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## Appeal Decision

Site visit made on 16 June 2025

**by A Parkin BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 01 July 2025**

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**Appeal Ref: APP/F0114/Y/24/3353250**

**Flat 1 Ground Floor, 10 Catharine Place, Bath BA1 2PR**

- 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 Doerane against the decision of Bath and North East Somerset Council.
  - The application Ref is 24/01931/LBA.
  - The appeal works are a new roof covering to flat roof of existing rear extension.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Thomas Doerane against Bath and North East Somerset Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. I have removed superfluous words from the description of the works on the application form in the interests of clarity. I also note the works for which listed building consent was sought have taken place.
4. The Council states that planning permission was granted for the rear extension in 1979, although no details of this are provided, and no reference is made to any associated listed building consent, given 10 Catharine Place was first listed in June 1950. This is not a matter of dispute between the parties and for the purpose of this appeal, I have assumed the rear extension is lawful.
5. As the works are to a listed building and are in a conservation area, I have had regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Main Issues

6. The main issues are the effect of the appeal works on the significance of:
  - 10 Catharine Place;
  - The Bath Conservation Area; and,
  - The Bath World Heritage Site.

## Reasons

7. 10 Catharine Place is a Grade II listed building<sup>1</sup>, constructed in the late 18<sup>th</sup> century as a three-storey house, with an additional basement and mansard roof. The building was constructed from limestone, with smooth ashlar to the front and a much coarser finish at first and second floors to the rear.
8. At ground and basement level, the rear elevation has been rendered a cream colour, whilst a single-storey, flat-roofed, rectangular, reconstituted stone extension has been constructed in the private rear garden, which is said to date from the late 20<sup>th</sup> century. The extension contains French windows leading to the largely paved garden, with gated access to Upper Church Street at the rear.
9. The significance of No 10, insofar as it relates to this appeal, stems from its historical development, design, materials and its position on Catharine Place.
10. No 10 forms part of a short terrace of generally similar buildings on the western side of Catharine Place, overlooking a landscaped garden space in the centre. Nos 9 and 11 on each side of the appeal building are also Grade II listed buildings. A number of the buildings in the terrace have been altered since they were constructed, including with the use of render treatments, rear extensions, and changes to fenestration.
11. The appeal site is located in the Bath Conservation Area (BCA)<sup>2</sup> and the Bath World Heritage Site (BWHS). Limited information regarding these designated heritage assets has been provided by the parties.
12. With regard to the evidence and my observations, I consider that, insofar as they relate to this appeal, the significance of the BCA and BWHS stem from their historical development, together with the design, materials and positioning of the buildings they contain.
13. From the evidence, the lead roof of the extension was generally flat and on two levels, with the part closest to the main building slightly higher than the remainder and with a central ridge visible. Following leaks in the lead roof, 'emergency' repair works are said to have been undertaken in 2023 and it is these works that are the subject of this appeal.
14. The works entailed, amongst other things, the removal of the coping stones on the extension walls, the installation of timber boarding above the retained lead roof and the installation of fibreglass above this, generally moulded to follow the shape of the lead roof, which continued to drain to a hopper at the end of the extension. A resin paint was then applied to the fibreglass and the coping stones were returned to their previous positions on the walls. Whilst the original lead roof is said to still exist in situ it was not possible for me to confirm this when I visited the site.
15. Traditional materials contribute to the architectural interest and significance of the listed building. Resin-treated fibreglass is not a traditional roof material and so is out of keeping with the character of the listed building. Whilst it is true that contemporary materials may be acceptable on listed buildings, this would need to be carefully considered on a case by case basis.

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<sup>1</sup> List Entry Number: 1395332

<sup>2</sup> Within the Lower Lansdown and Camden character area

16. The shape of the central fibreglass ridge is wider than the central lead ridge over which it is said to be positioned. Furthermore, whilst there are some broad similarities between the treated fibreglass roof and the previous lead roof in terms of colour and finish, the appearance is not the same. Despite the appellant's assertions, it has not been shown that the appearance of the treated fibreglass would continue to be broadly similar to that of lead, as the material ages and weathers over time.
17. The rear extension is not part of the original building. However, the design and traditional lead roof of the extension, were previously considered acceptable by the Council, as part of the listed building. Whilst the fibreglass roof is not visible from the public realm, it is visible from upper floor windows in the appeal building and other buildings in the terrace.
18. In this case, the use of non-traditional materials means the appeal works cause less than substantial harm to the significance of 10 Catharine Place. Whilst this harm is towards the lower end of the scale, any harm to a designated heritage asset attracts considerable weight<sup>3</sup>.
19. The appeal works do not harm the visual setting of the next door listed buildings and so preserve their significance.
20. 10 Catharine Place makes a positive contribution to the significance of the BCA and the BWHS. Consequently, the less than substantial harm caused by the appeal works to the building also detract from the significance of the BCA and the BWHS. Whilst this harm is towards the very lowest end of the scale of less than substantial harm, as previously mentioned, any harm to a designated heritage asset attracts considerable weight.
21. The appellant has not suggested any public benefits of the works. The fibreglass roof does serve to protect the extension, and so part of the listed building, from water damage. However, it is not the only means by which the extension could be protected from rainwater and is primarily a private benefit for the occupier of Flat 1. In this case, I do not find that the very limited public benefits of the works would outweigh the harm to designated heritage assets I have identified<sup>4</sup>.
22. For these reasons, the appeal works would detract from the significance of 10 Catharine Place, the BCA and the BWHS. It would, insofar as relevant, conflict with policy HE1 (historic environment) of the Core Strategy and Placemaking Plan incorporating the Local Plan Partial Review January 2023 and with the Framework.

### **Other Matters**

23. I note the comments from the parties regarding other works at the appeal property that are said to have taken place without listed building consent, and for which a retrospective application for listed building consent was made. These works do not concern the appeal before me and I have had no regard to them in my decision.
24. The appellant considers it would not be expedient for the Council to take enforcement action (were the appeal to be dismissed), due to the 'unnecessary wastage of non-renewable and other resources'. However, enforcement action

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<sup>3</sup> Paragraph 212 of the National Planning Policy Framework December 2024 (the Framework)

<sup>4</sup> Paragraph 215 of the Framework

would be a matter for the Council to consider and the appellant's views in this regard have no bearing on my decision.

**Conclusion**

25. For the reasons given above, I conclude the appeal is dismissed.

*Andrew Parkin*

INSPECTOR