



Appeal Decision

Site visit made on 25 March 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/F0114/W/24/3357128

43 Herbert Road, Twerton, Bath BA2 3PR

- 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 Action Accommodation Ltd against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/03497/FUL.
 - The development proposed is erection of rear dormer window extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is another appeal¹ for a nearby property at 46 Herbert Road (No.46) by the same appellant. I have taken this into account when considering the appeals in isolation and cumulatively.
3. The application is retrospective. However, I have dealt with the appeal on its planning merits. For the avoidance of doubt, I have considered the development on the basis of the plans submitted which are for the development as it exists.
4. During the course of the appeal the government revised the National Planning Policy Framework (the Framework) in December 2024. This now replaces the previous version (December 2023). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
5. The site lies within the City of Bath World Heritage Site (the WHS), which are internationally recognised to be of Outstanding Universal Value (OUV). Although not set out in its reason for refusal, it is clear from the Council's officer Delegated Report that it considers the development is unacceptable with regards its impact on the setting of the WHS.
6. There is no statutory duty with regards a WHS. Nonetheless the Framework recognises that they are a designated heritage asset of the highest significance. Given that the appellant has addressed matters relating to the WHS in both their Design and Access Statement/Heritage Statement and Appeal Statement I am satisfied that their interests are not prejudiced by my consideration of the WHS.

¹ APP/F0114/W/24/3357130

Main Issue

7. In light of the above, the main issue in this appeal is the effect of the development on the character and appearance of the area, with regard to the location of the site within the WHS.

Reasons

8. The appeal site comprises a 2 storey mid-terrace property when viewed from the street. At the rear it is three storeys with a two storey outrigger with a catslide roof. The property is in a predominantly residential area of traditional properties of similar style and design laid in a grid-iron pattern of terraced streets. Whilst I saw a number of roof extensions of various sizes and designs in the surrounding area, including the roof extension at No.46, the roofscape remains largely unaltered and free of dormers and roof extensions. This, coupled with the relative uniformity of the house designs and styles and their configuration into terraced streets, positively contributes to the character and appearance of the area as a unified residential suburb of Bath.
9. The appeal lies within the WHS and its setting, which includes the entire city. The Statement of OUV is the primary source for understanding the significance of the WHS, which is included in the City of Bath World Heritage Setting Supplementary Planning Document adopted August 2023 (the SPD). The OUV and significance of the WHS include its Roman remains and hot springs, its planned Georgian city and architecture, including the Neo-classical style of its public buildings reflecting the ambitions and social aspirations of an 18th century spa city, and its green setting and picturesque landscape aestheticism. The appeal site falls within character area 13 of the WHS known as 'Bear Flat and Oldfield Park', whose 19th-century terraced housing extends up the north facing slopes that lie to the south of the centre of the city. In turn certain landmarks are also visible from the appeal area. From Herbert Road I could see the city centre, the Royal Crescent and the surrounding built-up areas and intervening green spaces. Hence, the rows of terraced housing on the slopes rising up from the city centre, which include the appeal site in Herbert Road, make a positive contribution to the overall setting of the WHS.
10. The proposal involves a large dormer window that has been erected in the rear roof slope to create an additional bedroom to the small House in Multiple Occupation (HMO). The dormer is flat roofed and extends across almost the entire width of the roof. Its base is very close to the eaves and it extends upwards to just below the highest part of the main roof. As a result the dormer is of substantial size and bulk and appears somewhat top heavy for the size and context of the property as part of a terrace. It dominates and significantly erodes the roof profile of the property and disrupts the relatively unaltered roofscape. The rear roof slope and dormer window are visible from the alleyway that runs between the rear of properties on Herbert Road and St Kilda's Road, and also from Cynthia Road and from surrounding properties that can see the development.
11. As a result, I find the rear dormer causes unacceptable harm to the character and appearance of the host property, the terrace it forms part of and to the surrounding area. This is exacerbated by the similar size and design of the dormer that has been erected in close proximity at No.46, which is also the

subject of an appeal. The other dormers I saw tended to be smaller in either width and/or depth and hence do not dominate the host properties or terraced roofscape to the same degree as the appeal dormer and that at No.46.

12. Accordingly the rear dormer is contrary to Policy CP6 of the Bath and North East Somerset Core Strategy, Policies D1 and D2 of the Bath and North East Somerset Placemaking Plan and Policy D5 of the Bath and North East Somerset Local Plan Partial Update. Collectively these seek to ensure that development enriches the character and quality of places, positively contributes to local distinctiveness, responds to its local context and urban fabric, including roofscapes, and responds to massing, scale and local vernacular. It should also complement and enhance the host building. The proposal would also be contrary to the design advice in the Framework, which states that development should be visually attractive and sympathetic to local character including the surrounding built environment.
13. Placemaking Plan Policy D3 relates to the way in which development needs to weave together and connect urban fabric to ensure places are well-connected, safe, inclusive and walkable. Hence it is not directly relevant to the main issue.
14. With regards the impact on the WHS, Policy B4 of the Core Strategy sets out a strong presumption against development that would result in harm to the OUV of the WHS and its setting, its authenticity and integrity. The appeal property would not be individually discernible from the views from identified landmarks, as it forms part of a wider expanse of urban residential suburb development. Whilst close-up the extension changes the profile of the dwelling within the terrace, it would not make the terrace more prominent in the wider suburb setting when viewed from the centre of the city where most of the Roman and Georgian features of WHS significance are located. Hence, I am satisfied that the dormer window does not adversely affect the OUV and significance of the WHS. Accordingly there is no conflict with Policy HE1 of the Placemaking Plan that expects development in the WHS to comply with Policy B4 of the Core Strategy, and other relevant supplementary information and guidance.
15. The dormer would facilitate the creation of an additional room in the HMO, and it is widely accepted that HMOs have a role to play in providing low cost and flexible housing. However, there is no substantive evidence to demonstrate the dormer has to be the size it is to create the additional accommodation, when I saw smaller dormers on similar properties in the area. Furthermore, the Council has now granted planning permission (24/03553/FUL on 8 November 2024) for a smaller rear dormer on the property, which confirms that the larger one is not necessary and that there is a less harmful solution.
16. I saw a few large dormers of a similar size to the one erected at the host property, but I have not been advised if these are lawful or the circumstances surrounding them. In any event, I must determine the appeal on its own merits.

Conclusion

17. The proposal would conflict with the development plan when taken as a whole and this conflict is not outweighed by other material considerations. Therefore, for the reasons above the appeal should be dismissed.

K. Stephens INSPECTOR