



Appeal Decision

Site visit made on 21 February 2024

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 04.03.2024

Appeal Ref: APP/F0114/D/23/3335140

70 Combe Park, Bath BA1 3NE

- 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 Gerlando Fragapane against the decision of Bath and North East Somerset Council.
 - The application Ref: 23/03086/FUL, dated 18 August 2023, was refused by notice dated 17 October 2023.
 - The development proposed is described as the demolition of double garage and small rear lean to extension and replacement with two storey side extension and single storey lean to rear extension with minor amendments to driveway to realise 5 bedroom family home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, whilst I have been made aware that the appeal property has planning permission for a change of use to a House in Multiple Occupation¹, the case before me relates to a householder appeal for the alterations to a dwellinghouse. I have therefore determined the appeal on that basis.

Main Issue

3. The main issue is the effects of the development on the character and appearance of the appeal property and the wider area, including that of the Bath Conservation Area (the CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Policy HE1 of the adopted Bath and North East Somerset Local Plan 2011-2029 Core Strategy and Placemaking Plan District-wide Strategy and Policies (the LP).
5. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including conservation areas), great weight

¹ 23/01497/FUL

should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 207 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

6. The appeal property is positioned to the northern end of a grouping of four properties (Nos 70 to 73) which have a broadly symmetrical design when fronting to the busy Combe Park road to the east. The appearance of this group follows similar characteristics to two similar groupings to the south and a further terrace of four to the opposite side of a small cul-de-sac Combe Grove to the north. It is understood that all of these properties date from circa the mid C20, which is consistent with the characteristics I observed during my site visit.
7. The appeal property itself does slightly differ from other end of terrace properties in this group, as it has an elongated flat roofed garage as perceived from Combe Park which also presents directly adjacent to the pedestrian footway on Combe Grove. The garage differs from the more sensitive subservient side components as found elsewhere, the other exception being the end of terrace property No.69, which is located to the opposite side of Combe Grove from the appeal property, and has no side addition at all. The garage is not a particularly pleasing feature, and it does not contribute positively to the appeal property, or that of the wider terrace.
8. Nonetheless, the appeal property itself, forming part of the grouping with adjacent properties provides for a pleasing consistency with regard to form, massing, appearance and arrangement, which contributes positively to the character and appearance of the area.
9. The appeal development seeks to demolish the existing garage and lean-to and to construct a two storey extension which will be stepped down from the main ridgeline of the appeal property and back from the forward building line of the main gable. The footprint will also be stepped away from the northern boundary with Combe Grove.
10. However, whilst I acknowledge that there would be some capacity to replace the garage and associated lean-to, to my mind, the two storey form and massing of the proposals as perceived from Combe Park would unbalance the positive characteristics that I have referred to above, which would be particularly noticeable on this prominent corner position. The appeal development would therefore harm the character and appearance of the appeal property and the general uniformity of the properties for which it forms part of an overall group, the unbalancing effect of the development would appear disjointed and incongruous.
11. I have had regard to other examples of two storey extensions in the surrounding area as referred to me by the appellant, a number of which I observed during my site visit. Whilst I acknowledge these submissions, it is not clear to me what were the full circumstances behind these decisions, and in some cases I do not consider the alterations I saw were particularly well executed. In any case, I am required to determine the appeal proposal on its

own individual merits. Therefore, these examples have not materially changed my view of the proposals before me.

12. For the above reasons, I find that the appeal development would be harmful to the character and appearance of the appeal property and the surrounding area. It would therefore conflict with Policies D2 and D5 of the LP which seek development to contribute positively to and not harm local character and distinctiveness, and require extensions to complement and enhance the host building. The appeal development would also conflict with paragraph 135 of the Framework, which amongst other matters requires development to be sympathetic to local character, including the surrounding built environment.
13. The appeal development would also fail to preserve or enhance the character and appearance of the CA. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The public benefits that would arise, such as removing the existing garage or through the likely economic benefits through the associated construction period and employment, are not sufficient to outweigh the harm that I have identified. The appeal development is therefore contrary to Policy HE1 of the LP and Section 16 of the Framework, which, amongst other matters, seeks development to sustain and enhance heritage assets, including CA's.

Other Matters

14. The City of Bath, which includes the appeal property, has two inscriptions on the UNESCO World Heritage Site (the WHS) list. In 1987 it was inscribed for its Hot Springs, Roman archaeology, Georgian buildings and natural landscape setting. In 2021 a second inscription was received as one of the Great Spa Towns of Europe – fashionable spa towns laid out around natural springs which are used for health and wellbeing. However, due to the householder nature of the proposals, alongside the appeal property dating from the mid C20, I agree with the Council that the appeal proposal would result in no harm to the Outstanding Universal Value of the WHS. The proposals would therefore accord with Section 16 of the Framework in this specific regard.

Conclusions

15. For all the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR