to articulation, innovative design, where extensions complement and enhance the host building, amongst others.
7. The proposal would remove one of the mono-pitched rooves for the installation of an additional level which takes the form of a box structure with an angled section that is clad in zinc standing seam and is setback from a parapet with areas of planting within the setback. Whilst I appreciate that the materials utilised are of high quality, the appearance of the roof, particularly from the eastern elevation would present an awkward and overcomplicated relationship to the existing building, and also the existing mono-pitched roof behind which the proposal would now compete with. Whilst I acknowledge that design elements such as dropping the roof of the proposed extension to an angled form and incorporating a setback to the parapet of the roof have been employed to reduce visual bulk; these design elements are unsuccessful and overcomplicate the design which distracts and competes with the positive characteristics of the street scene.
8. Whilst I appreciate comments regarding other buildings in the locality which exhibit different roof materials and forms behind parapets, particularly as part of newer schemes, these schemes have been constructed as a cohesive design, rather than the retrospective approach which is seeking to be employed here

¹ Planning Appeal Ref: APP/F0114/W/21/3266708, Dated 12 April 2021

which as per PP Policy DP2 and DP5 requires the characteristics of the existing building and context to be incorporated into the proposal. The proposed roof does appear to have been developed in isolation and does appear like an add-on, rather than a seamless approach as a coherent design. As mentioned previously, the existing design, whilst uninspiring, is simplistic and functional, the proposal would not provide a 'stronger or more coherent architectural composition,' or 'add interest or intrigue,' but rather be quite overcomplicated, dominant and would create a poor relationship and juxtaposition to the existing building and how it is experienced within the locality.

9. Consequently, and in conclusion of this matter, the proposed alteration to the main roof of the existing building would not be a suitable architectural approach which in turn would cause harm to the character and appearance of the existing dwelling and cause harm to the local distinctiveness of the surrounding locality. The alterations would therefore be contrary to PP Policies DP2 and DP5, as described previously.
10. Whilst I have found harm towards the design to the character and appearance of the existing building and the greater area which would not be in accordance with policies of the development plan. I have also assessed the proposal against the significance of the CA and the WHS, and have found that the development would cause neutral harm to the greater CA and WHS.

Living Conditions

11. The main concerns raised from Council involve access to light, privacy and outlook. Beginning with privacy, it would appear that concerns from the Council arise with regards to the two doors on the eastern elevation which on the East Elevation plan are labelled as 'sliding doors.'² However, the section plan³ and the Design and Access Statement⁴ shows that the 'doors' are actually more like windows and do not reach the ground level. Whilst I agree that the windows/doors could lead to access to the roof, it would not be convenient, and the space after planting would not be sufficient to encourage persons to step onto the roof. I believe that the confusion may have been caused by labelling these elements as 'sliding doors' rather than openable windows for maintenance access. Based on this, I do not consider that the proposed windows would result in significant overlooking or loss of privacy towards the windows of No.36A which would occur if persons were allowed convenient access and room to congregate in this location.
12. The current relationship of the full height window of the first floor elevation to the appeal site is not ideal, given that the overhang and eaves of the mono-pitched roof which is partly in front of the neighbouring window and consequently obscures light, overshadows and provides a poor outlook of this window. The appellant has presented plans of this apartment, which indicates that the room is a bedroom. I note comments from the appellant that the bedroom is secondary, however there is nothing in policy which indicates that a primary or secondary bedroom should be assessed any differently, particularly

² Plan 2016/p/130, East Elevation as proposed, Dated Jun 22, appears to label elements incorrectly, as label 05 is pointing to the doors but is labelled Standing seam roof, as label 06 is pointing to the roof and is labelled 'sliding doors.' It is taken that these have been labelled correctly but incorrectly allocated against the corresponding numbers in the key.

³ Plan 2106/p/120, Section AA as proposed, Dated Jun 22

⁴ Labelled as 'Sketch-Up Model,' Page 4

when the window in question is the only window of this habitable room and the occupant's only access to natural light and outlook.

13. The design of the mono-pitched roof does however allow a small area of the top of the window for light to enter this room, which was seen by a previous inspector as 'critical to providing adequate levels of light to this room.⁵' Whilst I appreciate that the built form is lower than a previous application, the wall of the proposal still is taller than the window of No.36A. I appreciate that there will be improvements to outlook as a result of the removal of the overhang and eaves, however these improvements are offset by the increase in height and depth of the proposal which would still be a visually dominant presence for occupants of No.36A, and would still significantly curtail their outlook. Whilst I appreciate that the loss of light as shown in the light/shadow survey may be considered acceptable when compared to standards or guidance on acceptable levels of loss, when an existing window is already poorly serviced by light and outlook, any reduction to an already poor situation is likely to have more detrimental impacts, when for example, compared against a window with a significantly better outlook, where a small loss may be considered more acceptable. As such the proposal is likely to cause harm as a result of access to light and outlook.
14. Whilst I agree with the appellant that there is no loss of privacy as a result of the proposal, in conclusion of this matter, the proposal would cause harm to the living conditions of occupiers of No.36A, for reasons of outlook and access to light. The proposal would therefore be contrary to PP Policy D6 which seeks that development provide appropriate levels of outlook and natural light.

Other Matters

15. I note discussion within the appellant's final comments with regards to No.36A being a short term holiday let available for 3 months at a time and therefore not subject to permanent residential occupation. Whilst it is unclear what is implied by these comments, currently the use classes order relevant to this particular appeal site does not differentiate between residential occupation and holiday letting or that there should be different considerations or weight applied to either scenario. Whilst I have not been presented with any evidence as to the appellant's assertions, this is not a planning matter and has not been factored into this decision.
16. I also note comments from third parties with regards to concerns around parking, construction conflicts, the need for seagull defence measures; conditions in the leasehold preventing scaffolding and other works. Compliance with leasehold conditions are a civil matter and therefore not a matter that can be taken into account within a planning determination. As the appeal is recommended for dismissal, it has not be deemed necessary to delve into matters involving parking, although it is also noted that the Council in their officer report had no objections to these matters.

Planning Balance

17. I note the benefits of the scheme put forward by the appellant such as the increase of floorspace for offices which may be suitable for startup which is promoted by the PP, in addition to the small employment opportunities that the

⁵ Paragraph 18, Appeal APP/F0114/W/21/3266708

additional office space may increase, and the reduction in corner glazing, along with the removal of design elements seen to be poor, such as the mono-pitch roof and overhang. Additionally, the proposal would deliver short term employment opportunities in the construction of the extension, and the increased levels of biodiversity as a result of increased planting, all of which are important council objectives and attract weight in the balancing exercise. However, these benefits are limited and may also be present in a more appropriately designed scheme, with the additional office space only generating a very modest contribution to overall office supply. That said, these benefits would not justify the harm I have identified.

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR