



Appeal Decisions

Site visit made on 21 November 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref A: APP/F0114/W/23/3318952

92 London Road West, Lower Swainswick, Bath BA1 7DA

- 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 Lewis & Hyde against the decision of Bath & North East Somerset Council.
 - The application Ref 21/01010/FUL, dated 3 March 2021, was refused by notice dated 23 September 2022.
 - The development proposed is the conversion and extension of existing outbuilding into a dwelling with off-street parking.
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Appeal Ref B: APP/F0114/W/23/3318954

92 London Road West, Lower Swainswick, Bath BA1 7DA

- 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 Lewis & Hyde against the decision of Bath & North East Somerset Council.
 - The application Ref 21/01011/FUL, dated 3 March 2021, was refused by notice dated 23 September 2022.
 - The development proposed is conversion and extensions of 92 London Road West into two dwellings with off-street parking.
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Appeal Ref C: APP/F0114/W/23/3318958

92 London Road West, Lower Swainswick, Bath BA1 7DA

- 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 Lewis & Hyde against the decision of Bath & North East Somerset Council.
 - The application Ref 21/01012/FUL, dated 3 March 2021, was refused by notice dated 23 September 2022.
 - The development proposed is the erection of a pair of semi-detached dwellings with off-street parking and gardens.
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Decision

1. Appeal Ref A: The appeal is dismissed.
2. Appeal Ref B: The appeal is dismissed.
3. Appeal Ref C: The appeal is dismissed.

Procedural Matters

4. The appeal site is within the Bath Conservation Area. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, and I have sought the comments of the main parties concerning the revised national policy. I have had regard to the comments made in reaching my decision.
6. As set out above, there are three appeals on the same site. The appellants consider each application to be independent, capable of being built individually or in combination with any of the others, with a plan showing how this could be achieved (drawing number ref: Individual Application Developments S119). Although different schemes are described in the descriptions of development, each application has been supported with the same suite of drawings that show the three schemes together. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the schemes together, except where otherwise indicated.
7. Notwithstanding the description of the development set out above for Appeal C, which is taken from the original application form, it is clear from the plans and accompanying details that the development comprises a pair of detached dwellings rather than semi-detached dwellings. The Council have dealt with the proposal on this basis and so shall I.
8. The Council refused the planning application under the requirements of policies in the Bath and North East Somerset Core Strategy (2014) (CS) and in the Placemaking Plan (2017) (PP). Since that time the Local Plan Partial Update (LPPU) has been adopted in 2023. The Council have referred to policies within the LPPU that are relevant to the appeals, and the appellants have also commented on the LPPU. I am obliged to determine the appeals against the most up-to-date policy and have considered them on this basis.
9. 92 London Road West (No 92) and its outbuilding is a non-designated heritage asset. Although the appellants have pointed out that the Council have no list of locally adopted non-designated heritage assets, the Planning Practice Guidance (the Guidance) advises that these assets can be identified through a number of processes, including as part of the decision making process on planning applications. Having regard to the evidence provided by the parties, it appears that the Council identified the property as a non-designated heritage asset in previous applications (application ref: 17/04280/FUL, 19/04259/FUL and 19/05124/FUL). The Council have been consistent in their identification of the property as a non-designated heritage asset, and have justified their views in accordance with the requirements of the Guidance. In addition, the appellants' Heritage Statement (2020) acknowledges the property has historic significance. Having regard to these circumstances, I shall determine the appeals on the basis that the house and its outbuilding are a non-designated heritage asset.
10. To the eastern side of the appeals property is a road that provides access to a row of houses and to a series of playing fields. At my site inspection I saw that

a street sign entitles the road as being Hicks Field and that it is a private road. For the avoidance of doubt when referring to this road below I will describe it as Hicks Field road.

Application for Costs

11. An application for costs was made by Lewis and Hyde against Bath and North East Somerset Council. This application is the subject of a separate decision.

Main Issues

12. The main issues in these cases are:

- the effect of the proposals upon the character and appearance of the area, having particular regard to the effect upon a non-designated heritage asset and also whether the schemes would preserve or enhance the character or appearance of the Bath Conservation Area;
- whether the proposed vehicular access and exit arrangements would provide future occupiers with provision for exiting the site; and
- whether the proposals would make adequate provision for surface water drainage.

Reasons

Character and Appearance

13. The appeals site comprises a detached house, its gardens and an associated outbuilding. The garden is to the south of the house, formed of a series of terraces that step down the hillside. The detached outbuilding is near to the house and forms part of the boundary of the property along Hicks Field road. Beyond this road to the east is an area of woodland. Lower down the hillside is a row of detached houses and beyond them a series of playing fields and the River Avon.
14. The site is within the Bath Conservation Area, and this designation extends up the hillside to Bailbrook and downhill to include the playing fields. The conservation area includes buildings, open spaces and areas of parkland and woodland, and also the historic arterial routes into and out of the city. London Road in its entirety is one such route, with its straight, direct line into the city reflecting its origins as a Roman road. Near to the appeals site the road is elevated above the River Avon floodplain, providing long views to Bathampton and Bathampton Downs. To the north of the road are several large houses and their gardens which create a verdant transitional appearance between the densely built-up areas of the city and the countryside beyond. To the south of the road are a variety of buildings and houses of more modest dimensions, forming long rows that mostly front the public highway, interspersed with pockets of woodland.
15. This interplay of open spaces and buildings is part of the character and appearance of the conservation area, and this, and the often generous size of the domestic gardens gives a verdant, transitional appearance between the city and the countryside. Near to the appeals site, there are a variety of ages and styles of mostly dwellings, and the relationship of the buildings to this main road, along with the dominance of the topography is a distinctive feature of the

area, particularly as many of the rows of buildings are aligned along the contours. The generous gardens and the intrusion of open areas into the built realm gives an edge of city character and appearance to the area, and one which forms a striking contrast to the planned nature of the city centre. All these features, including the extensive views of the city that derive from the striking topography along with the sinuous linear form of the river, are part of the significance of the conservation area.

16. No 92 and its associated outbuilding are locally distinctive, in part because the house is aligned along the footway of London Road West. The mostly coursed random shaped local stone walling reflects the local vernacular of materials, and the majority of the windows and the front door overlook the valley. The house shows both historic and modern alterations, including blocked windows and doors, new windows, and roofing materials. The outbuilding is positioned close to the house and has a form that responds to the slope of the hillside, with a single storey lean-to extension at its southern end. The position of the house and the outbuilding, along with their elevated situation is such that they are visible from long distances away, making them distinctive buildings both when viewed from London Road West and within distance views. They are landmark buildings within the area, particularly so as they are at one end of a row of post war dwellings. This, along with their legible vernacular historic forms, the use of local stone and their responsiveness to the site and hillside are all part of the significance of this non-designated heritage asset.
17. *The Outbuilding.* The modest form of the outbuilding, and its construction from mostly random sized local stone, gives the building a legible subservience to the house with regards to size and form. It also has a clear functional relationship to the garden, as evidenced by the positioning of the former and remaining doors. These features are part of its historic significance, as well as making a positive contribution to the character and appearance of the conservation area.
18. The proposed conversion and extension of the outbuilding would unacceptably diminish the contribution this building makes to the conservation area. The substantial increase in the height and size of the building along with its contemporary style and detailing would harmfully erode its historic vernacular appearance, and the contribution it makes to the conservation area. The building would no longer have a modest, functional form and legible subservience to the house, but would appear as a substantial dwelling that would distort the historic hierarchy between the two buildings, a relationship which is part of the significance of this non-designated heritage asset.
19. The increase in roof height would provide a third floor and although the footprint would remain as existing, the substantial height of the building would make the house appear unbalanced. It would have a narrow, tall emphasis, and this, when combined with the timber boarding and expansive areas of glazing would make it appear conspicuous in an area where most of the houses are two storey or less. The dwelling would be in an area where the houses mostly follow the contour. Such a tall building perpendicular to the slope would be contrary to the repeated relationship of nearby dwellings with the topography, and such a relationship would be harmfully discordant with the rows of buildings that are a feature of this part of the conservation area.

20. Whilst the houses in Hicks Field have some timber detailing and large windows, the windows to walling ratios of these houses is more balanced than that proposed in the outbuilding. The provision of large areas of timber cladding would introduce a regimented material and finish that would stridently contrast the random nature of the local stone walls, which is characterised by miscellaneous sized and irregularly placed stones. The size and extent of the glazed areas would dominate the narrow breadth of the building, thereby conflicting with the modest, historic vernacular form of the outbuilding with its minimal windows. Furthermore, the size of the windows would be harmfully evident from long distances, particularly if the sun was shining or when the rooms were lit at night.
21. To enable the conversion, most of the existing doors and the window would be filled in, with new windows and doorway and glazed panel inserted. Although the existing building shows historic alterations over time with previously infilled openings, the creation of new openings in new locations would fail to reference the historic, vernacular appearance of the building, as well as eroding its historic character and relationship with the house.
22. At my site inspection it was evident that the outbuilding has cracks within some of the stonework and the roofs are sagging. Despite this, the scheme has not been supported with a detailed structural assessment of the building, including demonstrating that it is capable of being converted and extended as proposed. Drawings provided by the appellants show the retention of some of the historic fabric, but in some places even that proposed for retention would be clad with timber. As a distinctive feature of this non-designated heritage asset and the conservation area is the repeated use of the local stone, such losses would not only erode the significance of the outbuilding but also the contribution the building makes to the conservation area.
23. Future occupiers of the dwelling would benefit from a small area of garden space, along with one parking space. However, one of the repeated characteristics near to the appeals site is that the dwellings are positioned within mostly regularly shaped, generous sized plots, with the houses and their gardens forming long, defined rows. The position, size and shape of the garden proposed would appear both constrained and contrived rather than reflecting the grain of the area, and the elevated position along with the steep nature of the slope would mean that such a difference would be prominently apparent. This would be the case even with the provision of a tall boundary fence. There are existing trees lower down the hillside, but these cannot be relied upon to screen the development in perpetuity particularly as none is in the control of the appellants. Furthermore, trees and shrubs cannot be relied upon to screen a development for its lifetime, and particularly so in this instance given the attractive panoramic views that would be available to future occupiers.
24. The application description refers solely to the conversion and extension of the outbuilding, although the accompanying plans show the other proposals. Although the appellants consider conditions could require further details of how an individual or combination of schemes could be undertaken, a requirement of the Framework is that conditions should, amongst other things, be precise and reasonable. Conditions must also refer to clear and accurate plans and drawings which provide visual clarity about the design of the development.

Having regard to the circumstances of the cases before me, how each individual application could be undertaken in its own right, or in combination with any other scheme, has not been demonstrated with any certainty. It might be the appellants intention to provide all of the access, manoeuvring areas and car parking courtyard in association with one scheme or only part of it, but whatever is the case, little information has been provided to demonstrate how any combination could be achieved, including what is proposed for land that is not part of a particular scheme.

25. Furthermore, the submitted drawings show that substantial engineering works would be required, and again little information concerning how this is to be achieved has been provided, including details of fill, land raising, and whether retaining structures would be necessary. This is of particular importance given the steep nature of the slope and the position of the scheme in a prominent location within a conservation area. Even with the appellants plan to show the individual application divisions (drawing ref: Individual Application Developments S119), the extent of the absence of detail is such that imposing conditions would effectively modify a development in a way that is substantially different from that set out in the original application. Moreover, this drawing contains a factual error in the depiction of one of the proposals.
26. The appellants have drawn my attention to a previous application for the conversion of the outbuilding (ref: 01/00271/FUL) and another scheme that amongst other things proposed the demolition of the outbuilding (ref: 17/04280/FUL). This latter scheme was refused, and both local and national planning policy has changed since that decision, thereby limiting the weight I can afford this comparison. The other application was approved, albeit not implemented, but it was for a conversion into a modest sized dwelling that maintained the essential form, size and height of the outbuilding. Given these differences, including the age of this permission and the changes in local and national planning policy that have occurred since this time, the scheme does not form a binding precedent for allowing the appeal.
27. *The Existing Dwelling.* As identified in the appellants' Heritage Statement, No 92 is not a high-status dwelling, but it does typify the vernacular buildings that are found in the area. The use of local stone, with the rough shaped rubble blocks, the plain, simple style of the dwelling, and its orientation over the valley reflects its former use as a house associated with the land, in this case nurseries. Historic and recent changes to the building are apparent, and the former contribute towards the significance of this non-designated heritage asset. The house is a distinctive one in the area given its form, age and position adjacent to the highway and its relationship to the land below.
28. Although the extensions to the house would result in a tall, very long, narrow building adjacent to the public footway, the Council consider that the benefits arising from the scheme, such as the use of clay roof tiles, and the replacement of the UPVC windows with painted timber would offset the harm that would arise from the extensions.
29. Notwithstanding these benefits, the proposal also includes the provision of off-street parking for the existing dwelling and for the additional one. The extensive size of the parking and manoeuvring areas would appear unacceptably dominant, to the detriment of the character and appearance of the conservation area. The large size of such provision would be particularly

intrusive in an area where properties have generous gardens within which the parking is legibly ancillary to the dwelling they serve. Furthermore, the proposed parking spaces for the dwellings would be separated from each other rather than together. Even if the remaining land was to remain as garden, the parking and servicing areas would have a curious piecemeal appearance that would exaggerate their dominance, to the detriment of the character and appearance of the conservation area, and if combined with one or more of the other proposals the impact of the dominance of the parking area would be exaggerated. Details of how such parking provision is to be occur on a steeply sloping site have not been provided, and nor for the reasons explained above, would conditions be appropriate given the extent and nature of issues that remain ambiguous.

30. *New Dwellings.* Two new dwellings would be provided close to the southern boundary of the appeals site. Constructed of local stone, timber and clay roof tiles, these dwellings would seek to harmonise with the materials used in Hicks Field. However, unlike this development, that proposed would be harmfully intrusive within the area, particularly when viewed from lower land. Although two storey, the dwellings would have rooms in their roofs and to achieve this they would appear conspicuously tall when compared to nearby houses with their modest heights. This, along with the wide breadths of the houses, the narrow separation between them, and the shallow nature of their gardens would combine to form a broad mass of almost continuous buildings close to the southern edge of the site. They would appear conspicuously cramped and constrained, and this effect would be especially disruptive within an area that mostly comprises dwellings within generous plots.
31. The appellants have drawn my attention to the large size of the houses at Hicks Field with their gabled projections. However, these houses are positioned within generous plots, with a clear and distinct separation between each dwelling. They also have shallow pitched roofs and form a defined row which is in addition to the row of dwellings along London Road West. There are differences in the height and style of the dwellings along London Road West, particularly as some are bungalows, but their repeated modest sizes is such that no one dwelling significantly disrupts the harmony that exists, thereby maintaining the linear impact they create that is such a feature of the locality. Those proposed would not continue any of the existing rows of dwellings that adjoin the site, and consequently the provision of two dwellings in such a position would be a discordant addition that would thereby disrupt the character and appearance of the conservation area.
32. Furthermore, the large, full floor height windows on the southern elevation would have a dominating impact, and when compared to the size and simple fenestration style within No 92, these windows would appear intrusive, drawing the eye away from the simplicity of the non-designated heritage asset. This would particularly be the case when catching sunlight and when viewed at night. Even with the size of the parking area, the close proximity of these houses to No 92 would appear constrained, with the modest dimensions of the host dwelling and its outbuilding appearing overwhelmed. It may be that the proposed fencing and additional landscaping would screen part of the ground floor of these houses, but as stated above, neither can be relied upon to screen a development for its lifetime. This would be particularly so in this instance given the attractive panoramic views available to future residents and the small

