



Appeal Decision

Site visit made on 9 January 2024

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/F0114/W/23/3324467

Nash House, Pulteney Mews, Bath, Somerset BA2 4DS

- 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 and Mrs Tim Service against the decision of Bath & North East Somerset Council.
 - The application Ref 22/03557/FUL, dated 1 September 2022, was refused by notice dated 22 May 2023.
 - The development proposed is described as '*application of smooth bathstone coloured render to existing concrete blockwork to front and rear elevation of property to cover poor quality blockwork finish*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council raises the matter of the postal address of the site. However, it is clear from the site plans, and observable on site, as to the location of the proposal. I have therefore used the address on the application form. The Council also indicates that the Decision Notice erroneously refers to s16 of the PLBCAA (relating to listed buildings) rather than s66(1). I have considered the proposal in accordance with s66(1) which relates to proposals for planning permission.

Main Issues

3. The main issues are whether or not the proposal would preserve the settings of nearby listed buildings and whether or not it would preserve or enhance the character or appearance of the Bath Conservation Area.

Reasons

4. The application relates to an unlisted two-storey residential property comprising three apartments located within the Bath Conservation Area and World Heritage Sites. It is visible from the highway known as Pulteney Mews, and from some surrounding side streets and/or gardens.
5. There are a number of nearby listed buildings, which include Grade I Listed 53-65 Great Pulteney Street and attached lamp standards to No. 59, Grade I Listed 66-77, Great Pulteney Street, Grade I Listed 1-8, Johnstone Street, Grade I Listed 7, 8 And 9, Laura Place, Grade II Listed Entrance Kiosks and Gates to Recreation Ground, Grade II Listed St John's Ambulance

Headquarters, Grade II Listed Office Adjoining St John's Ambulance Headquarters and the Grade II Listed Nos. 12-17 (Consec) and attached railings, gates and overthrow, Edward Street.

6. The significance of the listed buildings and the conservation area derives from the architectural aesthetics of the set-piece' of Great Pulteney Street (to the rear of the site) and its short tributary streets. The area is characterised by a palatial urban composition, and the use of matching or similar materials and finishes – for example with finely jointed ashlar – ensures that there is a visual unity within this part of the conservation area.
7. Whilst the appeal building is a newer addition to the street scene (dating from around 1975) its overall height and form means that it contributes positively to the character of the area and to its historical significance. The Design and Access Statement indicates that the existing Reconstituted Bath Stone blockwork is of poor quality, inappropriate and out of keeping with the area. However, the application of render to the appeal building would jar visually with the generally homogenous character of the immediate area. In doing so, the proposed works would fail to preserve or enhance the character or appearance of the Bath Conservation Area, and fail to preserve the settings of the nearby listed buildings.
8. This would result in less than substantial harm to the designated heritage assets in the form of the listed buildings and conservation area. Although given the scale of the proposal and its direct impact, this would be less than substantial harm of a low level. In accordance with Paragraph 208 of the *National Planning Policy Framework* (the Framework) this less than substantial harm should be weighed against the public benefits of the proposal. Few public benefits have been cited by the Appellant (due in part that no harm is identified by them). Nevertheless, I do not find that the public benefits arising in this case, from suggested aesthetic improvements for example, would outweigh the harm to designated heritage assets in this case.
9. I therefore conclude, that the proposed development would not accord with Policy HE1 of the *Placemaking Plan for Bath and North East Somerset* (2017), which, amongst other aims, seeks to ensure that great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal.

Conclusion

10. The proposal would conflict with the development plan when considered as a whole. There are no material considerations that indicate a decision otherwise than in accordance with the adopted development plan. There would also be conflict with policies set out in the Framework indicated above. The proposal also fails to preserve the settings of nearby listed buildings and preserve or enhance the character or appearance of the conservation area.
11. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

C Parker

INSPECTOR