



Appeal Decision

Site visit made on 15 January 2024

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/F0114/Y/23/3326219

14 Sydney Buildings, Bathwick, BATH, BA2 6BZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Ms and Mr Emily and Rupert Bushby and Sanderson against Bath and North East Somerset Council.
 - The application Ref 23/00996/LBA is dated 13 March 2023.
 - The works proposed are minor internal alterations only as shown on application drawings.
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Decision

1. The appeal is allowed and listed building consent is granted for minor internal alterations only as shown on application drawings B6C; B7B; B11C: and B9A at 14 Sydney Buildings, Bath, BA2 6BZ in accordance with the terms of the application Ref 23/00996/LBA dated 13 March 2023 and the plans submitted with it subject to the following condition:

The architrave of the proposed enlarged doorway between the drawing room and the music room on the ground floor shall match the style and profile of the architrave of the existing door between the two rooms.

Preliminary Matters

2. The Council issued a decision notice refusing the application for listed building consent after a valid appeal for non-determination had been made. However, the jurisdiction for determining the application was lost to the Council once a valid appeal was made.
3. The Council failed to send a representative to attend the site visit.
4. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The appellants state that they have used their best endeavours to agree an acceptable scheme with the Council and have made amendments to their original proposals in the light of verbal advice received. Whilst I note this, I have nevertheless determined the appeal on the basis of the effect of the proposed works on the listed building as shown on the submitted plans.

Main Issue

6. The main issue is whether the proposed works would preserve a Grade II listed building, and any of the features of special architectural or historic interest that it possesses.
7. As the proposed works are all internal, the extent to which they would preserve or enhance the character or appearance of the Bath Conservation Area is not an issue.

Reasons

8. The appeal property is one of five terrace houses at 12-16 Sydney Buildings backing on to the Kennet and Avon canal and which are collectively listed Grade II. The listing description indicates that the interiors were not inspected at the time of listing.
9. The significance and special interest of the appeal property is its external appearance at both the front and rear and its contribution to the overall listed building at 12-16 Sydney Buildings. Its external appearance contributes positively to the street scene and to the character and appearance of the conservation area.
10. Whilst the interior of the property has merit, the layout, proportions and decoration are not exceptional but typical of the domestic style of the age.
11. The proposed works are for minor internal alterations involving;
 - Lower ground floor:** the removal of a modern stud wall previously approved under 07/01510LBA, the removal of a modern studwork corner cupboard and, the relocation of a door to a bathroom.
 - Ground floor:** widening an existing door between the drawing room and music room to create a double door.
 - First Floor:** removal of two existing modern bathrooms and the raised floor, and their repositioning. New walls would be of plasterboard with skirtings to match adjoining rooms and no cornice at ceiling level.
 - Second Floor:** removal of existing toilet and conversion of one of the rooms to a bathroom involving the construction of a new stud wall.
12. The Council is concerned that the works would harm the listed building through the loss of historic plan form and room symmetry and through the construction of new partitions; through the loss of historic fabric; and harm to the historic floor structure through the introduction of services. However, the concerns expressed are somewhat vague and do not address individual works in any detail.
13. In my view, the proposed works do not cause harm to the significance of the listed building. The works are relatively minor, they remove previous 'modern' additions and stud partitions. No significant changes to the symmetry of rooms or their proportions are proposed but they are improved, such as through the recreation of the original proportions of the kitchen on the lower ground floor. Whilst there may be some interventions of services as a consequence of the repositioning of bathrooms, there is no indication that this would result in any significant harm.

14. The most significant change would arise from the enlargement of the doorway between the two ground floor rooms which would result in the removal of an amount of historic fabric but not to the extent that that it would cause harm to the significance of the building. There is an existing door from the hallway to the drawing room which is greater in height than the door to be enlarged although both have similar architraves. It is noted that double doors were installed between the ground floor rooms in No 12 which was constructed at the same time as the appeal building. Consequently the proposed arrangement is not without precedent within the rest of the group of listed properties. Subject to a condition in respect of the architrave, the enlargement is acceptable.
15. The impact of the proposed works taken as a whole would result in a positive outcome which would preserve the special interest of the building.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed.

P N Jarratt

INSPECTOR