



Appeal Decisions

Site visit made on 14 June 2024

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2024

Flats 3 & 4, De Montalt Mill, Summer Lane, Combe Down, Bath BA2 7EU

- The appeals are made by John Risebero, Ben Horslen & Brenda Day, against the decisions of Bath & North East Somerset Council.
 - The development/works proposed are: Conversion of a modern hipped roof to a flat roof terrace on a Grade II listed property.
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Appeal A: APP/F0114/W/24/3340387

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 22/01630/FUL, dated 19 April 2022, was refused by notice dated 18 December 2023.
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Appeal B: APP/F0114/Y/24/3340388

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref 22/01631/LBA, dated 19 April 2022, was refused by notice dated 18 December 2023.
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Decisions

1. Appeal A and Appeal B are allowed.

Main Issues

2. The effect of the proposals on the listed building and other heritage assets.

Reasons

3. De Montalt Mill is a former paper mill built in 1804/1805. It is listed at Grade II. It stands on a secluded hillside with few views from any distance although the Mill can be easily seen from a higher level when approaching down the driveway. The historic appearance of the Mill was of two connected blocks, one of two storeys and one of three. In an early artist's impression, the lower block is shown with a series of gabled roofs; a later photograph shows both with fully hipped roofs and a valley gutter in between. The building subsequently became redundant and derelict, and the lower roof collapsed.
4. The Mill has a lengthy planning history centred on its conversion into apartments and adjacent buildings into further dwellings in around 2005. In converting the Mill, the works introduced a modern, much shallower, hipped roof, largely concealed behind a new stone balustrade, to the lower block, while that to the upper block is a storey higher. This compromise would have allowed greater daylight into the upper floor flats.

5. The proposals would remove the relatively new hipped roof and stone balustrade, and replace it with a flat roof to allow for a terrace for the first floor flats. This would be surrounded by a slate roof, abutting the higher block, and acting as a 'skirt' to the terrace, with the intention of concealing any seating, planters or other domestic paraphernalia. There would be no loss of historic fabric, only removal of the recent additions. The proposed roof surround would replicate the lower section of the earlier roof up to a certain height and would be partially hipped. The access stair would reveal currently hidden parts of the original structure to Flat 3.
6. To my mind, neither the existing roof and balustrade, dating from the conversion, nor the new proposal represent an entirely satisfactory solution. The existing arrangement blends in visually but is confusing in terms of the history of the building, as it appears historic when no such configuration ever existed. The proposal would be a more obvious alteration, and would replicate the eaves detail, but would abut the upper block, rather than be fully hipped, and would be an artifice to conceal the terrace.
7. Any attempt to return the roof to the fully hipped arrangement pre-collapse is never likely to materialise. Of the two remaining, less than ideal, options, I find, for different reasons, that there is little to choose between the present arrangement and that proposed. Consequently, I find that there would be no harm to the significance of the listed building from the present scheme.
8. The same considerations mean that there would be no harm to the wider context, including the settings of adjacent listed buildings, the Bath Conservation Area and the City of Bath World Heritage Site. Although in the Green Belt, the Council has not claimed that it would be inappropriate development, nor identified any other harm to the Green Belt or the Cotswolds Area of Outstanding Natural Beauty.
9. I have noted concerns from near neighbours over potential loss of privacy and increased noise but saw that overlooking would not be increased significantly and that conditions already exist to control noise. Although any paraphernalia on the terrace would be out of eye line from ground level near the Mill, activities might be slightly more conspicuous from the drive, but the residential use of the buildings is evident from other outside areas.
10. The proposals would therefore comply with policy CP6 of the Core Strategy and policies HE1, D1, D2, and D5 of the Bath and North East Somerset Placemaking Plan 2017, and Sections 12 & 16 of the National Planning Policy Framework.
11. As well as the standard time limit conditions, to avoid the slight possibility of harm to bats, I will control the working methods and particularly any external lighting. To maintain quality, I will control the staircase details in particular.
12. I therefore conclude that Appeal A and Appeal B should be allowed subject to the attached Schedules of conditions.

David Nicholson

Inspector

Schedules of conditions

Planning permission

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall follow the wildlife protection and mitigation measures as described in Section 5 of the approved ecological and bat survey report entitled "Building Inspection" by Abricon Ltd, dated August 2022.
3. No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - (i) proposed lamp models and manufacturer's specifications, and proposed lamp positions, numbers and heights, with details to be shown on a plan;
 - (ii) Full details of lighting controls, proposed hours, frequency and duration of use, and measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto adjacent roofs, nearby vegetation and adjacent land, and to avoid harm to bat activity and other wildlife. The lighting shall be installed, maintained and operated thereafter only in accordance with the approved details.

Listed building consent

1. The works authorised by this consent shall begin not later than 3 years from the date of this consent.
2. The development hereby permitted shall be carried out in accordance with the submitted drawings numbered S01–S08 and P01–P11.
3. Prior to the installation of the staircase, full details, including cross sections of the staircase and balustrade shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall only be carried out in accordance with the approved details.