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# Appeal Decision

Site visit made on 16 January 2024

**by Helen O'Connor LLB MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2024**

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**Appeal Ref: APP/F0114/Y/23/3323168**

**46 Sydney Buildings, Bathwick, Bath BA2 6DB**

- 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 Andrew Keith against the decision of Bath and North East Somerset Council.
  - The application Ref 22/03705/LBA, dated 15 September 2022, was refused by notice dated 17 January 2023.
  - The works proposed are the demolition of a C20th ground floor side extension and replacing and enlarging it on the ground floor only; including small internal and service alterations.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes, albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

## Main Issue

3. The appeal concerns 46 Sydney Buildings, a semi-detached house, which forms part of the Grade II listed building 45 and 46 Sydney Buildings (List Entry Number: 1395268) and is within the Bath Conservation Area (CA). In making my determination I have been mindful of the duties in sections 16(2) 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 (WHS), which constitutes a heritage asset of the highest significance within the Framework.
4. Against this background, the main issue is the effect of the proposed works on the significance and special interest of relevant designated heritage assets.

## Reasons

### *Significance and special interest*

5. 45 and 46 Sydney Buildings comprise a broadly symmetrical pair of late Georgian semi-detached houses of two storeys plus a lower ground floor. Built of limestone ashlar, together the houses present a five bay frontage towards the road. They sit within a row of houses that line the western side of Sydney

Buildings facing the rising slopes of Bathwick meadows beyond. The listed building responds to the local topography and features in the landscape in that the elevated rear elevation faces towards the canal and central part of the city, with gaps either side of the listed building allowing glimpses of the side elevations and landscape beyond. In this context, each elevation appears well considered, with for example, the use of blind window recesses used in the side elevation of no.46.

6. The restrained use of consistent materials, subtle architectural detailing and balanced proportions mean the listed building possesses considerable aesthetic interest as an example of late Georgian paired villas. Moreover, its presence and relationship with other historic buildings along Sydney Buildings form a valuable component of the wider townscape, contributing to its group value.
7. No.46 comprises one half of the pair and therefore, makes an integral contribution to the listed building and reinforces its significance and special interest.
8. Of relevance to this appeal is the flank of no.46, which in addition to the features already described, has a lower ground floor projection of likely nineteenth century origin, topped by a smaller ground floor level outcrop housing a wc of probable late Victorian or early 20<sup>th</sup> century origin. The evidence provided<sup>1</sup> indicates that alterations have since taken place to this latter structure, such that little original fabric remains. Hence, any interest it possessed in revealing the progression of the listed building in relation to the installation of sanitary facilities is now very limited. Furthermore, the crude form and appearance of the render of the structure were recently described as having a negative effect on no.46 by a previous Inspector<sup>2</sup>, a view with which I broadly concur.
9. The CA covers an extensive area 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 comes from the concentrations of high-quality Georgian buildings that underpin the architectural backdrop of the city which are predominantly built in distinctive honey coloured limestone.
10. The Outstanding Universal Values (OUVs) of the WHS are derived primarily from the hot springs, Roman archaeology, quality and extent of Georgian buildings and natural landscape setting. The aesthetic quality of Georgian buildings in the wider townscape are important constituents of the OUV of the WHS.
11. The appeal site makes a positive contribution to the built backcloth that underpins the character and appearance of the CA as a whole. It is also of some value to the OUVs of the WHS. It follows that it contributes towards their significance as designated heritage assets.

*The effect of the appeal scheme on significance*

12. The proposal would remove the existing side wc extension on the ground floor and construct a longer side extension to provide for a wc and shower. Internal

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<sup>1</sup> Page 9, McLaughlin Ross Heritage Consultancy Notes, Appendix 2, Appellant's Statement of Case