- size of the gardens which would curtail the height and nature of any proposed landscaping.
33. With this proposal the parking provision would be clustered, albeit with the same extensive manoeuvring areas. As with the other schemes, no detail has been provided to explain engineering works and what would happen to other land, nor how this scheme could be undertaken in combination with any of the others. In addition to the harms arising from the dwellings, the dominance of the parking and servicing provision would in itself cause unacceptable harm to the character and appearance of the conservation area.
34. *Cumulative Impacts.* The appellants require consideration of the possibility of combining the appeals schemes. The Individual Application Developments drawing S119 shows some detail of possible layouts, albeit this drawing inaccurately depicts one proposal. Despite this drawing I have found that none of the individual schemes would either preserve or enhance the character or appearance of the conservation area. Consequently, as none of the individual schemes would be acceptable in its own right, it therefore follows that no combination of any of the schemes would be acceptable.
35. Moreover, the extent of the harms is such that the amalgamation of any two schemes when combined does not mitigate the individual harms but serves to exaggerate them, and this would be particularly so if all three schemes were taken together. The cumulative impact of any two of the schemes would result in large, conspicuous buildings and all three schemes together would result in a site that would appear as an almost continuous block of buildings, completely at odds with the grain of the nearby rows of dwellings. This and the presence of a large car park and manoeuvring areas and the absence of generous gardens would all be a strident contrast to the verdant separation that exists between the nearby rows of housing. Whilst there are other courtyard developments along the road, they are some distance from the appeals site, separated by an area of woodland. These woods create a visual break within the development to the south of London Road West. The context of the appeals site is one characterised by rows of dwellings not courtyard groupings, a context which would exacerbate the harms that would arise from any combination of two or more of the schemes.
36. Whilst the Framework seeks to optimise site densities in this case the dominating impact resulting from a combination of large buildings with little garden space, would appear overwhelming in an area where the spacious positioning of the houses and their generous gardens makes an important contribution to the character and appearance of the conservation area. Furthermore, the detached houses and the outbuilding would have an appearance and style that would jar harshly with the modest size and appearance of the host dwelling, whether extended or not, unacceptably eroding the significance of this non-designated heritage asset. Consequently, none of the schemes, whether taken individually or in any combination would preserve or enhance the character or appearance of the conservation area.
37. *Heritage Balance.* The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons given above, each individual proposal would harm the character and appearance of the conservation area, as would any combination of schemes.

This harm would be less than substantial harm given the size of the site when compared to the conservation area as a whole. Nevertheless, this harm would be of considerable importance and has to be weighed against the public benefits of the proposal.

38. The provision of additional dwellings and the re-use of previously developed land would be a public benefit of the scheme, and there would be a time-limited, economic benefit arising from their construction. Future occupiers would be close to a range of services and facilities, and the outbuilding would incorporate measures to provide for bats, which would be environmental benefits. Works to the house to restore its historic appearance would also be a public benefit as these works would benefit the significance of this non-designated heritage asset. However, these works and the bat provision could be undertaken irrespective of the appeals proposals. Although there would be some modest public benefits from the schemes, they would not outweigh the significant harm to the conservation area, and the continued viable use of the property as a dwelling is not dependent on the works as it already has an ongoing residential use.
39. For these reasons the appeals would have a harmful and unacceptable impact upon the character and appearance of the area including upon the significance of a non-designated heritage asset, and would neither preserve nor enhance the character or appearance of the conservation area. The suggested conditions would not mitigate these harms, and as the harms to the conservation area would not be outweighed by public benefits, the schemes would fail to accord with the Framework. Nor would the proposals accord with the requirements of PP Policies D1, D2, D3, D5 and HE1. These policies seek, amongst other things, that development should conserve or enhance elements that contribute to the special character and appearance of the conservation area, as well as be in keeping with the form and character of the local area, and respond positively to local character and distinctiveness, urban morphology and topography.

