



Appeal Decision

Site visit made on 7 June 2024

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/F0114/W/23/3333245

5 Bloomfield Cottages, Bloomfield Way, Peasedown St. John, BATH BA2 8HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Barry and Carol Cox against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/01315/OUT.
 - The development proposed is described as a single dwelling to garden of existing dwelling - all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made for outline planning permission with all matters reserved. However, a number of drawings were submitted and marked as being for illustrative purposes only; I have considered them on this basis.

Main Issues

3. The main issues in this appeal are:
 - the effect off the development on the character and appearance of the area; and
 - weather appropriate biodiversity net gain could be provided.

Reasons

Character and appearance

4. The appeal dwelling sits at the end of a short terrace of historic cottages. The less formal elevation of these houses face eastwards and are hard up against the short road of Bloomfield Way. The more formal elevations face to the west fronted by long gardens. Several of the properties have outbuildings located at the end of the gardens close to the unnamed access track.
5. Bloomfield Terrace is to the north of Bloomfield Cottages and offset from those dwellings to the west. It has a similar arrangement to Bloomfield Cottages with the less formal elevation adjacent to the road and the more formal elevation facing west fronted by gardens and accessed by an unnamed track/path. The siting of these two rows of historic cottages is such that the southern end wall of the terrace on Bloomfield Terrace broadly aligns with the northern end wall of the terrace at Bloomfield Cottages. The set back nature of Bloomfield

Cottages is such that these gardens are significantly longer than those at Bloomfield Terrace but that the western boundary of all the properties is broadly similar.

6. This arrangement has resulted in the more formal elevations of both terraces having an open aspect to the gardens and not being set behind any other dwelling. This is integral to the form and layout of these two rows of dwellings and how they sit alongside each other. Despite the outbuildings which are located to the front of some of the properties, the formal frontages of this terrace facing to the west is readily apparent and forms an important characteristic of these buildings.
7. Although the application is in outline form, the access and general constraints of the site mean that any dwelling would need to be set to the west of number 5 and therefore to the front of the formal elevation of this dwelling. The illustrative drawings indicate that the proposed dwelling could be located next to 14 Bloomfield Terrace with a footprint that is similar to this property.
8. A dwelling sat to the front of the more formal elevation of 5 Bloomfield Cottages would interrupt the pattern of development with gardens set to the front of each dwelling leading up to the access tracks. A house in this location would inevitably have a different character to that of the existing outbuildings that are located in a similar position on the nearby gardens. Rather than appearing as sensitive infill development, a dwelling in this location would appear discordant and would harm the existing layout and character in the immediate locality.
9. The application was supported by illustrative drawings, which would indicate a dwelling of significantly different design and form to the existing historic cottages in both terraces. Even with careful consideration of the design of any reserved matters scheme, including associated landscaping, I am not convinced that a proposal could be prepared which would respect the character and appearance of this part of Peasedown St. John.
10. The appellants have referred to a number of other examples where the erection of new dwellings has been granted consent either directly by the Council or at appeal.
11. The dwelling at the rear of 4 Bath Road is adjacent to another dwelling in a similar position and does not have the same spatial relationship with the surrounding pattern of development as exists between Bloomfield Cottages and Bloomfield Terrace. Planning permission was granted for two dwellings near Stowbridge Cottages, which appears to have recently been implemented. This pair of semidetached bungalows sit to the rear of the cottages, but they are set at a perpendicular angle and do not sit to the front of any dwelling. This scheme is therefore not directly comparable to the appeal proposal.
12. The new dwelling (number 65a) constructed next to number 65 Church Road is set back from the other nearby properties. However, it is seen in a very different context to the appeal site, adjacent to a wooded area with a less close-knit pattern of development. None of the examples are intervisible with the appeal site and, given the different contexts, do not indicate that the appeal development is acceptable in its own setting.

13. The development would result in harm to the character and appearance of the area. It would not accord with Policies D1, D2 and D5 of the Bath and North East Somerset Local Plan (Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update), adopted January 2023, (LP). Taken together, these policies seek to enrich the character and qualities of places, respond to the site context, contribute positively to local distinctiveness including through responding positively to block and plot patterns, with frontages defining the public realm. In addition, the development would not accord with Policy D7 of the LP which requires that infill development respects the form, pattern and grain of existing development and that back land development is not contrary to the character of the area.
14. Although reference has been made to Policy D4, this primarily relates to highway design, connections and the public realm. I do not find any specific conflict with this Policy. However, this lack of conflict is a neutral factor in the overall consideration of the appeal.

Biodiversity net gain

15. The relevant section in Policy NE3A of the LP specifies that, for minor developments, permission will only be granted where no net loss and appropriate gain of biodiversity is secured using the latest DEFRA Small Sites metric or an agreed equivalent.
16. The appellants' view is that this matter would be more appropriately addressed alongside a reserved matters application when alignment with the detailed design could be fully taken into account. The Council has indicated that private garden areas should not be used to secure biodiversity net gain because of inherent issues with securing management and ongoing maintenance. This could require an off-site solution. There is no evidence to dispute this area of concern.
17. Planning permission for a development is granted at the outline stage. Any issues of principal, that do not relate directly to the detailed matters to be reserved, must be considered in the first instance. Where a solution may involve off-site provision, this would usually need to be secured as part of an outline planning permission. In my view, clarity that appropriate net gain would be able to be provided needs to be evidenced at this stage. This would not necessarily rule out detailed matters being secured at a later stage once a detailed scheme had been prepared.
18. The evidence indicates that this matter was raised during an earlier application which should have indicated that the appellants would need to address it, even as part of an outline application. Based on the current information, it is not clear if, or how, biodiversity net gain could be provided. In these circumstances a condition to require this matter is only considered alongside the preparation of the detailed design would not be appropriate.
19. In conclusion on this main issue, it has not been demonstrated that the development could secure an appropriate gain of biodiversity. Therefore, the proposal would not accord with Policy NE3A of the LP.

Other Matters

20. The development would result in the provision of a single dwelling in an area that would accord with the Council's strategy for the provision of housing

including in terms of transport sustainability. This would result in social benefits relating to aiding with the provision of housing. There would also be economic benefits resulting from the construction of the dwelling and subsequently relating to the economic activity associated with the occupiers of the dwelling. These benefits would be very modest and would only be associated with a single dwelling.

21. There were no concerns raised by the Council in respect of a number of matters including privacy for neighbouring residents, drainage, access and parking, some of which were matters that had been resolved since an earlier application. However, the lack of a concern in these areas is neutral in the overall planning balance. For the reasons given above, there is not clear evidence that there would be any environmental benefits in terms of biodiversity.
22. Some concerns have been raised by the appellants in terms of procedural fairness which generally relates to the overall balance of the consideration of the issues in this case. However, I have to reach my own conclusion on the balance of all the material planning considerations.

Conclusion

23. The benefits that would arise from the development would not outweigh the harm that would occur to the character and appearance of the area and the lack of evidence that biodiversity net gain could be achieved. The development would not accord with the development plan when taken as a whole and it would not amount to sustainable development as set out in the National Planning Policy Statement.
24. For the reasons given above, the appeal is dismissed.

K Taylor

INSPECTOR