<sup>2</sup> Appeal reference APP/F0114/Y/21/3284042

- alterations to the lower ground floor side extension are also proposed, which includes the reinstatement of an original wall.
13. The resultant addition to the side would be both higher and longer than the present wc extension. The additional volume would result in a sizeable rectangular protrusion centrally located within the side elevation of no.46 spanning across the central ground floor blind recessed window. The scale of the proposal would both emphasise an uncharacteristic form and completely mask an original architectural detail of the side elevation at first floor level.
  14. Furthermore, owing to the increased length of the ground floor component, it would extend further than the existing lower ground floor side extension which would give it a top-heavy bulky appearance. The addition of a new metal supporting column beneath the proposed extension would appear disjointed and unsympathetic to the late Georgian architectural qualities of the listed building.
  15. In addition, the surface of the proposed side extension would be clad with vertical slate tiles shaped as either hexagons or diamonds. Despite the dark colour of the slate, rather than appearing recessive, the presence and mixture of honeycomb and diamond tessellation patterns<sup>3</sup> would be likely to draw the eye.
  16. Taking these factors together, the proposal would appear overly assertive and would harmfully distract from the restrained materials and balanced proportions of the listed building which are important components of its significance as a designated heritage asset.
  17. In reaching this view I have paid close attention to the comments of the previous Inspector with regards to the use of slate cladding which I accept adds weight to the appellant's approach. Nevertheless, I do not consider that the Inspector sought to make a recommendation to bind future proposals as his qualified comments related to the specific proposal before him, and I must reach my own finding based on all the evidence before me.
  18. In this case, that includes the comments of the Bath Preservation Trust and the Council's Conservation Officer who caution against the use of ornamental slate cladding. In addition, advice contained in the appellant's Heritage Consultancy Notes<sup>4</sup> advise that the slate cladding of the previous proposal should be abandoned in any future proposal.
  19. Moreover, it is not convincingly explained how decorative slate cladding of the type proposed would support the late Georgian architectural significance of the listed building. It would provide a stark modern contrast to the limestone, but I am not persuaded that this would be the appropriate context to encourage a quirky, unusual or surprising detail, which is highlighted as part of the Council's generic design values<sup>5</sup>. I say this because harmful tension would arise between the secondary form and function of the proposed extension relative to the main body of no.46 and the distracting finish proposed.
  20. Photographs of other properties in Bath have been supplied. However, only a few of the examples shown feature slate cladding, and none are similar to the

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<sup>3</sup> Drawings numbered 402.P.300 P4; 402.P.301 P4 & 402.P.302 P5

<sup>4</sup> Page 11, McLaughlin Ross Heritage Consultancy Notes, Appendix 2, Appellant's Statement of Case

<sup>5</sup> Pages 16-18 Placemaking Plan, Appendix 9.2, Appellant's Statement of Case

decorative tiles proposed in this case. Rather, they show more traditional rectangular slate tiling which accords with the more recent scheme permitted by the Council at the appeal site<sup>6</sup>. Reference is also made to the use of a column for a wc at 48 Sydney Buildings<sup>7</sup>. Based on the limited details provided, the annotated plan refers to the iron post support being positioned below an existing rendered vestibule on the rear elevation. The position, scale and finish of the structure are different to the proposed works in this case. As it is not directly comparable, this provides little support for the appeal scheme.

21. In comparison to the previous scheme, the proposal would be set back into the site. Nevertheless, as the comparative images in the Heritage, Design and Access Statement<sup>8</sup> illustrate, the structure would be visible from the road, which would exacerbate the degree of harm I have found.
22. I acknowledge that the rerouting of a vent pipe on the side elevation and proposed internal works to the lower ground floor layout represent minor enhancements to the significance of the listed building. Furthermore, given my findings in relation to the existing wc extension, its removal would avoid causing harm to the significance of the listed building, CA and WHS. Nevertheless, its small scale and inobtrusive appearance tempers the degree of harm it presently causes to the historic environment. Therefore, its removal would not justify or address my greater concerns in relation to the proposed works.
23. Overall, I find the proposed works would fail to preserve the special architectural and historic interest of the Grade II listed building, which runs counter to the expectations of section 16(2) of the Act. Additionally, the development would undermine the positive contribution made by the appeal site to the architectural quality and consistency of the CA. It follows that the character and appearance of the CA as a whole would not be preserved or enhanced. Conflict therefore also arises with section 72(1) of the Act.
24. By the same effect, the appeal scheme would diminish in a small way, the aesthetic quality of Georgian buildings in the Bath townscape. Thus, it would not protect the OUVs of the WHS.
25. Cognisant of the small scale of the appeal scheme, the degree of harm to the significance of each relevant designated heritage asset, would, in the terms of the Framework, be less than substantial.
26. Paragraph 205 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 208 of the Framework requires the harm to each asset to be weighed against the public benefits.
27. The works would allow for the convenient placement of a shower for the occupants of no.46 but this is primarily a private benefit. Public benefits arising from increased investment into the fabric of the listed building and improvements to thermal efficiency would likely be marginal in extent. I have identified some minor enhancements to the listed building which represent

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<sup>6</sup> Reference 23/00745/LBA, Appendix 7, Appellant's Statement of Case

<sup>7</sup> Appendix 10, Appellant's Statement of Case

<sup>8</sup> Pages 4-5, Prepared by Designscape Architects, September 2022

public benefits. However, the cumulative weight of public benefits is very modest.

28. 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.
29. The works would also be contrary to policy CP6 of the Bath and North East Somerset Core Strategy, Part 1, July 2014 and policy HE1 of the Placemaking Plan, July 2017. These policies, amongst other matters, seek development that protects or enhances the historic environment unless the harm is justified by public benefits.

### **Other matters**

30. In making my determination I have taken account of the representations received, some of which support the proposal. I have addressed their points as part of my consideration of the main issue.

### **Conclusion**

31. For the reasons given above I conclude that the appeal should be dismissed.

*Helen O'Connor*

INSPECTOR