Highways

40. No 92 currently benefits from two vehicular accesses, one directly off London Road West and the other onto Hicks Field road. Each individual scheme proposes the use of a one-way system with vehicles entering from London Road West and leaving via Hicks Field road. Both accesses would necessitate negotiating steep slopes, and when leaving the site there would be a requirement to turn sharply onto Hicks Field road and then onto London Road West, as shown on the appellants Swept Path Analysis drawing.
41. Hicks Field road is a private road, and all of the schemes propose the use of this road to gain access to the public highway. However, none of the red site lines show this and notice has not been served on any owners of this road. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Guidance set out the information required with an application. This includes a plan which identifies the land to which the application relates and any other plans, drawings and information necessary to describe the development which is the subject of the application. An application site should be edged clearly with a red line with other land in the same ownership edged by a blue line. Plans should include all land necessary

to carry out the proposed development, for example, land required for access to the site from the public highway, visibility splays and car parking.

42. Whilst noting the concerns of the Council regarding the intensification of use of an access without suitable visibility splays, on the basis of the evidence before me none of the schemes has demonstrated that future occupiers of any of the proposed houses would have a right to use Hicks Field road to access the public highway. The appellants have made it clear that each of the proposals, whether alone or together in any combination, has been designed to utilise a one-way system, with no alternative arrangement provided for any of the schemes. Consequently, given this and the red site line for each appeal none of the proposed dwellings would have an exit onto the public highway.
43. I have considered the possibility of imposing a negatively worded condition to secure a vehicular exit from the site onto the public highway. However, such a condition cannot be imposed where there is no prospect of delivery within the time-limit of any permission. Even if the appellants have historic rights to use Hicks Field road, what remains unresolved is the use of this private road to access the public highway in association with the proposed dwellings. There has been a complex history to the use of this private road, including that it is unregistered and that other developments have been permitted to use it. I also note that local residents have raised objection to the use of the road by the appeals schemes. The use of land for any of the proposed dwellings outside the site area cannot be assumed, and consequently a negatively worded condition would be unreasonable, thereby failing the condition tests of the Framework.
44. For these reasons the proposals would not provide an exit onto the public highway. This would be contrary to PP Policy ST7 which requires amongst other things, that vehicular access is both safe and suitable, reflecting objectives of the Framework.

Drainage

45. Both the Framework and CS Policy CP5 require the incorporation of sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. This CS Policy makes it clear that all development is expected to achieve these requirements. The appellants propose a number of measures, including bound, compacted surfacing materials, the use of soakaways, infiltration, and connection to the public sewer for surface water drainage, and that drainage arrangements could be achieved through conditions.
46. Notwithstanding this intention, from the evidence before me it cannot be assumed that conditions would be adequate in reducing surface water run-off and preventing flood risk elsewhere. Whilst there were once greenhouses within the site, apart from the house and its outbuilding, much of the existing site is now used as a garden. Compared to this existing situation, even if only one of the appeals was to occur, it would result in a significant increase in the amount of hardstanding. Moreover, in the case of the implementation of a combination of any two of the appeals or all three, in addition to the hardstanding there would be a substantial increase in the amount of built development.

