



Appeal Decisions

Site visit made on 17 June 2024

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal A Ref: APP/F0114/W/24/3338868

Belgrave Cottage, Camden Road, Beacon Hill, Bath, Bath and North East Somerset BA1 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A & V Lawrenson against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/01274/FUL.
 - The development proposed is the demolition of an existing single storey rear extension, erection of a single storey rear extension together with associated internal and external alterations.
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Appeal B Ref: APP/F0114/Y/24/3338869

Belgrave Cottage, Camden Road, Beacon Hill, Bath, Bath and North East Somerset BA1 5JL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs A & V Lawrenson against the decision of Bath and North East Somerset Council.
 - The application Ref is 23/01275/LBA.
 - The works proposed are the demolition of an existing single storey rear extension, erection of a single storey rear extension together with associated internal and external alterations.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. There are two Grade II listed buildings either side of the appeal site, at 1 - 8 Belgrave Place and Gay's Cottage. There appears to be no dispute that the appeal site is within the settings of these listed buildings and, within their evidence, both parties have considered the effect of the proposed scheme on their settings. This matter is not, however, referred to in the Council's reason for refusal of the planning application that is the subject of Appeal A. Nevertheless, mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 1990 Act), I have considered this matter as a main issue in this case, as set out below. In doing so, I am satisfied that this would not cause injustice to any party, having noted that their evidence has addressed this matter.

Main Issues

4. The proposal would result in the alteration and extension to a listed building. As well as being within the settings of two Grade II listed buildings, as mentioned above, the appeal site is also within the Bath Conservation Area (BCA) and the Bath World Heritage Site (WHS). Accordingly, the main issues I have identified reflect the location of the proposal and its context.
5. The two appeals concern the same scheme under different, complementary legislation. Having regard to the duties imposed by the legislation¹ and the provisions of the National Planning Policy Framework (the Framework), I have considered both schemes together, identifying the main issues as follows:
 - whether or not the proposal would preserve the Grade II listed building, Belgrave Cottage, or any features of special architectural or historic interest which it possesses;
 - whether or not the development would preserve the settings of the Grade II listed buildings, 1 – 8 Belgrave Place and Gay’s Cottage;
 - Whether or not the proposal would preserve or enhance the character or appearance of the BCA; and
 - The effect of the proposal on the outstanding universal value of the WHS.

Reasons

6. The appeal site is occupied by a three storey dwellinghouse (basement level, ground floor and first floor) located close to the end of a terrace row of properties along Camden Road. The footprint of the building occupying the appeal site has an unusual shape. The building has a wide frontage facing Camden Road, but narrows sharply towards the rear, before then opening out slightly towards the long, narrow rear garden which has access from Belgrave Crescent to the rear.
7. The proposal includes the removal of an existing single storey enlargement to the rear of the main three storey element of the building. The scheme proposes the lowering of the ground level and the construction of a new single storey flat roof extension. The scheme also includes some internal works to the building, including a change to the use of some of the rooms.
8. I have considered the special interest and significance of each of the various heritage assets listed above in turn below, before then moving on to consider the effect of the proposal on each.

Special interest and significance

9. Whilst the listing description for Belgrave Cottage (list entry number 1395207) dates the building as 1873, I have no reason to disagree with the appellants’ view that the building is older than this, it having appeared on the earlier maps from 1840 and 1852. Having regard to the evidence before me, the special interest and significance of the Grade II listed building occupying the appeal site is largely derived from its historic and architectural interests.

¹ Sections 16, 66 and 72 of the Act 1990.

10. The principal element of the building is the three storey structure. The footprint of the building has dictated its internal layout and has resulted in some unusual shaped rooms to the right of the central staircase. To the left of the staircase the layout is more traditional, although the depth of the three storey element allows for only a single room on the ground floor and two small rooms at first floor. The central staircase and landings are also notable features.
11. The appellants' heritage assessment highlights the importance of the building's prominent location, suggesting its significance is derived from its location at the junction of Camden Road with Gay's Hill.
12. It is clear that the wide front elevation of Belgrave Cottage facing Camden Road is of importance to the special interest of the building, not least because of its prominence, balanced proportions and architectural features. The rear elevation is significantly narrower than the front. It is set back from the adjoining building line of 1 – 8 Belgrave Place and the angled side elevation of Gay's Cottage. Nevertheless, this elevation (ground and first floor in particular) is still visible from public views outside of the site. The materials used are consistent with those used in the front elevation and, whilst the historic part of the rear elevation is more simple in its design, the window openings and 12 pane timber sliding sash windows at ground and first floor level create pleasing visual proportions in this façade.
13. The existing rear single storey addition is also of a simple design. The modest proportions of the rear elevation of the addition, and the slope of the mono pitch roof towards the rear, result in a subservient addition that is sympathetic to the simple character and appearance of the historic rear façade of the building. The simplicity of the rear elevation when compared to the detail observed in the front elevation of the building shows that there is a hierarchy in terms of the importance of each elevation. The existing single storey addition does not interfere with this hierarchy. For these reasons, the rear of the building, including the existing rear addition, contributes to its architectural interest.
14. Turning to the adjoining properties, the listing description (list entry number 1395223) suggests that Gay's Cottage dates from the mid 18 century. The historic plans included in the appellants' heritage statement show a building in some form on the site on the plan dated 1840. As for 1-8 Belgrave Place, the historic plans provided in the appellants' heritage statement suggest that this was constructed later than the appeal building. The list entry number 1394486 dates the terrace of 8 houses as circa. 1873. Like the appeal building, the special interest and significance of the two adjoining Grade II listed buildings mainly come from their architectural and historic interests. However, pertinent to the appeals, their special interest also stems in part from their settings.
15. Both the front and the rear facades of the terrace row demonstrate a pleasant uniformity in their design and materials. Unlike the appeal building, the rear elevation of the terrace row is particularly prominent and impressive, not least because of the architectural detail it contains, including double height bay windows. I can agree with the appellants' suggestion that this elevation of the listed building has been given status. Its prominence is, in part, due to the topography of the area, and the position of the rear elevation, elevated above its curtilage and wider setting to the rear.

16. Accordingly, the setting of the terrace row to the rear, which includes the appeal site, makes a significant contribution to the heritage asset's significance and special interest.
17. I find the same with regard to the setting of Gay's Cottage; it also occupies an elevated position above its curtilage to the rear, and its setting, which includes the appeal site and Gay's Hill. The building is orientated at an angle to Belgrave Cottage and the Belgrave Place terrace, such that the most detailed and striking elevation of the building faces more towards, and overlooks, Gay's Hill. Nevertheless, the appeal building and its curtilage are within the immediate setting of Gay's Cottage, and appear entwined with it, due to the protrusion of the Gay's Cottage footprint into the appeal building.
18. The appeal site and the surrounding area within which Gay's Cottage and the Belgrave Place terrace are experienced allows the buildings and their heritage merit to be understood and appreciated. Accordingly, the settings to these listed buildings contribute in a positive way to their special interest and significance.
19. With regard to the BCA, the Bath City-wide Character Appraisal, adopted 31 August 2005 (BCCA), refers specifically to the high quality architecture and urban design of the City and informs that the terraces of buildings and their response to Bath's distinct topography are key defining characteristics of the architecture and urban design of Bath.
20. Belgrave Cottage and the adjoining listed buildings demonstrate a fine example of the terrace rows referred to in the BCCA. Their architecture and hillside position make a positive contribution to the significance and special interest of the BCA.
21. Finally, the Statement of Outstanding Universal Value of Bath (SOUV) for the WHS includes reference to the Georgian city and informs that Bath is one of the most beautiful cities in Europe, with architecture and landscape combined harmoniously for the enjoyment of the spa town's cure takers. Relevant to the appeal site and its surroundings, the SOUV also refers to the city's Neo-classical Palladian crescents, terraces and squares spread out over the surrounding hills and set in its green valley, which it says are a demonstration par excellence of the integration of architecture, urban design and landscape setting, and the deliberate creation of a beautiful city. The appeal site together with the terrace row it sits within, set on a hillside location, make a positive contribution to the outstanding universal value of the WHS.

The effect of the proposal

22. Paragraph 205 of the Framework informs 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. This paragraph also makes clear that, the more important the asset, the greater the weight should be. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
23. The Council do not object to the proposed internal alterations to the building, which include the relocation of the family bathroom from the basement level to

the ground floor, and the provision of a utility room in the place of the existing bathroom. This part of the proposal would not include any change to the internal layout of the building. Whilst the provision of bathroom furniture at ground floor may result in some interference with the internal historic fabric of the building, the Council has noted that the existing bathroom is directly below that proposed and, as such, linking to existing services would result in minimal intervention. I have been given no reason to disagree with this.

