



Appeal Decision

Site visit made on 26 June 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29TH July 2025

Appeal Ref: APP/F0114/W/25/3364585

11 Richmond Road, Beacon Hill, Bath BA1 5TU

- 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 and Mrs Melbourne against the decision of Bath and North East Somerset Council.
 - The application Ref is 24/01160/FUL.
 - The development proposed is the erection of a new dwelling within the grounds of 11 Richmond Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling within the grounds of 11 Richmond Road at 11 Richmond Road, Beacon Hill, Bath BA1 5TU in accordance with the terms of the application, Ref 24/01160/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and its effect on the living conditions of the occupiers of Maple House, with particular regard to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden of 11 Richmond Road. There is some variety in the appearance of the existing homes in the vicinity, but in general terms, they are of fairly traditional designs and are predominantly constructed from Bath stone and have pitched roofs.
4. The proposed dwelling would conform with the prevailing character to some degree through the use of Bath stone coloured brickwork. However, it would have a more modern appearance overall, primarily due to its flat roof. While I acknowledge that there are perhaps relatively few examples of flat roofs in the surrounding area, I do not consider that this alone would constitute harm. Indeed, the dwelling would be a visually pleasing design which would not detract from the character of the area. Moreover, the flat roof would reduce the visibility of the dwelling, which given its backland position, would be beneficial given that this would minimise any perceived erosion of spaciousness.
5. The dwelling would have a substantial amount of glazing, particularly within the east elevation where there would be two sliding doors that would open onto a terraced area. However, the installation of sliding doors is now very common.

Indeed, I observed on my site visit that significant glazing has been installed within the eastern elevation of the host dwelling, including a glass balustrade at first floor level and a very large picture window immediately below. As such, the proposed use of glazing within the new dwelling would not look particularly unusual or out of place.

6. The siting of the proposed dwelling, immediately behind No. 11, would also not appear incongruous given the presence of a very similarly sited neighbouring dwelling at No. 12a. Furthermore, the dwelling would not be any larger than other homes in the immediate vicinity and so its overall size and scale would be appropriate for its location and would not be perceived as overdevelopment. The provision of car parking spaces, which is normal as part of any new home, would not alter this conclusion.
7. As a result of these considerations, I conclude that the proposed development would preserve the character and appearance of the area. It would therefore conform with Policies D1, D2, D5 and D7 of the Bath and North East Somerset Core Strategy and Placemaking Plan 2017 (the CS), the relevant aspects of which seek to ensure that new development is well designed and that it protects existing character.

Living Conditions

8. The proposed terrace and sliding doors, which would serve the primary living area of the dwelling, would face eastwards towards the existing home known as Maple House. Due to the sloping topography of the land the new dwelling would sit slightly above Maple House. However, the height of the building would be quite limited, particularly as the land would be partially excavated to incorporate the lower ground floor level through the use of retaining walls.
9. The approved plans also clearly demonstrate that there would be a reasonable amount of distance between the proposed dwelling and Maple House, meaning that the occupiers of Maple House would not feel enclosed or cramped, while intervisibility would be at an acceptable level. Indeed, even taking account of topography, the relationship between the two buildings would not be in anyway unusual for an urban area. Moreover, there is an existing highly mature belt of trees on the shared boundary. For much of the year, these trees would provide significant screening, while in the winter months, the extent of the branches and trunks would still partially block any views between the properties.
10. These trees are protected by a Tree Preservation Order which covers the wider site. The appellant has provided an Arboricultural Impact Assessment and Method Statement (the AIA) which was produced by Acer Tree Surgeons in June 2024. The AIA concludes that the trees identified as T7, T8, T9 and T10, which are located on the shared boundary, are in good condition. Tree T11 is noted as showing the first signs of ash dieback but is not recommended for removal. As such, it is reasonable to conclude that the majority of these trees will likely live for many years. Furthermore, the plans include the provision of several new trees which could provide some additional screening in the future.
11. With this in mind, I am satisfied that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of Maple House. It would therefore conform with the relevant parts of CS Policy D6 and D7 which seek to preserve living conditions for neighbouring residents.

Other Matters

12. The appeal site is adjacent to the boundary of the Bath Conservation Area. The significance of the Conservation Area is derived from the historic appearance of many of the buildings within it, and the tastes and styles of the time. I have found that the proposal would not result in harm to the character and appearance of the immediate area. Furthermore, the proposed dwelling would be separated from the Conservation Area by the host dwelling at No. 11, and as such, any views between the two would likely be very limited indeed. As a result, I am satisfied that the proposal would not harm the setting or significance of the Conservation Area.

Conditions

13. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Further conditions related to materials, landscaping and trees are required to preserve character and appearance. A condition to require a suitable visibility splay is necessary in the interests of highway safety. Finally, conditions are also necessary to ensure sustainable and appropriate construction methods are utilised and that measures are taken in the interests of energy efficiency.

Conclusion

14. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of 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 drawing no's: 172 1000 P1: Location plan as existing; 172 3000 P1: Location plan as proposed; 172 3002 P3: Proposed site plan; 172 3001 P1: Block plan as proposed; 172 3004 P1: Site plan as proposed - driveway layout; 172 3010 P1: Ground floor plan as proposed; 172 3011 P1: Lower ground floor plan as proposed; 172 3012 P1: North and south elevations as proposed; 172 3013 P1: East and west elevations as proposed; 172 3014 P1: West and south elevations (lower level) as proposed; 172 3015 P1: Site section A as proposed; 172 3016 P2: Site section B as proposed; 172 3021 P1: Section to T4; 172 SK240829 JH01: Site section as existing and proposed; Tree Protection Plan (revised 13th June 2024); Post Development UKHab Habitat Map (March 2024); 172 3020 P2: Foul drainage route to T4 as proposed.
- 3) No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the brick and timber cladding, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
- 4) No development beyond slab level shall take place until full details of both hard and soft landscape proposals and a programme of implementation have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details. These details shall include, as appropriate: 1. Proposed finished levels or contours; 2. Means of enclosure; 3. Car parking layouts; 4. Other vehicle and pedestrian access and circulation areas; 5. Hard surfacing materials; 6. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting); 7. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc); 8. Retained historic landscape features and proposals for restoration; 9. Soft landscape details shall include: planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), and schedules of plants, noting species, planting sizes and proposed numbers / densities.
- 5) No occupation of the development shall commence until the visibility splay shown on drawing number 172 3004 P1 has been provided. There shall be no on-site obstruction exceeding 900mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.
- 6) No occupation of the development or use hereby permitted shall commence until a minimum of the first 6 metres of the vehicular access beyond the back edge of the adopted public highway has been constructed with a bound and compacted surfacing material (not loose stone or gravel).
- 7) No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement (Acer Tree Surgeons as amended 13th June 2024). A signed compliance statement

shall be provided by the appointed arboriculturist to the Local Planning Authority within 28 days of completion of all associated works and prior to the first occupation of the dwelling.

- 8) Prior to occupation of the development hereby approved, the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development and submitted for approval to the Local Planning Authority together with the further documentation listed below. The development must comply with the requirements of SCR6. PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance. Minor Residential Development:
 1. Energy Summary Tool 1 or 2
 2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type).
- 9) The development must deliver a minimum of a 59% gain in hedgerow units and a 0.01% gain in habitat units, in compliance with the submitted Biodiversity Net Gain Statement – Small Sites Metric (Seasons Ecology March 2024).