



Appeal Decision

Site visit made on 16 June 2025

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

Appeal Ref: APP/F0114/Y/24/3353641

Lower Maisonette, 34 Daniel Street, Bathwick, Bath BA2 6ND

- 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 Thomas Bass against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/01493/LBA.
 - The works are internal alterations to replace waterproof membrane in vaults and addition of plasterboard lining.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the appeal property comprises part of a listed building and is situated within the Bath Conservation Area (the CA), I shall have regard to the statutory duties that apply under Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The works before me for determination have already taken place, albeit at a point in time after the original application was made. I shall thus consider the appeal on the basis that regularisation is sought.

Main Issue

4. Whether or not the works have preserved the special architectural or historic interest of the Grade II listed building known as 'Nos. 19-34 (consec) and attached railings and lamp standard, 19-34, Daniel Street' (the LB).

Reasons

5. The LB comprises a linear terrace of grand scale and limestone ashlar exterior. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, materials and architectural detailing as well as from the homogeneity of its principal frontage, which collectively reflect the LB's early 19th-century origins.
6. This significance and special interest is further underpinned by the hierarchy of its internal floors. Basement-level vaults – a common feature of historic buildings in central Bath – were built to provide a service function (principally with respect to the storage of coal) beyond the LB's main footprint and habitable spaces. Moreover, despite not being specifically referenced in the relevant statutory listing

description or being publicly visible, such vaults provide an important insight into the manner in which buildings such as the LB functioned historically.

7. The vaults at the appeal property (the vaults) had, prior to the undertaking of the works that are the subject to this appeal, been treated with damp proofing in the 1990s that subsequently reached the end of its useable lifespan. These past works, which were not the subject of listed building consent, comprised a painted-on cementitious waterproof membrane.
8. Photographs¹ taken prior to the installation of the latest system corroborate that the vaults retained an uncomplicated and utilitarian appearance befitting of both a service function and their hierarchical status within the building so as to continue to contribute value and significance in this sense. Even so, it remains that the 1990s works did not have a positive influence upon the vaults' character or architectural interest on the basis of the covered masonry and non-sympathetic surface finishes that resulted. As the latest works now subject to this appeal have been installed over the cementitious membrane², a successful outcome to this appeal would effectively regularise the unauthorised 1990s works. Whilst not decisive to my reasoning, this matter must be borne in mind.
9. Of specific relevance to my considerations, the Council has a published advice note entitled Historic Vaults in Bath. Whilst merely guidance as opposed to adopted policy, this note is clear that vaults should not be regarded as possessing the potential to provide habitable spaces but can invariably be improved to provide meaningful storage or utility spaces consistent with original functions. It also clarifies that expectations for the use of vaults should be realistic and consistent with their original function with any attempt to reduce damp to a level consistent with residential occupation likely to cause considerable harm.
10. The works have consisted of the installation of a cavity drain membrane system to the floor and walls of the vaults. As was apparent upon inspection, the installed system is covered/protected throughout by a combination of painted plasterboard wall linings and floor sheeting in-part topped with vinyl. In addition, radiators, various power points, and a series of LED lights have been installed.
11. As a consequence of the works, the vaults take the appearance of habitable space suitable for residential occupation. This is a situation much evolved from the circumstances in place prior. Moreover, the vaults, whilst having retained the same shape and essentially the same size, exhibit a gentrified character and appearance discordant with their intended service function and at odds with their hierarchical status within the LB.
12. It has been put to me that the contractors who advised on the project and who regularly work on vaults in Bath were unable to produce an alternative damp proofing solution to the scheme of works installed. I do not dispute that any such scheme would necessarily be required to focus upon the treatment of interior surfaces. However, it has not been satisfactorily demonstrated that all possible alternative solutions, i.e. requiring less intervention to reduce damp to an extent that would enable the vaults to perform a legitimate storage/utility function, have been exhaustively assessed by suitably qualified/specialist persons. For the

¹ Ref 101 P1

² as confirmed at paragraph 3.2 of the Project Design and Access Statement (April 2024)

avoidance of doubt there was no imperative for the Council, in its role as relevant decision-maker at application stage, to specify a particular technique or solution.

13. It has been suggested that other subterranean vaults subject to the same listing have already been waterproofed and plasterboard lined. However, I do not have before me full details of these other works. Moreover, it is my responsibility to focus upon the merits of the works before me in accordance with the specific site and case circumstances to hand. For similar reasons, any pre-application advice issued in relation to a different property situated in Darlington Street, as well as an appeal decision³ relating to a property at Grosvenor Place, are of little relevance to my deliberations.
14. For the above reasons, the works have failed to preserve the LB's special architectural and historic interest. It follows that conflict arises with Section 16(2) of the Act. Bearing in mind the scale and nature of the works, the degree of harm to the significance of the LB as a designated heritage asset, is, under the terms of the National Planning Policy Framework (December 2024) (the Framework), less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposal, which I shall return to in my Heritage Balance below.

Other Matters

15. The significance and special interest of the CA is drawn, in part, from its rich history and wide range of high-value historic buildings. In general terms, an identification of low-level harm to the significance of a listed building contained within the CA would hold some potential for a residual harmful effect upon the character or appearance of the CA when taken as a whole. However, owing to the minor low-level nature of the works and the absence of public visibility, I find that, in the specific circumstances here, the character and appearance of the CA is preserved.
16. The site is located within the Bath World Heritage Site (the WHS), which is internationally recognised to be of Outstanding Universal Value. Its heritage significance is drawn, in-part, from its Roman origins and the collective scale of many of its historic buildings. Owing to the limited extent and nature of the works under consideration, and without prejudice to my findings upon the appeal's main issue, I am satisfied that no material harm has been caused to the WHS's Outstanding Universal Value.

Heritage Balance

17. In terms of public benefits, the works have waterproofed, insulated and made fit for habitation the vaults, which I understand were prone to significant damp and associated mould prior to the works. This has offered a benefit to the local housing stock via the provision of improved floorspace seemingly suitable for residential habitation. The works have also, I understand, alleviated instances of rat infestation as a consequence of former wetness in the vaults. Even so, such improvements primarily cater for the requirements of the appellant on a private basis. Further, any increased thermal resistance and thus reduction in carbon emissions as a result of the installed insulation is necessarily modest in view of the extent of floorspace/building footprint under consideration.

³ Ref APP/F0114/Y/20/3259846

18. It has been asserted that a failure to maintain the vaults could result in at least short-term disruption for the public on the basis that the vaults support the public highway. However, it has not been demonstrated that the specific scheme of implemented works is essential for this purpose nor that the integrity of the public highway could not be safeguarded via alternative heritage-sensitive means.
19. On the basis of the above considerations, the weight to be attributed to the scheme's public benefits is limited. This leads me to conclude that, in the circumstances of this case, the public benefits do not outweigh the less than substantial harm that I have identified has been caused to the significance of the LB. Despite being towards the lower end of the less than substantial scale, the identified harm carries considerable importance and weight. Conflict therefore arises with the historic environment policies contained within the Framework.
20. Conflict also arises with Policies CP6 and HE1 of the Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update Volume 1 (January 2023) in so far as these policies set out that the District's historic environment shall be sustained and enhanced and that any harm to the significance of a designated or non-designated heritage asset must be justified.

Conclusion

21. For the reasons given above the appeal is dismissed.

Andrew Smith

INSPECTOR