47. No sequential approach to site drainage has been provided, including details of why the public sewer has to be used and how this could be achieved, and whether the relevant water company would be agreeable to additional connections. If on-site drainage is to occur, the location of the soakaways has not been provided, nor has any analysis been made of the level of attenuation needed. None of the schemes has demonstrated that the local geology and topography could accommodate a sustainable drainage system, nor have details of sustainable drainage measures for each dwelling and its associated areas of hardstanding been provided. Furthermore, the impact of any engineering, landfill, levelling works and retaining structures could all impact upon surface and ground water flows, and little detail of the impact of such works upon drainage have been provided for any of the schemes.
48. The absence of such detail is particularly concerning given the position of the site upon a steeply sloping hillside with residential properties below. Whilst the site may not be in an area susceptible to flooding, there is a need to ensure that none of the schemes would increase flooding risk elsewhere. The appellants have referred to previous applications on the site not having been refused for drainage reasons, but from the evidence before me these decisions were made some time ago under different national and local policy, thereby limiting the weight I can attribute to these comparisons.
49. In light of these unresolved issues, conditions would not be reasonable and would be contrary to the tests imposed by the Framework, particularly as the circumstances are such that both people and property could be put at risk. Consequently, the schemes would fail to accord with objectives of the Framework, and those of CS Policy CP5.

Other Matters

50. *Sustainable Construction.* Following the adoption of the Local Plan Partial Update the Council have drawn my attention to LPPU Policy SCR6, which requires, amongst other things, all new build residential development to aim to achieve zero emissions and supplying energy demand through onsite renewables. I am obliged to determine the appeals against the most up-to-date policy. Details of how the new build dwellings would comply with the objectives of LPPU Policy SCR6 have not been provided, and the proposal would fail to accord with the objectives of this policy, which reflects those of the Framework.
51. *World Heritage Site.* The appeals site is within the City of Bath World Heritage Site, a designation which acknowledges the uniquely planned nature of the city within an area of distinct topography. Given the size and location of the houses within an existing residential area, the proposals would not result in significant harm to the outstanding universal value of this designation and its setting.
52. *Special Area of Conservation.* The appeals site is within 1.5km of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC). The SAC has been designated due to the presence of internationally important populations of horseshoe and Bechstein's bats, and lesser horseshoe bats have been recorded using the appeals site. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects both directly and indirectly from

the proposal upon the integrity of the SAC, either alone or in combination with other schemes, and this duty falls to me as the competent authority. If I had come to a different conclusion on the appeals, it would have been necessary for me to undertake Appropriate Assessments for each scheme and consider the likely effectiveness of the proposed mitigation measures. In doing so I would have had regard to whether there would be significant effects arising from each proposal, either alone or in combination with other schemes, as I would have to be certain that the integrity of the habitat site would not be adversely affected. However, as I am dismissing the appeals for other reasons, these assessments have not been necessary.

53. *Other Matters.* Local residents have raised a number of concerns, including loss of privacy and damage to a private road. The latter issue would be for the relevant landowners to address, and as regard the other planning concerns raised, following my findings on the main issues, I have no need to consider them further.
54. The appellants have raised a number of concerns regarding the Council's handling of the applications, including consistency of decision making and poor communication. Such matters would be of concern to the appellants but have to be pursued by other means separate from the appeal process.

Planning Balance

55. There appears to be a dispute between the main parties as to whether or not the Council have a five year housing land supply of deliverable homes, with the appellants referring to an under-supply of housing. Even if I were to conclude there to be a shortfall in the housing land supply as suggested by the appellants, the adverse impacts of granting permission for any of the schemes would significantly and demonstrably outweigh the benefits, and this would include the aforementioned public benefits of providing additional dwellings and improvements to the house. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. Irrespective of the appellants' concerns regarding the Council's housing land supply, policies within the Framework that protect areas of particular importance, such as the conservation area, provide clear reason for refusing the schemes.

Conclusion

56. For the above reasons the adverse impacts arising from the proposals would significantly and demonstrably outweigh the aforementioned benefits, and the suggested conditions would not overcome these substantial harms. Thus, for the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR