



Appeal Decision

Site visit made on 20 January 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/F0114/D/24/3357112

5 Frys Leaze, Charlcombe Lane, Larkhall, Bath BA1 6NU

- 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 Matthew Ball against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/03446/FUL.
 - The development proposed is Loft conversion, with hip to gable and flat roof rear dormer.
-

Decision

1. The appeal is allowed and planning permission is granted for loft conversion, with hip to gable and flat roof rear dormer at 5 Frys Leaze, Charlcombe Lane, Larkhall, Bath BA1 6NU in accordance with the terms of the application, Ref 24/03446/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: Proposed Elevations & Sections Drawing Number (2)004 Rev B, Proposed Floor Plans Drawing Number (2)003 Rev F and Site Location and Block Plans Drawing Number (2)007.
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
3. The main parties have set out the relevant planning history related to the site, which includes an earlier approval for a similar loft conversion scheme¹, including a hip to gable extension and a flat roof dormer, albeit the approved dormer was smaller than that now proposed. I have had regard to this earlier approval insofar as it is relevant to the proposal before me now.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

¹ Application No. 24/01431/FUL

Reasons

5. The appeal site, 5 Frys Leaze, consists of a semi-detached dwelling situated in a predominately residential area. The area consists of similar semi-detached properties, as well as a terrace of gable ended properties. Whilst flat roof dormers are not particularly common in the area, a number of the semi-detached properties have undergone extensions and alterations, including the adjacent pair of properties, 3 and 4 Frys Leaze, which both have 2 storey flat roofed side extensions, and 15 Frys Leaze, which has a hip to gable extension and a flat roof rear dormer. I also observed the row of terraced houses on Uphill Drive, where dormers have been incorporated as an intentional design feature of the terrace. Consequently, there is some variety in the local character within the site's residential context, including flat roof dormers.
6. In addition, due to a change in ground levels, the rear gardens of Frys Leaze slope down towards Spring Lane to the south which is located at lower level. Consequently, the rear of No 5 is visible from Spring Lane.
7. For clarity purposes, the Council have not raised any objection to the hip to gable extension part of the proposal, concluding that whilst it would 'result in some unbalancing of the semi-detached pair..... it is not considered that this would result in unacceptable harm to the character of the area'. My site visit confirmed that I agree with this conclusion.
8. The proposed dormer would be wider than the previously approved scheme, which I acknowledge would have a greater visual impact. However, it would be seen in the context of the associated hip to gable extension, and I consider that the size and scale of the proposed larger dormer would still be a proportionate addition to the host property. I appreciate that the size of the dormer was negotiated over the course of the application and that the plans were subsequently amended to reduce the size, in particular the width. However, the dormer would be set up from the eaves of the property, set down from the roof ridge, and would also be set in from both sides. These design details allow the proposed dormer to be read as a proportionate and harmonising addition to the extended host property.
9. I acknowledge that the proposed dormer would be larger than that which exists at No 15. However, rather than being 'over dominant and incongruous', as alleged by the Council, the proposed dormer would be a modest addition to both the host property and the wider streetscene, with the design features noted above allowing it to represent a suitable addition. Furthermore, the use of tile cladding to match the existing roof tiles would allow the proposed dormer to assimilate into the extended roofscape of No 5, complementing the host building.
10. Whilst the proposal would be visible from Spring Lane, it wouldn't be seen as particularly out of character with the varied built form in the local area. This is especially as it would be seen in the context of the various outbuildings which exist to the rear of the Frys Leaze properties, as well as the surrounding terraced housing and flat roof garages along Spring Lane. Therefore, even when viewed from Spring Lane, it would be seen in a varied residential fabric.
11. In view of the above, I conclude that the proposal would not harm the character and appearance of the area. It would be in accordance with Policy CP6 of the Bath and North East Somerset Core Strategy (adopted 2014) and Policies D1, D2, D3 and D5 of the Bath and North East Somerset Placemaking Plan and Local Plan

Partial Update (adopted 2017). These policies, in combination, seek to promote high quality design, ensuring development is respectful to local character and distinctiveness, responding positively to the site context and urban fabric, and complementing the host building. The proposal would also be in accordance with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area.

Other Matters

12. The site is within the City of Bath World Heritage Site (WHS) which is a designated heritage asset of the highest significance. The Council's Delegated Report states that 'due to the size, location and appearance of the proposed development, it is not considered that it will result in harm to the outstanding universal value of the WHS'. I have no reason to come to a different conclusion on this matter. Therefore, I am satisfied that given the scale and acceptability of the proposal, the proposed development would not result in harm to the Outstanding Universal Value of the WHS, nor would there be harm to its authenticity or integrity.

Conditions

13. As well as the standard time condition, conditions have been imposed to set out the approved plans in the interests of certainty and require the use of matching materials in the interests of a good quality external appearance.

Conclusion

14. The appeal scheme would comply with the development plan and as such, having considered all other matters raised, the appeal is allowed, subject to the conditions set out above.

Laura Cuthbert

INSPECTOR