24. Having regard to the above, this element of the proposed scheme would preserve the Grade II listed Belgrave Cottage. Furthermore, as this element of the proposal would be entirely internal, I cannot regard it as having any effect on the settings of the adjoining heritage assets. It would also preserve the character and appearance of the BCA and would have a neutral effect on the outstanding universal value of the WHS. However, a lack of harm in these regards is a neutral consideration and does not weigh in favour of the appeals.
25. As for the development and works proposed to the rear of the main three storey element, the scheme includes the demolition of the entirety of the existing single storey addition. This extension appears to have been constructed in two parts. The existing plans show that the first part is a flat roof addition constructed between the buildings either side. The second is a lean-to conservatory type structure.
26. The existing single storey element is a more modern addition to the building. It's simple design and modest form are in keeping with the secondary nature of the rear façade of the listed building. For this reason, it does not detract from the special interest of Belgrave Cottage, the settings of the adjoining listed assets, the BCA or the WHS. Whether or not the loss of the addition would be acceptable depends on what will replace it.
27. The proposed enlargement would almost replicate the height of the flat roof section of the existing extension, and continue this height towards the rear of the site, resulting in a single storey addition that would be taller than the existing conservatory at its rear elevation. In addition to the increased height, the proposal would also materially increase both the depth of built development into the rear garden and the width across the site.
28. The Council suggests that the property is capable of accommodating an extension of a greater depth than existing. Whilst I have no reason to disagree with this in principle, the proposed extension would have a materially larger volume than the existing, the vast majority of which would be added to the existing volume of the conservatory.
29. The scheme proposes an addition that would have a striking design, when compared to the existing. This would include a detailed parapet upstand that would introduce a strong horizontal emphasis to this part of the building, in contrast with the vertical emphasis of the historic rear elevation. The detail of the piers either side of the proposed rear elevation would appear as a high grade architectural feature that would enclose a substantial area of glazing. The scheme would, therefore, be a bold addition to the rear of the property when compared to the more subtle design of the existing extension and simple character of this whole façade. This, considered together with the additional height, depth and width of the proposal, would result in an extension that would add prominence to the rear façade of the building and would, therefore, interfere with the subservient nature of this elevation.

30. I have highlighted above how the building demonstrates a hierarchy in terms of the importance of each elevation. As the development and works would add prominence to the rear façade of the building, it would dilute the status differentiation between the front and rear elevations. It would, therefore, cause harm to the special interest of the building. Whilst I acknowledge that views of the extension from outside the site would be limited, the added volume would make this a more visible addition to the building, particularly from the highway to the rear of the site.
31. I have had regard to the careful choice of materials and the effort to repeat those used elsewhere on the property. This does not, however, alter my findings above.
32. For the reasons given above, the proposal would not preserve the Grade II listed building, Belgrave Cottage, or any features of special architectural or historic interest which it possesses, and it would harm the significance of this heritage asset.
33. Turning to the effect of the proposal on the settings of the adjoining heritage assets, the addition would sit directly adjoining the prominent rear façade of 1 – 8 Belgrave Place. Whilst I acknowledge that the extension would be subservient in its height when compared to the terrace row, it would sit proud of its building line. Unlike the existing extension, which is subtle both in its design and prominence, the additional volume of the proposal, considered together with its striking design, would result in a more prominent building on the appeal site that would compete with the impressive rear façade of the adjoining terrace row.
34. I note that the proposal would not result in the demolition of the garden wall at No 1 Belgrave Place. There are, however, limited details demonstrating how the proposal would interact with this existing curtilage structure, such that I could conclude that harm would not be caused in this regard.
35. Although to the side of Gay's Cottage, the additional volume of the proposal would bring built development closer to the curtilage of this building. Indeed, the appellants' 3D drawings of the proposed and existing arrangement illustrate the subservient nature of the existing extension and then the extent of protrusion of proposed development into the wider setting of Gay's Cottage. This, combined with the bold design of the new addition, would compete with the prominent rear façade of Gay's Cottage and would disrupt the hierarchy that exists at present between the appeal building and this adjoining property.
36. For these reasons, the proposed development and works would have a negative effect on the ability to appreciate the significance of the adjoining heritage assets and it would diminish the significance which the assets derive from their settings. Accordingly, the proposal would not preserve the settings of the Grade II listed buildings, 1 – 8 Belgrave Place and Gay's Cottage, and it would cause harm to the significance of these heritage assets.
37. With regard to the effect of the works and development on the BCA, I note above how the proposal would disrupt the existing arrangement within the terrace of buildings comprising the appeal building and its neighbouring properties. The prominence of the proposal, both in terms of its design and size, would affect the passive nature of the appeal building as it sits within the terrace. As the proposed change would have a detrimental effect on the whole

terrace, it would neither preserve nor enhance the character or appearance of the BCA as a whole. For this reason, it would cause harm to its significance.

38. In view of the effect the works and development would have on the terrace comprising the appeal building and the adjoining heritage assets, I can only conclude that the proposal would cause harm to the outstanding universal value of the WHS, a designated heritage asset of the highest significance.

Public benefits and heritage balance

39. Whilst I have found no harm in respect of the works required in order to change the location within the building of the family bathroom and utility room, I cannot conclude the same with regard to the proposed works and development to the rear of the building. Due to their nature and extent, I find the harm caused to the heritage assets would be, individually and cumulatively, less than substantial, but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 of the Framework informs that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
40. The appellants point to the improvements to the living arrangements for their family that would result from the proposed demolition and replacement extension. Although more of a private benefit to the occupants of the dwelling, some social benefit may arise from the improvement of a property which forms part of the local housing stock. This, however, would only be of limited benefit, in view of the accommodation already comprised within the dwelling. Whilst I am mindful that securing the listed building's optimum viable use should weigh in the balance, it has not been suggested that, in the event that the appeals fail, the use of the heritage asset as a dwellinghouse would not continue.
41. There would be some economic benefit that would result from the construction phase of the proposal. This public benefit would, however, be of limited weight, in view of the scale of the development and works proposed.
42. All things considered, the proposal would fail to preserve the listed building; it would fail to preserve the settings of the adjoining listed buildings; it would neither preserve nor enhance the BCA and it would cause harm to the outstanding universal value of the WHS. Furthermore, I cannot be satisfied that any clear and convincing justification exists for the identified harm to the significance of the designated heritage assets in this case. As I have already noted, the Framework makes clear in paragraph 205 that great weight should be given to the conservation of a heritage asset, where the more important the asset, the greater the weight should be. The public benefits I have identified are not sufficient to outweigh the harm that would occur to the significance of the Grade II listed building; the significance of the adjoining listed buildings from development within their settings; the significance of the BCA; and the outstanding universal value of the WHS.
43. The proposal would conflict with the statutory presumptions set out in sections 16(2), 66(1) and 72(1) of the 1990 Act, and it would not accord with the provisions within the Framework which seek to conserve and enhance the historic environment.

44. Furthermore, I cannot conclude that the proposal would be in accordance with the development plan for the area, which includes the Bath and North East Somerset Local Plan, Core Strategy and Placemaking Plan, Adopted July 2017. In particular, the proposal would conflict with Policy HE1 (Historic Environment), which emphasises the duty to preserve or enhance the significance of heritage assets and requires that any harm identified is fully justified. Furthermore, it would not accord with the Council's aim to protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets, as set out in Policy CP6 (Environmental Quality).
45. Conflict with the development plan would also arise from the strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity, as set out in Policy B4 (The World Heritage Site and its Setting). Finally, the proposal would not comply with Policies D2 (Local Character and Distinctiveness) and D5 (Building Design), which inform, amongst other matters, that extensions must complement and enhance the host building and that development proposals will be supported where they contribute positively to, and do not harm, local character and distinctiveness.

Other Matters

46. I note the support for the works and development from the Bath Preservation Trust. Its comments reflect some aspects of the appellants' case, which I have considered above. Its support for the scheme does not, however, alter my findings in this case.
47. My attention has been drawn to other development in the context of listed buildings and the Conservation Area in Bath. Whilst I note that these each show contemporary additions to the buildings featured, I have been provided with very little information about these schemes in order to make an informed comparison. In particular, there is a lack of detail regarding the special interest of each of these buildings, their condition, their context, and the development (if any) that was replaced by the schemes shown. Nevertheless, in reaching my decision in this case, I have had regard to the particular circumstances of the case before me.

Conclusion – Appeal A

48. I have concluded that the proposal would conflict with the development plan, when read as a whole. I have been unable to identify any material considerations of sufficient weight to indicate that my determination of Appeal A should be made otherwise than in accordance with the development plan. Accordingly, for the reasons given, I conclude that Appeal A should be dismissed.

Conclusion – Appeal B

49. For the reasons given, I conclude that Appeal B should be dismissed.

J Moss

INSPECTOR